

Board of Commissioners Agenda

September 27, 2022

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

Commissioners: Marie Dranttel- Board Chair; Jack Kolars- Vice Chair; John Luepke; Terry Morrow; David Haack

- 9:00 a.m. Call Board of Commissioners Meeting to Order: Chair Dranttel**
1. Pledge of Allegiance
 2. Silence Your Cell Phones
 3. Approval of Agenda
 4. Approval of Consent Agenda:
 - a. [September 13, 2022 Board Minutes](#)
 - b. [Out of State Travel: Drug-Free Communities Program Coordinator](#)
 - c. [Community Corrections Advisory Board Membership](#)
 - d. Approval of Bills
 5. Public Appearances
- 9:05 a.m. 6. Public Works**
- a. [Consider DACA Funds Resolution](#)
 - b. [Consider MnDOT Detour Agreement No. 1051231](#)
- 9:20 a.m. 7. Health and Human Services**
- a. [Purchase of Service Agreement: Amherst H. Wilder Foundation](#)
- 9:25 a.m. 8. Administration**
- a. [Set Public Hearing Date for the Fee Schedule Amendment](#)
 - b. [Approval of the 2023 Preliminary Property Tax Levy and Setting the 2023 Levy and Budget Hearing](#)
- 9:40 a.m. 9. County Attorney Update**
10. Chair's Report
 11. Commissioner Committee Reports
 12. Commissioner Meetings & Conferences
 13. Approve Per Diems and Expenses
 14. Adjourn Board of Commissioners Meeting
- 9:45 a.m. BREAK**

(continued)

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.

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- 10:00 a.m.** 15. PPSD – Property Services
- September 19, 2022 Planning and Zoning Advisory Commission Meeting
 - September 19, 2022 Planning and Zoning Advisory Commission Meeting: Floodplain Public Hearing
- 10:15 a.m.** **Call Drainage Authority Meeting to Order: Chair Dranttel**
- Approval of Agenda
 - Approval of Consent Agenda:
 - September 13, 2022 Drainage Authority Minutes
 - Public Appearances
- 10:20 a.m.** 4. PPSD – Public Services
- Set the Date of Public Hearing for Various County Ditch Redeterminations – November 22, 2022
 - Set the Date of Public Hearing for Various County Ditch Redeterminations – December 13, 2022
 - CD23A Repair Request
5. Adjourn Drainage Authority Meeting

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 any Nicollet County meeting and requests to participate in any meeting can be directed to Mandy Landkamer, Nicollet County Administrator, at 507-934-7074 or mandy.landkamer@co.nicollet.mn.us.

September 2022:

September 23 – BNEH Full Board Meeting, 9 a.m.; New Ulm Law Enforcement Center, 15 S Washington St, New Ulm

September 27 – Board of Commissioners Meeting, 9 a.m.; Nicollet County Board Room, St. Peter

September 27 – Drainage Authority Meeting, following the adjournment of the BOC Meeting; Nicollet County Board Room, St. Peter

September 27 – Mental Health Walk Event, 1-3 p.m., MN Square Park, St. Peter

(continued)

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October 2022:

October 11 – Board of Commissioners Meeting, 9 a.m.; Nicollet County Board Room, St. Peter

October 11 – Drainage Authority Meeting, following the adjournment of the BOC Meeting; Nicollet County Board Room, St. Peter

October 17 – Board of Adjustment and Appeals/Planning & Zoning Advisory Commission Meeting, 7 p.m.; Nicollet County Board Room, St. Peter

October 18 – Individual Dept. Head Meeting (Road Tour) – Public Works, 8:15 a.m.; Nicollet County Board Room, St. Peter

October 25 – Board of Commissioners Meeting, 9 a.m.; Nicollet County Board Room, St. Peter

October 25 – Drainage Authority Meeting, following the adjournment of the BOC Meeting; Nicollet County Board Room, St. Peter

October 26 – AMC District 7 Meeting; 8-2 pm; Knights of Columbus Hall, Fairmont

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SEPTEMBER 13, 2022
OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS

The Nicollet County Board of Commissioners met in regular session on Tuesday, September 13, 2022, at 9:00 a.m. Commissioners Marie Dranttel, Jack Kolars, Terry Morrow, John Luepke and David Haack were present. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer and Recording Secretary Sarah Frahm.

Approval of Agenda

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

Consent Agenda

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

1. August 23, 2022 Board Meeting Minutes;
2. University of Minnesota – Memorandum of Agreement 2022-2024 Addendum
3. End of Probations
4. Acknowledgement of the Auditor's Warrants and approval of the Commissioner Warrants as presented for the following amounts:
 - a. General Revenue Fund - \$134,911.53;
 - b. Road & Bridge Fund - \$134,558.89;
 - c. Human Services Fund - \$154,429.85

Motion carried with all voting in favor.

Public Appearances:

Michelle Wicks came before the board to introduce herself as the new Youth Programming Director at University of MN – Extension.

Public Works

CSAH 13/Lookout Drive Corridor Study Update – Ross Tillman, MAPO

Ross Tillman, Project Engineer at Bolton & Menk, shared a presentation with updates on the CSAH 13/Lookout Drive corridor improvement study.

Consider Award of Bid for SAP 052-615-025 (CSAH 15 Reconstruction Project)

Director Greenwood presented the three bids opened on August 23, 2022 for the CSAH 15 reconstruction project. Director Greenwood recommended approval of the lowest bid by Mathiowetz Construction.

Motion by Commissioner Kolars and seconded by Commissioner Morrow to award project SAP 052-615-025 to Mathiowetz Construction. Motion carried with all voting in favor.

Consider LRIP Grant Agreement No. #1051372, Resolution, and Property Certification

Director Greenwood came before the Board to recommend approval of the Local Road Improvement Grant (LRIP). Nicollet County was awarded the grant for the CSAH 15 reconstruction project.

Motion by Commissioner Morrow and seconded by Commissioner Kolars to approve the LRIP Grant Agreement No. 1051372, Resolution, and Bond Financed Property Certification. Motion carried with all voting in favor on a roll call vote.

Consider Award of Quote for CP 15-22 (CSAH 15 Culvert Repairs)

Director Greenwood presented the three bids opened on September 12, 2022 for the CSAH 15 culvert repair project. Director Greenwood recommended approval of the lowest bid by PCIRoads, LLC.

Motion by Commissioner Luepke and seconded by Commissioner Kolars to award project CP 15-22 to PCIRoads, LLC. Motion carried with all voting in favor on a roll call vote.

Human Resources

TEKsystems Staffing Services Agreement

Director Larson approached the Board to request approval of the TEKsystems Staffing Approval Agreement. TEKsystems will assist Nicollet County with temporary staffing assistance in the Technologies Department.

Motion by Commissioner Haack and seconded by Commissioner Luepke to approve the TEKsystems Staffing Services Agreement. Motion carried with all voting in favor.

County Attorney Update:

Attorney Zehnder Fisher shared information about an upcoming speaker, Cory Greenwood, who will be addressing students' mental health tomorrow at St. Peter HS. There will also be a suicide prevention film and panel discussion at Mankato East HS this weekend.

Chair's Report

- Budget Meetings
- Region 9 Board of Directors
- Brown Nicollet Community Health
- Ditch Meeting
- Class & Comp Study

Commissioner Committee Reports

The Commissioners reported on various meetings and activities, including:

Commissioner David Haack

- Budget Workshops

Commissioner John Luepke

- Rural MN Energy Board Tour
- Budget Workshops
- City Council Meeting

- 86A Ditch Meeting
- Budget Meetings
- Farm Bureau Meeting
- St. George Dinner

Commissioner Terry Morrow

- Building Committee
- Brown Nicollet Community Health Meeting
- Budget Workshops
- Nicollet County Community Corrections Meeting (NCCC)
- AMC HHS Policy Meeting

Commissioner Jack Kolars

- Diversity Committee
- Building Committee
- Hwy 14 Road Tour
- Budget Workshops
- MAPO Policy Board
- ATP
- Class & Comp Study

Approve Per Diems and Expenses

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

Adjourn

Motion by Commissioner Morrow and seconded by Commissioner Luepke to adjourn the meeting. Motion carried with all voting in favor. The meeting adjourned at 9:58 a.m.

MARIE DRANTTEL, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER, CLERK TO THE BOARD

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item: Out of State Travel: Drug-Free Communities Program Coordinator	
Primary Originating Division/Dept.: Health and Human Services Contact: C. Sassenberg Title: HHS Director Amount of Time Requested: minutes Presenter: C. Sassenberg Title: HHS Director	Meeting Date: 09/27/2022 Item Type: Consent Agenda (Select One) Attachments: ☐ Yes ☒ No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: HHS is requesting permission for Derrek Harju, our Drug-Free Communities Program Coordinator, to attend a national leadership forum through Community Anti-Drug Coalitions of America (CADCA) in National Harbor, Maryland from January 29, 2023-February 2, 2023. This forum provides a variety of resources for prevention work that would be beneficial to his Drug-Free Communities role that include: - Training from top experts in the field - Information, tools, and strategies to take your prevention work to the next level - The latest science, news, and trends on substance misuse issues - The opportunity to network with thousands of advocates passionate about prevention - Specialized youth leadership training - Observe Youth Leadership training and meet-ups to determine if it would be beneficial for future youth leaders of ACWA to attend Costs for the leadership forum are covered completely by our federal Drug-Free Communities grant and are built into the 2023 budget for this position. More information can be found at: https://www.cadca.org/forum2023	
Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None	
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A	
ACTION REQUESTED: Approval of out of state travel.	
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify: Drug-Free Communities FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = N/A Grant \$695 registration + flight + hotel (Select One) Total:

Nicollet County Board of Commissioners Board Meeting Agenda Item

NICOLLET
COUNTY EST. 1853



Agenda Item: Community Corrections Advisory Board Membership		
Primary Originating Division/Dept.: Community Corrections Contact: Rich Molitor Title: Director Amount of Time Requested: minutes	Meeting Date: 09/27/2022 Item Type: Consent Agenda (Select One)	
Presenter: Rich Molitor Title: Director	Attachments: ☐ Yes ☒ No	
County Strategy: (Select One) Programs and Services - deliver value-added quality services		
BACKGROUND/JUSTIFICATION: The Community Corrections Department is requesting that the Board of Commissioners add Mohamed Abdulkadir and Annette Engeldinger to the Nicollet County Community Corrections Advisory Board		
Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None		
Prior Board Action Taken on this Agenda Item: ☒ Yes ☐ No If "yes", when? (provide year; mm/dd/yy if known) April 2021		
Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A		
ACTION REQUESTED:		
FISCAL IMPACT: Other (Select One) If "Other", specify:	FUNDING County Dollars = State (Select One)	
FTE IMPACT: No FTE change (Select One)	Total:	
If "Increase or "Decrease," specify: Related Financial/FTE Comments:		

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Consider DACA Funds Resolution	
Primary Originating Division/Dept.: Public Works/Highway Contact: Seth Greenwood, P.E. Title: PWD/County Engineer Amount of Time Requested: 10 minutes Presenter: Seth Greenwood, P.E. Title: PWD/County Engineer	Meeting Date: 09/27/2022 Item Type: Regular Agenda (Select One) Attachments: ☒ Yes ☐ No
County Strategy: (Select One) Facilities and Space - preserve, maintain and build our assets	
BACKGROUND/JUSTIFICATION: From 2018 to 2020 there have been four state declared disasters due primarily to flooding. Nicollet County experienced severe damage to it's highway infrastructure and has been successful in receiving Federal Highway Administration (FHWA) Emergency Relief (ER) funds for 4 damaged highways (CSAH 1, CSAH 12, CSAH 14, and CSAH 21). The FHWA ER Program requires that local agencies provide a 20% cost share. State law indicates the 20% local cost share should come from the Disaster Assistance Account (DACA) which is administered by the Department of Public Safety (DPS). DPS for several years now has refused to provide funding through this program for the 20% match. Staff from MnDOT and AMC have worked closely with DPS and Governor's staff over the last 2 years to come to a resolution to get DPS to release the funds but MNDOT and AMC have been unsuccessful. In June 2022 the Governor's office had indicated to AMC staff that they were going to make sure that DPS would provide the DACA funding and that Counties would be paid out soon (Summer 2022). In August 2022 AMC followed up to see what the status of the payments where and essentially were told that the Governor's Office and DPS were backtracking on their June 2022 statements. The attached resolution for the Board's consideration requests that the Governor's office intercedes on the County's behalf to require DPS to release the DACA funds to cover the 20% cost share. There are approximately 14 other Counties affected by this. The approximate amount of DACA funds being sought is \$3.3 million of which Nicollet County's share is approximately \$1.6 million.	
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None	
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A	
ACTION REQUESTED: Approve attached DACA Funds resolution.	
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:



RESOLUTION REQUESTING THE RELEASE OF DISASTER ASSISTANCE ACCOUNT (DACA) FUNDS



WHEREAS, from 2018 through 2020, four state declared disasters were proclaimed that affected Minnesota Counties. These disasters resulted in the need for federal assistance to repair county owned roadways and bridges. The Federal Highway Administration (FHWA) Emergency Relief (ER) Program declares that permanent emergency repairs are federally eligible for reimbursement at 80% with the remaining 20% to be a Local Public Agency (LPA) cost share.

WHEREAS, Minnesota Statutes Chapter 12.221 subdivision 6 was revised in 2015 to include a clause to provide the LPA cost share for federal assistance from the FHWA ER Program under United States Code, title 23, section 125. The law was modified in 2015 to provide a more efficient distribution of funds to LPAs in the event of a declared disaster. This is the first time since the law was changed that local agencies have requested funds using this revised statute and process.

WHEREAS, over the four disasters, fifteen counties were provided with FHWA ER funding and assurance that the associated 20% cost share would be provided from the DACA.

WHEREAS, requests for funding reimbursements for the ER funded projects began in 2020 and have been denied by the Department of Public Safety (DPS).

WHEREAS, Minnesota Statutes Chapter 12.221, subdivision 6, clause 3 clearly states that the local agencies are eligible for the 20% cost share from the DACA fund.

WHEREAS, the fifteen Counties have expended an estimated \$3.3 million in LPA 20% cost share since 2018 and have not been provided the pledged funding from the DACA Fund.

WHEREAS, the 20% cost share represents an additional property tax burden to local residents and has prevented Nicollet County from using these funds on other needed resources.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County of Nicollet, Minnesota, hereby requests that Governor Walz intercede on their behalf to release the 20% LPA cost share of FHWA ER Program Funding from the DACA Fund.

Dated this 27th day of September, 2022.

Marie Dranttel, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator and Clerk to the Board

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:

Consider MnDOT Detour Agreement No. 1051231

Primary Originating Division/Dept.: Public Works/Highway

Meeting Date: 09/27/2022

Contact: Seth Greenwood, P.E. Title: PWD/County Engineer

Item Type: Regular Agenda
(Select One)

Amount of Time Requested: 5 minutes

Presenter: Seth Greenwood, P.E. Title: PWD/County Engineer

Attachments: ☒ Yes ☐ No

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

BACKGROUND/JUSTIFICATION:

MnDOT is planning on a road improvement project on a portion of TH 169, TH 22, and TH 99 in 2023. MnDOT will be constructing R-CUTS and various other improvements where these highways intersect each other on the south side of St. Peter. To accomplish this construction, MnDOT will be required to detour traffic from TH 99 onto CSAH 5 and CSAH 40 for the construction season in 2023. The approximate duration of the detour is 184 days. MnDOT will provide approximately \$10,387.84 for the use of CSAH 5 and 40. Actual payment amount will be determined by the actual number of days that the detour is in place.

Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None

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

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

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

ACTION REQUESTED:

Approve MnDOT Detour Agreement 1051231 and resolution.

FISCAL IMPACT: No fiscal impact
(Select One)

FUNDING
County Dollars =

If "Other", specify:

State \$10,387.84
(Select One)

FTE IMPACT: No FTE change
(Select One)

Total:

If "Increase or "Decrease," specify:

Related Financial/FTE Comments: County will receive approximately \$10,387.84 from detour use

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
NICOLLET COUNTY
DETOUR AGREEMENT
For Trunk Highway No. 169 Detour**

State Project Number (S.P.):	<u>5211-66</u>	Original Amount Encumbered
Trunk Highway Number (T.H.):	<u>169=007</u>	<u>\$10,387.84</u>
State Project Number (S.P.):	<u>4012-45</u>	
Trunk Highway Number (T.H.):	<u>22=005</u>	
State Project Number (S.P.):	<u>5206-34</u>	
Trunk Highway Number (T.H.):	<u>99=007</u>	
State Aid Project Number (S.A.P.):	<u>165-010-016</u>	

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and Nicollet County acting through its Board of Commissioners ("County").

Recitals

1. The State is about to perform grading, bituminous surfacing, concrete surfacing, bituminous mill and overlay, lighting, signal systems, and ADA improvements construction upon, along, and adjacent to Trunk Highway No. 169 from 1037 feet south of South Washington Avenue to Jefferson Avenue under State Project No. 5211-66 (T.H. 169=007), Trunk Highway No. 99 from Meyer Avenue to Trunk Highway No. 169 under State Project No. 5206-34 (T.H. 99=007), and Trunk Highway No. 22 from Bridge 40005 to Trunk Highway No. 169 under State Project No. 4012-45 (T.H. 22=005); and
2. The State requires a detour to carry T.H. 169 traffic on County State Aid Highway (C.S.A.H.) No. 40 and County State Aid Highway No. 5 during the construction; and
3. The State is willing to reimburse the County for the road life consumed by the detour as hereinafter set forth; and
4. Minnesota Statutes § 471.59, subdivision 10, § 161.25, and § 161.20, subdivision 2(b), authorize the parties to enter into this Agreement.

Agreement

1. Term of Agreement

- 1.1. **Effective Date.** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. **Expiration Date.** This Agreement will expire when the State removes all detour signs, returns the temporary Trunk Highway detour to the County, and pays for the detour compensation.

2. Agreement Between the Parties

2.1. Detour.

- A. Location.** The State will establish the T.H. 169 detour route on the following County roads as detailed in the project plans or Special Provisions:
C.S.A.H. 40 and C.S.A.H. 5 for a total distance of 3.1 miles.
- B. Modification of the Detour Route.** The State may modify the detour route or may add additional roadways to the official detour during construction. The State will request concurrence from the City/County for changes to the detour route. If such change increases the States total payment amount over the maximum obligation in Article 3.2, the Agreement will be amended.
- C. Axle Loads and Over-Dimension Loads.** The County will permit 10-ton axle loads on the detour route. [Over-dimension loads will not be permitted except in cases of extreme emergency.
- D. Traffic Control Devices.** The State may install, maintain, and remove any traffic control devices it considers necessary to properly control the detoured traffic. The State may paint roadway markings, such as the centerline, edge lines, and necessary messages.
- E. Detour Maintenance.** The State will perform any necessary bituminous patching and ordinary maintenance on the roadway or shoulder of the County roads used for the detour, at no cost or expense to the County. Bituminous patching is defined as any work, including continuous full width overlays, less than 100 feet in length. All State expenditures beyond those required for bituminous patching and ordinary maintenance will be credited against the road life consumed reimbursement due the County.
- F. Duration.** The State will provide the County with advance notice identifying the dates the State intends to place and remove the detour signing.
- 2.2. Basis of State Cost (Road Life Consumed).** The State will reimburse the County for the road life consumed by the detour using the following methods, as set forth in the Detour Management Study Final Report dated January 1991, and updated by MnDOT's Policy on Cost Participation for Cooperative Construction Projects and Maintenance Responsibilities between MnDOT and Local Units of Government.
- A.** The "Gas Tax Method" formula, multiplies the Combined Tax Factor per mile times the Average Daily Traffic ("ADT") count of vehicles diverted from the Trunk Highway times the county road length in miles times the duration of the detour in days to determine the State's cost for the road life consumed by the detour. If an ADT changes, the parties will amend the Agreement.
- B.** The County may, at its option, perform an "Equivalent Overlay Method" analysis. A State-approved firm, at no cost or expense to the State, must perform the testing and analysis. The County will keep records and accounts to verify any claim it might bring against the State for additional costs using the "Equivalent Overlay Method".

3. Payment

- 3.1. For Road Life Consumed.** **\$10,387.84** is the State's estimated cost for the road life consumed by the detour based on the data below:

<u>Detour Stage</u>	<u>Tax Factor</u>	<u>ADT</u>	<u>Road Length (Miles)</u>	<u>Duration (Days)</u>	<u>Cost</u>
C.S.A.H. 40 & C.S.A.H. 5	0.00513	3550	3.1	184	<u>\$10,387.84</u>

The State's total payment for the road life consumed by the detour is equal to the amount computed by using the "Gas Tax Method" formula plus any amount determined by using the "Equivalent Overlay Method" analysis that is in excess of twice the "Gas Tax Method" amount.

3.2. Maximum Obligation. \$26,000.00 is the maximum obligation of the State under this Agreement and must not be exceeded unless the maximum obligation is increased by execution of an amendment to this Agreement.

3.3. Conditions of Payment. The State will pay the County the State's total road life consumed payment amount after performing the following conditions.

- A. Execution of this Agreement and the County's receipt of the executed Agreement.
- B. State's encumbrance of the State's total payment amount.
- C. State's removal of all detour signs.
- D. State notifies the County of the removal of the detour signs, and the number of days the detour was in effect.
- E. State's receipt of a written request from the County for payment.

4. Release of Road Restoration Obligations

By accepting the State's road life consumed payment plan and total payment amount, the County releases the State of its obligation, under Minnesota Statutes § 161.25, to restore the county roads used as a T.H. 169 detour to as good of condition as they were before designation as temporary trunk highways.

5. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

5.1. The State's Authorized Representative will be:

Name, Title: Susan Museus, Contract Administrator (or successor)
Address: 2151 Bassett Drive, Mankato, MN 56001
Telephone: 507-304-6202
E-Mail: Susan.Museus@state.mn.us

5.2. The County's Authorized Representative will be:

Name, Title: Seth Greenwood, Director of Public Works (or successor)
Address: 1700 Sunrise Drive, St. Peter, MN 56082
Telephone: 507-931-1760
E-Mail: Seth.Greenwood@co.nicollet.mn.us

6. Assignment; Amendments; Waiver; Contract Complete

6.1. Assignment. No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

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

6.3. Waiver. If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.

6.4. Contract Complete. This Agreement contains all prior negotiations and agreements between the State and the County. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

7. Liability

The County and State will be responsible for their own acts and omissions, to the extent authorized by law. Minnesota Statutes § 3.736 governs the State's liability. Minnesota Statutes, Chapter 466 governs the liability of the County.

8. State Audits

Under Minnesota Statutes § 16C.05, subdivision 5, the County's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

9. Government Data Practices

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

10. Governing Law; Jurisdiction; Venue

Minnesota law governs the validity, interpretation, and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

11. Termination; Suspension

11.1. By Mutual Agreement. This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.

11.2. Termination for Insufficient Funding. The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the County. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the County will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

11.3. Suspension. In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance, and payments authorized through this Agreement. Any work performed during a period of suspension will be considered unauthorized work and will be undertaken at the risk of non-payment.

12. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

[The remainder of this page has been intentionally left blank]

STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT Purchase Order: 3000656982

NICOLLET COUNTY

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____

Title: County Board Chair

Date: 09-27-2022

By: _____

Title: County Administrator

Date: 09-27-2022

DEPARTMENT OF TRANSPORTATION

Approved:

By: _____
(District Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With Delegated Authority)

Date: _____

INCLUDE COPY OF THE RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

NICOLLET COUNTY

RESOLUTION

IT IS RESOLVED that Nicollet County enter into MnDOT Agreement No. 1051231 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 40 and County State Aid Highway No. 5 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 169 from 1037 feet south of South Washington Avenue to Jefferson Avenue under State Project No. 5211-66 (T.H. 169=007), Trunk Highway No. 99 from Meyer Avenue to Trunk Highway No. 169 under State Project No. 5206-34 (T.H. 99=007), and Trunk Highway No. 22 from Bridge 40005 to Trunk Highway No. 169 under State Project No. 4012-45 (T.H. 22=005).

IT IS FURTHER RESOLVED that the County Board Chair and the County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Board of Commissioners of Nicollet County at an authorized meeting held on the 27th day of September, 2022, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this _____ day of _____, 2022

Notary Public _____

My Commission Expires _____

(Signature)

(Mandy Landkamer)

(County Administrator)

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Purchase of Service Agreement: Amherst H. Wilder Foundation					
Primary Originating Division/Dept.: Health and Human Services Contact: C. Sassenberg Title: HHS Director Amount of Time Requested: 5 minutes Presenter: C. Sassenberg Title: HHS Director	Meeting Date: 09/27/2022 Item Type: (Select One) Regular Agenda Attachments: ☒ Yes ☐ No				
County Strategy: (Select One) Programs and Services - deliver value-added quality services					
BACKGROUND/JUSTIFICATION: The Adolescent Chemical Wellness Advocates (ACWA) Coalition is requesting the approval of a contract to work with the Amherst H. Wilder Foundation (Wilder). Wilder offers evaluation services that support the evaluation and data requirements of the Drug-Free Communities (DFC) grant ACWA has been awarded. Wilder will provide expert evaluation services and assist with core measure reporting for the DFC grant. Wilder will also provide a thorough analysis of the Minnesota Student Survey (MSS) that ACWA will be utilizing for data collection methods. Throughout the years of the DFC grant, ACWA will implement a variety of evidence-based practices and programs with an effort to lower the substance throughout the County. Wilder will help develop evaluation surveys and materials to measure the success of those activities while maintaining anonymity and data privacy. The cost of these services will be fully funded by the DFC grant.					
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None					
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No If "yes", when? (provide year; mm/dd/yy if known)					
Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A					
ACTION REQUESTED: Approval of the purchase of service agreement.					
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> FISCAL IMPACT: Included in current budget (Select One) If "Other", specify: Drug-Free Communities </td> <td style="width: 50%; vertical-align: top;"> FUNDING County Dollars = N/A Grant \$45,400.00 (Select One) </td> </tr> <tr> <td style="vertical-align: top;"> FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments: </td> <td style="vertical-align: top;"> Total: </td> </tr> </table>		FISCAL IMPACT: Included in current budget (Select One) If "Other", specify: Drug-Free Communities	FUNDING County Dollars = N/A Grant \$45,400.00 (Select One)	FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:	Total:
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify: Drug-Free Communities	FUNDING County Dollars = N/A Grant \$45,400.00 (Select One)				
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:	Total:				



AMHERST H. WILDER FOUNDATION CONSULTING AGREEMENT

This Consulting Agreement (the “**Agreement**”) is made and entered into by and between Nicollet County, on behalf of Nicollet County Health and Human Services, with a principal place of business at 622 South Front Street, St. Peter, MN 56082 (“**Organization**”), and the Amherst H. Wilder Foundation, a Minnesota nonprofit corporation with a principal place of business at 451 Lexington Parkway North, St. Paul, MN 55104 (through Wilder Research® and referred to as “**Wilder**”).

TERMS OF AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Services to be performed. Organization hereby engages Wilder, and Wilder hereby accepts such engagement, as an independent contractor to perform the services (the “**Services**”) as set forth in the applicable Statement of Work as shown in Exhibit A. The parties shall prepare a new Statement of Work for any changes to scope, schedule, or fees, or additional work requested by the Organization and any other changes. Any work performed outside of the original scope at the direction of the Organization will be deemed to be included as Services under this Agreement. Organization shall provide Wilder with access to its premises, employees and agents, information and data, and other resources to the extent necessary for the performance of the Services.
2. Term. This Agreement will begin on 10/3/2022 and continue through 9/30/2026, unless terminated earlier by prior written notice in accordance with Section 9 of this Agreement.
3. Acceptance of Certain Deliverables. Wilder will produce any work product or Deliverable (as defined below) and perform Services at the time and in the manner specified under this Section and the Statement(s) of Work. Organization shall have thirty (30) days to provide written comments on draft products. Comments which require material revisions to the scope of Services may require renegotiation of the payment due to Wilder and/or timetable described in Section 4 of the Statement of Work. If none are received during the 30-day review period then the Deliverable shall be considered final. Any material changes requested by Organization after the 30-day review period will be performed at an additional expense based on the standard billable hourly rate of the staff person required to make the changes.
4. Fees and Expenses.
 - a. Fees. Organization will pay Wilder the amounts as specified in the Statement(s) of Work. Wilder shall invoice Organization for Wilder’s fees in accordance with the terms of the Statement(s) of Work. All payments shall be due within thirty (30) days of an invoice date. Organization agrees to pay all expenses incurred by Wilder in the collection of any unpaid invoice or in the enforcement of this Agreement, including reasonable attorneys’ fees.
 - b. Expenses. Organization shall pay Wilder for the supplies, materials, and other reasonable expenses required in the performance of the Services as set forth in the Statement of Work. Except for these approved expenses, Wilder shall furnish, at Wilder’s own expense, the equipment, supplies and other materials used to perform the Services.
 - c. Taxes. Organization shall be responsible for all sales, use, and excise taxes, and any other similar

taxes, duties, and charges of any kind on any amounts paid by Organization under this Agreement. Wilder shall be responsible for any taxes imposed on Wilder's income received under this Agreement.

5. Ownership and Intellectual Property Rights.

a. Organization Data. As between the Organization and Wilder, the Organization shall be the exclusive owner of all right, title, and interest in and to all data, materials, and information received or retrieved from Organization ("Organization Data"), including all IP rights, subject to the rights and permissions granted in this section. The Organization hereby grants to Wilder a non-exclusive, worldwide, irrevocable, perpetual, royalty-free license and right to (i) use the Organization Data as necessary or useful to perform the Services pursuant to the applicable Statement of Work for purposes of this Agreement, "**IP Rights**" shall mean all registered and unregistered rights granted, applied for or otherwise now or hereafter in existence under or related to any copyright, patent, trade secret, trademark, service mark, trade dress, and any other intellectual property or proprietary rights.

b. Deliverables. Wilder shall provide the Services. Upon final payment by the Organization, Wilder shall provide the Organization with copies of the final work product, including documents, manuals, reports, designs, specifications and similar tangible deliverables developed under this Agreement (the "**Deliverables**"). Wilder shall be the sole and exclusive owner of all rights, title and interest in and to the Deliverables and to any generic, non-Organization specific pre-existing know-how, concepts, techniques, methodologies, ideas, processes, models, templates, tools, utilities, routines and trade secrets that do not contain any of the Organization's Confidential Information, together with any and all related IP Rights. Wilder hereby grants the Organization a worldwide, perpetual, non-exclusive, non-transferable license to make copies of, publicly display, and distribute the Deliverables in connection with the Organization's internal business purposes, but the Organization may not modify, translate, or otherwise revise the final Deliverables, including any copyright or proprietary notices in the Deliverables. The Organization may share information provided in Wilder-produced Deliverables in other data products provided the Deliverable is properly cited.

c. Wilder Materials. In the course of providing the Services, Wilder may use pre-existing, or develop new marks, ideas, materials, information, concepts, techniques, measurement tools, processes, methods, works of authorship, or other intellectual property owned or licensed by Wilder ("**Wilder Materials**"). Wilder shall be the exclusive owner of all right, title, and interest in and to the Wilder Materials, together with any and all related IP Rights. Except as expressly stated above, nothing in this Agreement grants the Organization any rights in the Wilder Materials.

6. Warranties and Representations of Organization. The Organization represents and warrants to Wilder that it owns or has the authority to use any ideas, materials, information, concepts, techniques, processes, works of authorship, trademarks, or any intellectual property furnished to Wilder in connection with the Services, including the Organization Materials and Client Data. The Organization shall be solely responsible for the Organization Materials, Client Data and any other data, information, and documents provided to Wilder. Wilder shall be entitled to rely on such data, information, and documents in performing its Services and shall have no duty to independently verify the accuracy of the same. The Organization represents and warrants that it is legally authorized to enter into this Agreement and perform its obligations herein. The Organization shall provide full information in a timely manner regarding requirements for and limitations on the Services. The Organization shall provide prompt written notice to Wilder whenever the Organization observes or becomes aware of any development that affects the scope or time of performance of the Services.

7. Warranties of Wilder. Wilder represents and warrants that the Services will be performed in a professional and workmanlike manner, in accordance with generally accepted professional standards applicable to the Services. The Services will conform substantially to any Organization specifications detailed in the

applicable Statement of Work. EXCEPT AS PROVIDED HEREIN, WILDER MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE SERVICES AND DELIVERABLES PROVIDED HEREUNDER, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF TITLE, INFRINGEMENT, MERCHANTABILITY, AND FITNESS FOR ANY PARTICULAR PURPOSE.

8. Independent Contractor. The parties agree that Wilder is an independent contractor of the Organization and neither Wilder nor its employees will be considered employees of the Organization and are therefore not entitled to any rights, benefits or privileges provided by Organization to its employees. This Agreement shall not be construed to create an association, partnership, joint venture, employment or agency relationship between Wilder and Organization. Organization will not deduct from Wilder's compensation income tax, FICA payments, or any other expenses, unless required by law. Payment of federal income tax, FICA payments, and state income taxes are the responsibility of Wilder. Wilder has no authority (and shall not hold itself out as having authority) to bind the Organization and Wilder shall not make any agreements or representations on the Organization's behalf without the Organization's prior written consent. It is further understood and agreed that Wilder may use subcontractors in the performance of this Agreement, provided that Wilder shall be fully responsible for the work of its subcontractors.

9. Termination.

a. Termination for Convenience. Either party may terminate this Agreement upon thirty (30) days written notice. In the event of early termination, Wilder will stop work under the Statement(s) of Work upon receipt of such notice and the Organization shall pay Wilder for any work performed through the date of termination.

b. Termination for Breach. Either party may terminate this Agreement upon a material breach of this Agreement by the other party and such breach continues for more than thirty (30) days after the breaching party receives written notice from the non-breaching party of its failure to perform its obligations under this Agreement. Consent to extend the cure period shall not be unreasonably withheld, so long as the breaching Party has commenced cure during the thirty (30) day period and is pursuing such cure diligently and in good faith. Any extension of the cure period provided herein will extend the due dates of any deliverables provided in the applicable Statement of Work to the extent affected by such extension or material breach. Upon termination for breach, the non-breaching party is not liable to perform any additional work or to pay for any work not yet performed. A breach is considered material if it deprives either party of a substantial benefit of this Agreement.

c. Termination for Insolvency or Bankruptcy. A party may terminate this Agreement immediately upon written notice if the other party enters into insolvency or bankruptcy proceedings of any sort and such proceedings are not withdrawn or dismissed within sixty (60) days.

d. Post-Termination Obligations. Within thirty (30) days following termination for breach, or during the period between notice and termination absent breach of the Agreement, Wilder will, (i) terminate all Services; (ii) transfer to Organization all materials in progress paid for by Organization; and/or (iii) at Organization's option return or destroy all of the Organization's property in Wilder's possession or control.

e. Survival. Sections 6 -7 (warranties), 8 (independent contractor), 9 (termination), 10 (limitation of liability), 11 (indemnification), 14 (confidentiality) and 16 (miscellaneous) shall survive termination of this Agreement, as well as other provisions that are contemplated to survive by this Agreement.

10. Limitation of Liability. IN NO EVENT SHALL EITHER PARTY'S LIABILITY FOR BREACH OF THIS AGREEMENT INCLUDE DAMAGES FOR WORK STOPPAGE, LOST DATA, OR INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES (INCLUDING LOST PROFIT), OF ANY KIND. WILDER'S AGGREGATE LIABILITY FOR DAMAGES UNDER THIS AGREEMENT SHALL NOT

EXCEED AN AMOUNT EQUAL TO THE MONETARY CONSIDERATION PAID TO WILDER UNDER THIS AGREEMENT.

11. Indemnification. Both parties agrees to indemnify, defend, and hold harmless each other, its directors, officers, employees, agents, contractors and volunteers from and against any and all third party claims, liabilities, costs or penalties of any nature whatsoever arising from: (i) breach of this Agreement; (ii) use of the Services or any information, reports, deliverables, materials, products or other results of Wilder's work under this Agreement; (iii) infringement of a third party's intellectual property rights or violation of any rule, law, or regulation; (iv) any negligent act.
12. Insurance. Wilder does further agree that in order to protect itself as well as the Organization under the indemnity agreement provisions hereinabove set forth, it will at all times during the term of the Agreement have and keep in force:
 - a. A single limit or combined limit or excess umbrella general liability insurance policy of an amount of not less than \$1,500,000 for property damage arising from one occurrence, \$1,500,000 for total bodily or personal injuries or death, and/or damages arising from one occurrence. Such policy shall protect the Organization, its officers, agents, elected officials, and employees by specific endorsement or certificate acknowledging the contract between Wilder and the Organization as additional insureds.
 - b. A single limit or combined limit or excess umbrella automobile liability insurance policy, if applicable, covering agency-owned, non-owned, and hired vehicles used regularly in the provision of services under this Agreement, in an amount of not less than \$1,500,000 per accident for property damage, \$500,000 for bodily injuries and/or damages to any one person, and \$1,500,000 for total bodily injuries and/or damages arising from any one accident.
 - c. Wilder shall maintain at its sole expense a valid policy of insurance covering professional liability, arising from the acts or omissions of Provider, its agent and employees in the amount of not less than \$500,000 per claim and \$1,500,000 annual aggregate.
 - d. Workers' Compensation – It is hereby understood and agreed that any and all employees of Wilder shall not be considered employees of the Organization and that any and all claims that may or may not arise under the Workers Compensation Act of the State of Minnesota on behalf of said employees while so engaged, and any and all claims made by any third parties as the consequences of any act or omission on the art of said employees while so engaged on any of the work or services to be rendered within the terms of this Agreement shall in no way be the obligation or responsibility of the Organization.
13. Compliance with Laws and Regulations. Each party agrees to comply with all applicable federal, state, county and local laws, regulations, ordinances, rules, and certificates.
14. Confidentiality. Confidential information includes information regarding the business affairs, products, services, intellectual property, trade secrets, and other sensitive or proprietary information in any form, whether or not designated as confidential, of either party. Confidential information does not include information (i) at the time of or after disclosure, is published, known publicly or becomes part of the public domain, through no fault of the receiving party; (ii) if any time prior to the disclosure, is known by the receiving party as evidenced by appropriate means; (iii) is or becomes available on an unrestricted basis from a third party who does not knowingly breach a confidentiality relationship with the disclosing party; or (iv) is required by law to be disclosed, after first advising the disclosing party, if permissible under law, of such demand with reasonably sufficient notice so as to afford the disclosing party an opportunity to seek a protective order. The parties shall receive, maintain and use any confidential information in the strictest

of confidence and use commercially reasonable efforts to keep the confidential information strictly confidential and to prevent disclosure thereof, but at a minimum the same efforts it uses to keep its own confidential and proprietary information secure. The parties shall not use any confidential information except as required in the performance of the Services or as authorized under this Agreement. Organization and Wilder may disclose confidential information to employees, agents, subcontractors and vendors on a need to know basis in performance of this Agreement if such disclosure would constitute reasonable business practices and such employees, agents, subcontractors, and vendors are subject to confidentiality and use restrictions at least as restrictive as this Section 14. Confidential information may not be disclosed to other third parties unless agreed to in writing and signed by the parties.

15. Force Majeure. Wilder's performance of the Services is contingent on, and Wilder shall not be responsible for delays or failure to perform due to, any delays or failure to perform any obligation under this Agreement due to fires, explosions, acts of God, strikes or other disturbances, including, without limitation, war, insurrection, embargoes, civil unrest, pandemic, government restrictions, compliance with or any action taken to carry out the intent or purpose of any law or regulation, lack of correct or complete data, changes or revisions, or other causes or contingencies not caused by Wilder or outside of its control.

16. Data Privacy and Security.

a. Wilder, its officers, agents, owners, partners, employees, volunteers and subcontractors shall, to the extent applicable, abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13 (MGDPA) and all other applicable law, rules, regulations and orders relating to data or the privacy, confidentiality or security of data, which may include but is not limited to the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations (HIPAA). For clarification and not limitation, Organization hereby notifies Wilder that the requirements of Minnesota Statutes section 13.05, subd. 11, apply to this Agreement. Wilder shall promptly notify Organization if Wilder becomes aware of any potential claims, or facts giving rise to such claims, under the MGDPA or other data, data security, privacy or confidentiality laws, and shall also comply with the other requirements of this Section.

b. In addition to the foregoing MGDPA and other applicable law obligations, Wilder shall comply with the following duties and obligations regarding Organization Data and Organization Systems (as each term is defined herein). As used herein, "Organization Data" means any data or information, and any copies thereof, created by Wilder or acquired by Wilder from or through Organization pursuant to this Agreement, including but not limited to handwriting, typewriting, printing, photocopying, photographing, facsimile transmitting, and every other means of recording any form of communication or representation, including electronic media, email, letters, works, pictures, drawings, sounds, videos, or symbols, or combinations thereof.

c. If Wilder has access to or possession/control of County Data, Wilder shall safeguard and protect the County Data in accordance with generally accepted industry standards, all laws, and all then applicable Organization policies, procedures, rules and directions. To the extent of any inconsistency between accepted industry standards and such Organization policies, procedures, rules and directions, Wilder shall notify Organization of the inconsistency and follow Organization direction. Wilder shall immediately notify Organization of any known or suspected security breach or unauthorized access to Organization Data, then comply with all responsive directions provided by Organization. The foregoing shall not be construed as eliminating, limiting or otherwise modifying Wilder's indemnification obligations herein.

d. Upon expiration, cancellation or termination of this Agreement:

(1) At the discretion of Organization and as specified in writing by the Contract

Administrator, Wilder shall deliver to the Contract Administrator all County Data so specified by Organization.

- (2) Organization shall have full ownership and control of all such County Data. If Organization permits Wilder to retain copies of the County Data, Wilder shall not, without the prior written consent of Organization or unless required by law, use any of the County Data for any purpose or in any manner whatsoever; shall not assign, license, loan, sell, copyright, patent and/or transfer any or all of such County Data; and shall not do anything which in the opinion of Organization would affect Organization's ownership and/or control of such County Data.
- (3) Except to the extent required by law or as agreed to by Organization, Wilder shall not retain any County Data that are confidential, protected, privileged, not public, nonpublic, or private, as those classifications are determined pursuant to applicable law. In addition, Wilder shall, upon Organization's request, certify destruction of any County Data so specified by Organization.

17. Records Availability and Access. Subject to the requirements of Minnesota Statutes section 16C.05, subd. 5, Organization, the State Auditor, or any of their authorized representatives, at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of Wilder and involve transactions relating to this Agreement. Wilder shall maintain these materials and allow access during the period of this Agreement and for six (6) years after its expiration, cancellation or termination.

18. Nondiscrimination. During the performance of this Agreement, the Provider agrees to the following: No person shall, on the grounds of race, color, religion, age, sex, disability, marital status, public assistance status, criminal record, creed, sexual orientation or national origin be excluded from full employment rights in, participation in, be denied the benefits of or be otherwise subjected to discrimination under any and all applicable federal and state laws against discrimination.

19. Miscellaneous.

a. Entire Agreement. This Agreement (including all exhibits and Statement(s) of Work) represents the entire agreement between Wilder and the Organization with respect to the subject matter of this Agreement, and supersedes all prior and contemporaneous understandings, agreements, representations and warranties, with respect to such subject matter.

b. Procedures. Dispute Resolution. The parties agree that any and all disputes, claims or controversies arising out of or related to this Agreement and any amendments signed by both parties, including any claims under any statute or regulation (collectively, "Disputes"), shall be submitted first to non-binding mediation. If the Disputes are not resolved through mediation, then, upon the election of either party, the Disputes shall be submitted for binding arbitration. Unless the parties agree otherwise, any mediation and/or arbitration shall take place in the State of Minnesota, Nicollet County, and shall be administered by, and pursuant to the Commercial Arbitration Rules of the American Arbitration Association ("AAA"). The parties will be responsible for paying their respective shares of the arbitration fees (including filing, administrative, hearing and/or other fees) as provided by AAA rules. The provisions of this Section 19(b) may be enforced in a court of competent jurisdiction and the party seeking enforcement shall be entitled to an award of all costs, fees and expenses (including reasonable attorneys' fees and expenses) incurred in obtaining the enforcement of this provision, to be paid by the party against whom enforcement is sought.

c. Amendment. No modification or amendment to this Agreement or any Statement of Work or

consent to the waiver of any of the terms hereof, shall be binding unless made in writing and signed by both Wilder and Organization.

d. Notices. Any notices required or permitted to be given under this Agreement: (i) shall be in writing signed by or on behalf of the party making the same; (ii) shall be deemed given or delivered (a) if sent by confirmed e-mail, when received, (b) if sent by messenger, reputable overnight courier service, or certified or registered U.S. mail, when delivered; and (iii) shall be addressed to each party at its address set forth below, or at such other address as the parties shall designate in writing by confirmed e-mail, overnight courier service, or certified or registered U.S. mail.

e. No waiver. Failure of either party to enforce the terms of this Agreement does not waive those terms or preclude enforcement of them.

f. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

g. Construction. This Agreement will be construed as if drafted by both parties and will not be strictly construed against either party as a result of drafting.

h. Severability. If any provision of this Agreement is determined to be invalid, illegal or unenforceable, the remaining provisions of this Agreement remain in full force, if the essential terms and conditions of this Agreement for each party remain valid, binding and enforceable.

IN WITNESS WHEREOF, the undersigned agrees to the Consulting Agreement as of this 27th day of September, 2022__.

**Amherst H. Wilder Foundation
Wilder Research**

Nicollet County

By: _____
Its: _____

By: _____
Its: Chairperson of the Board of Commission

Approved as to Form and Execution

By: _____
Its: Nicollet County Attorney

Exhibit A
Amherst H. Wilder Foundation Consultant Agreement
Statement of Work No. 1

This Statement of Work No. 1 ("Statement of Work") is in accordance with and is hereby made a part of that certain Amherst H. Wilder Foundation Consulting Agreement between Nicollet County Health and Human Services ("Organization") and Amherst H. Wilder Foundation, ("Wilder") with an effective date of 10/3/2022 (the "Agreement"). Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Agreement. In the event of a conflict among the terms and conditions of this Statement of Work and the terms and conditions of the Agreement, the terms and conditions of this Statement of Work shall govern and control such conflict. The following services will be performed by Wilder.

1. Description of Services: Evaluation of Nicollet County's Drug Free Community grant
2. Obligations of Organization: The Organization will be responsible for coordinating administration of a custom youth survey within each participating school in Nicollet County. This will entail building buy-in and permission to administer the survey, identifying questions the schools would like added to the survey, and providing schools with Wilder-developed parent consent forms, survey instructions, and survey links. The Organization will be responsible for scheduling and facilitating focus groups; Wilder will help develop focus group questions and protocols. The Organization will share their activity tracker to inform annual reports developed by Wilder.
3. Deliverable(s):
 - Obtain 2022 and 2025 Minnesota Student Survey data for Nicollet County schools, analyze it, and develop data books in early 2023 and early 2026. The data books will include tables for alcohol, tobacco, and marijuana indicators including past 30 day use, perceived risk, perceived parent and friend disapproval, perceived peer use, alcohol and vape product access, and parental communication around the importance of not drinking. Each of these indicators will be cross-tabulated with grade, sex, a poverty index, and sexual orientation (as sample size permits). Past 30 day use measures will be cross-tabulated with risk factors such as bullying and adverse childhood experiences, and protective factors like feeling cared about, educational engagement, participation in pro-social activities, and Developmental Assets—these tables would include the local rate for each risk and protective factor, as well as the risk ratio by substance.
 - Develop and program a custom youth survey in collaboration with the Organization. The custom survey, to be administered spring 2024, will at a minimum include the required four core questions for DFC reporting. Develop a parental consent form, and survey instructions. Clean and analyze the data, and develop a data book.
 - Review and help revise the logic model and evaluation plan, and help maintain both documents over the course of the grant.
 - Collaborate with the Organization to develop focus group questions and protocols each year of the grant.
 - Develop brief annual evaluation reports summarizing activities, outcomes, and next steps.
 - Provide ongoing communication and technical assistance to the Organization of up to 40 hours per year. Tasks may include troubleshooting, ongoing support with survey analysis, review of evaluation tools created by the Organization, developing new data collection tools, help with sustainability planning, and help with a proposal for Years 6-10 funding.
4. Fees: \$45,400.00

In exchange for the Services listed in Section 1, the parties agree to the following compensation schedule: Quarterly invoices will be submitted in equal amounts of \$2,837.50 from December 2022 to September 2026.

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:		
Set Public Hearing Date for the Fee Schedule Amendment		
Primary Originating Division/Dept.: Administration	Meeting Date: 09/27/2022	
Contact: Mandy Landkamer Title: County Administrator	Item Type: Regular Agenda (Select One)	
Amount of Time Requested 5 minutes		
Presenter: Mandy Landkamer Title: County Administrator	Attachments: ☐ Yes ☒ No	
County Strategy: Financial Security - prudent use of taxpayer resources (Select One)		
BACKGROUND/JUSTIFICATION: Consideration of December 13, 2022, at 10:00 a.m. for a public hearing concerning the amendment to the County Fee Schedule.		
Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None		
Prior Board Action Taken on this Agenda Item: ☒ Yes ☐ No		
If "yes", when? (provide year; mm/dd/yy if known) December 14, 2022		
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A		
ACTION REQUESTED:		
Set public hearing date.		
FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify	FUNDING County Dollars = Other (Select One)	
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total	

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item: Approval of the 2023 Preliminary Property Tax Levy and Setting the 2023 Levy and Budget Hearing	
Primary Originating Division/Dept.: Administration	Meeting Date: 09/27/2022
Contact: Mandy Landkamer Title: County Administrator	Item Type: Regular Agenda (Select One)
Amount of Time Requested 10 minutes	
Presenter: Mandy Landkamer Title: County Administrator	Attachments: ☒ Yes ☐ No
County Strategy: Financial Security - prudent use of taxpayer resources (Select One)	
BACKGROUND/JUSTIFICATION: Attached for your consideration is a resolution that requests the following actions: - Set the 2023 preliminary tax levy - Set Thursday, December 1, 2022 at 6:30 p.m. at the Nicollet County Board Room as the 2023 Tax Levy and Budget Public comment meeting date, time, and location.	
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None	
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No	
If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A	
ACTION REQUESTED: Approve the attached resolution adopting the 2023 preliminary property tax levy and setting the budget and levy public hearing meeting for Nicollet County.	
FISCAL IMPACT: Other (Select One) If "Other", specify	FUNDING County Dollars = Other (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total



**RESOLUTION ADOPTING THE
2023 PRELIMINARY PROPERTY TAX LEVY AND SETTING THE BUDGET AND
LEVY PUBLIC COMMENT MEETING FOR NICOLLET COUNTY**

WHEREAS, the Nicollet County Budget Committee met on several occasions to review the 2023 Nicollet County preliminary property tax levy and budget; and

WHEREAS, pursuant to Minn. Stat. §375A.06, the 2023 Nicollet County preliminary property tax levy and budget was prepared by the County Administrator and Finance Director with the input of all Nicollet County Board Members and County Department Heads; and

WHEREAS, to be in compliance with Minn. Stat. §275.065, the 2023 preliminary levy must be adopted and certified on or before September 30, 2022; and

WHEREAS, in further accordance with Minn. Stat. §275.065, taxing authorities must provide the County Auditor, on or before the time it certifies its preliminary levy, with the time and place of a meeting in which the levy and budget will be discussed and public input allowed; and

WHEREAS, said meeting must occur after November 24, must not be held before 6:00 p. m. and must occur before the final 2023 levy and budget are approved.

NOW THEREFORE, BE IT RESOLVED, that the Nicollet County Board of Commissioners does hereby establish Thursday, December 1, 2022 at 6:30 p.m. in the Nicollet County Board Room, Nicollet County Government Center, St. Peter, MN, as the designated meeting to discuss the 2023 proposed County levy and budget and to allow public input regarding these items. The 2023 final County levy and budget will be adopted at the Tuesday, December 13, 2022 regular County Board meeting.

Dated this 27th day of September, 2022

Marie Dranttel, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator/Clerk to the Board

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: September 19, 2022 Planning and Zoning Advisory Commission Meeting							
Primary Originating Division/Dept.: PPSPD- Property Services Contact: Spencer Crawford Title: Zoning Administrator Amount of Time Requested 5 minutes Presenter: Spencer Crawford Title: Zoning Administrator	Meeting Date: 09/27/2022 Item Type: Regular Agenda (Select One) Attachments: ☒ Yes ☐ No						
County Strategy: (Select One) Programs and Services - deliver value-added quality services							
BACKGROUND/JUSTIFICATION: Consideration of the attached conditional use permit request and finding of fact document for the following item: M.R. Paving & Excavating - Three year review of a mineral extraction permit.							
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None							
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No If "yes", when? (provide year; mm/dd/yy if known)							
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A							
ACTION REQUESTED: Approval of the attached conditional use permit and findings of fact.							
<table style="width: 100%; border: none;"> <tr> <td style="width: 45%; vertical-align: top;"> FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify </td> <td style="width: 5%; text-align: center; vertical-align: top;"> ☒ </td> <td style="width: 50%; vertical-align: top;"> FUNDING County Dollars = 0 Other (Select One) Total </td> </tr> <tr> <td colspan="3"> FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments: </td> </tr> </table>		FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify	☒	FUNDING County Dollars = 0 Other (Select One) Total	FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:		
FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify	☒	FUNDING County Dollars = 0 Other (Select One) Total					
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:							



Planning & Zoning Advisory Commission

MINUTES

SEPTEMBER 19, 2022

7:42 PM

NICOLLET COUNTY
GOVERNMENT CENTER

BOARD MEMBERS	David Hermanson ☒ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☒ Commissioner
	Justin Laven ☐	Lloyd Hoffmann ☒	Terry Morrow ☐ Commissioner, Alternate
ABSENT EXCUSED	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☒	Lloyd Hoffmann ☐	Terry Morrow ☐ Commissioner, Alternate
ABSENT	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☐	Lloyd Hoffmann ☐	Terry Morrow ☐ Commissioner, Alternate
STAFF PRESENT	Property and Public Services Director Jaci Kopet ☒		
	Deputy Zoning Administrator Spencer Crawford ☒		
	County Attorney (CA) Michelle Zehnder Fischer ☒		
	Other Staff ☒ Administrative Support Specialist Crystal Madden, County Administrator Mandy Landkamer		
REVIEW OF CANCELLATIONS & ADDITIONS		PLN22-12 United Farmers Cooperative continued until the 10/17/2022 hearing due to lack of quorum.	
MOTION TO APPROVE MINUTES OF AUGUST 15, 2022		APPROVE ☒	APPROVE WITH REVISIONS ☐
1ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☐	Lloyd Hoffmann ☒	Terry Morrow ☐ Commissioner, Alternate
2ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☐	Lloyd Hoffmann ☐	Terry Morrow ☐ Commissioner, Alternate
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐ VOTE: 4-0
PUBLIC APPEARANCES	None.		

PUBLIC HEARINGS:

**M.R. PAVING &
EXCAVATING, INC.**

PLN22-15

THREE-YEAR MINERAL EXTRACTION PERMIT REVIEW.

APPLICANT COMMENT	Adam Hoffmann was present at the meeting representing M.R. Paving & Excavating, Inc. He had no comment.		
PUBLIC COMMENT	None.		
PUBLIC TESTIMONY	None.		
PUBLIC PARTICIPATION	None.		
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐
1ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☒	
2ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
COMMISSION DISCUSSION	None.		
VOTE TO APPROVE REQUEST	PASS ☒	FAIL ☐	VOTE: 4-0
MOTION TO ADOPT FINDINGS			
1ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☒ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
2ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
VOTE TO ADOPT FINDINGS	PASS ☒	FAIL ☐	VOTE: 4-0

PROPOSED AMENDMENTS TO THE NICOLLET COUNTY ZONING ORDINANCE & OFFICAL ZONING MAP

PUBLIC COMMENT	DZA Crawford stated the Property Services Department had received numerous calls regarding the proposed changes. DZA Crawford stated some members of the public also expressed their disagreement with FEMA's Floodplain determinations.
PUBLIC TESTIMONY	Craig Smith testified. He expressed concern over the accuracy of the floodplain map and stated the floodplain should be moved further back on his property. He stated that he should not have to buy flood insurance.
	Mark Forst testified. He expressed concern over his driveway bridge flooding.
	Terri Stratton-Hickey testified. She stated the floodplain map was not colorblind friendly, so she could not interpret the map. She was also concerned about the economic impact of her property being in floodplain.
	Terry Genelin testified. He expressed concerns over the accuracy of the floodplain map and asked how FEMA obtained their measurements. He also expressed concern about the economic impact of the new restrictions.
	Ted Boys testified. He started his concern about FEMA's public notification process, and requested Nicollet County take more time to study FEMA's map amendment before voting.
	DZA Crawford requested a recess at 8:39 PM. The Board resumed at 8:43 PM.
	CA Zehnder Fischer provided information about FEMA's map amendment process, and explained that the role of the Planning and Zoning Advisory Commission is to make a recommendation to the Board of

**COMMISSION
DISCUSSION**

Commissioners. She also explained the potential consequences of not approving the maps and Floodplain Ordinance revision.

DZA Crawford read part of the April 13, 2022 letter from FEMA to Nicollet County relating to the appeal period ending for the FIS report and FIRM map.

Craig Smith testified. He stated his concern about FEMA's notification process, and recommends this Commission not approve the recommended changes.

Bruce Erkel testified. His primary concern is the accuracy of the Floodplain Zoning Map by using satellite imagery vs. on-site surveys.

Dan Born testified. He inquired about the ratio of the Floodplain Zoning District being added and removed on his family farm and wanted technical information about the webmap.

Mark Forst testified. He stated his concern about the notification process by FEMA.

DZA Crawford read part of the April 13, 2022 letter from FEMA to Nicollet County relating to the public notice process for the Flood Insurance Study and Flood Insurance Rate Map.

Mark Forst testified. He asked what the consequences of not adopting the maps would be.

CA Zehnder Fischer explained the potential consequences of not approving the maps and ordinance revision.

Bruce Erkel testified. He asked if this Commission will contact any federal representatives to state the map is inaccurate.

Mike Martens testified. He asked why Nicollet County is discussing this map amendment now when FEMA notified the County in April.

Terry Genelin testified. He asked the Commission if they had seen the map changes.

PC Ubel stated he sympathizes with the landowner's concerns, and the map is the main issue and not the Ordinance change. PC Hoffmann stated he also sympathized, but if the changes are not accepted there may be consequences. Commissioner Dranttel noted her concern would be a lack of federal support during catastrophic flooding if the proposed changes are not approved.

DZA Crawford read a part of the April 13, 2022 letter from FEMA to Nicollet County relating to the consequences of not approving the proposed changes to the zoning map and ordinance.

PC Ubel stated his belief that variances could be granted within the floodplain. DZA Crawford stated the floodplain ordinance would not apply if a structure or proposed structure was proven to be above the 500 year floodplain elevation.

PC Ubel stated that he thinks the ordinance primarily pertains to putting up new homes where they should not go, and that Nicollet County often works with property owners. DZA Crawford stated that staff must follow the zoning ordinance. DZA Crawford noted that Nicollet County would not require the immediate removal of structures within the floodplain, but that substantial damage and substantial improvement determinations would apply in the event existing structures were damaged or improvements were sought.

MOTION TO RECOMMEND ADOPTION OF THE PROPOSED AMENDMENTS TO THE OFFICIAL NICOLLET COUNTY ZONING MAP

1 ST	David Hermanson ☐	Dave Ubel ☐	Marie Dranttel ☒ Commissioner
	Chair	Vice Chair	Terry Morrow ☐ Commissioner, Alternate
2 ND	Justin Laven ☐	Lloyd Hoffmann ☐	Marie Dranttel ☐ Commissioner
	David Hermanson ☐	Dave Ubel ☒ Vice Chair	Terry Morrow ☐ Commissioner, Alternate
VOTE	Justin Laven ☐	Lloyd Hoffmann ☐	FAIL ☐
		PASS ☒	VOTE: 4-0

MOTION TO RECOMMEND ADOPTION OF THE PROPOSED AMENDMENTS TO THE NICOLLET COUNTY ZONING ORDINANCE

1ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☐	Lloyd Hoffmann ☒	Terry Morrow ☐ Commissioner, Alternate
2ND	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☒ Commissioner
	Justin Laven ☐	Lloyd Hoffmann ☐	Terry Morrow ☐ Commissioner, Alternate
VOTE		PASS ☒	FAIL ☐ VOTE: 4-0

OTHER:

OLD BUSINESS	None.		
OTHER BUSINESS	None.		
REVIEW OF PERMITS	The permits for August were reviewed.		
COMMUNICATIONS	None.		
MOTION TO ADJOURN	9:10 PM		
1ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☒ Commissioner
	Justin Laven ☐	Lloyd Hoffmann ☐	Terry Morrow ☐ Commissioner, Alternate
2ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☐	Lloyd Hoffmann ☐	Terry Morrow ☐ Commissioner, Alternate
DAVID HERMANSON, CHAIR	DATE		
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR	DATE		



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

**M.R Paving & Excavating, INC/ Gary Kohn,
Timothy Kohn, Mark Kohn, Ruth Rewitzer**

PLN22-15

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Three year review of a mineral extraction Conditional Use Permit, PLN22-15
APPLICANT:	M.R Paving & Excavating, INC.
LANDOWNER:	Gary Kohn, Timothy Kohn, Mark Kohn, Ruth Rewitzer
LOCATION:	Part of the Southeast ¼ of the Northwest ¼, Northeast ¼ of the Southwest ¼, Northwest ¼ of the Southwest ¼, and the Southwest ¼ of the Northwest ¼ in Section 1-109-30 of Courtland Township.
PARCEL NO:	04.201.0205, 04.201.0100, 04.201.0605
EXISTING ZONING:	Conservancy
HEARING DATE:	09/19/2022
COUNTY BOARD DATE:	09/27/2022

REQUEST

The applicant has submitted a request for a three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, and locate a bituminous/concrete batch-plant and portable wash plant onsite.

ORDINANCE:

Mineral extraction operations are required to renew their Conditional Use Permit every three years per Nicollet County Zoning Ordinance 424.2 (3).

The renewal seems to meet all the requirements as listed in Nicollet County Zoning Ordinance Section 724 Mineral Extraction.

EXISTING LAND USE

The mineral extraction facility, known as the Kohn Pitt, consists of three properties owned by Gary and Timothy Kohn (132 acres), Mark Kohn (39.5 acres) and Ruth Rewitzer (79.56 acres). Gary and Timothy Kohn sold 44.8 acres in the southern part of their parcel to Michaletz Properties LLC, who developed it into a shooting range.

The applicant states the mine is 42.75 acres; 14 acres are actively being mined, 4 acres have already been reclaimed and 24.75 acres will be mined in the future. The remaining land consists of farm fields and forested bluffs.

SURROUNDING LAND USE

The Kohn Pitt is situated within the Minnesota River Valley, with Highway 14 being to the North and the City of Courtland about a mile to the east. The Guemmer mineral extraction pit and demolition landfill abuts the Kohn Pit to its west, all of which are operated by M.R Paving & Excavating. There are several other mineral extraction operations within this area of the Valley, including New Ulm Quartzite Quarries, the Kohn Pit East (which is distinct from the Kohn Pit), and the Hoffmann Construction borrow pit. The remaining surrounding land use is a mix of residential, farmland, and forested bluffs.

PROJECT DESCRIPTION

M.R Paving & Excavating has extracted gravel from this location for 28 years, with the original permit being issued in 1994. Production varies depending on demand, and mining occurs seasonally from spring to fall. Equipment employed includes loaders, haul trucks, bulldozers, excavators, and sometimes crushers. 9,327.65 tons of material have been mined over the past three years.

Access:

The site has direct access to U.S. Highway 14 and indirect access by crossing the Guemmer property via 561st Avenue. Hauling trucks primarily use the 561st access because that is where the scale is located.

Appearance:

The facility is generally not visible from the Minnesota River or U.S. Highway 14.

Blasting:

No blasting occurs at the site.

Bond Requirements:

The applicant has a continuous bond in place to cover the actively mined and not yet reclaimed acres. The mine pre-exists the 2014 mineral extraction amendments to the Zoning Ordinance which now require a bond of \$5,000 per acre. As such, the mine is required to bond at the previous rate of \$2,500 per acre. If the original parameters of the project are changed, the operation must conform to the current standards at that time.

Hours of Operation:

The pit typically adheres to the operating hours of 7 AM to 5 PM. The Zoning Ordinance allows for work after 7 PM for emergencies and equipment repair, provided Nicollet County Property Services is notified.

Stormwater:

Holding ponds catch the Stormwater on site and naturally filtrate it into the ground.

Dust, Noise, & Odor Control:

Roads are treated with water as needed to control dust. Noise or odor outside of what is typical for an extraction operation is not expected.

Reclamation Plan:

The applicant has submitted a restoration plan showing the final anticipated elevation of the Pit. The end use is wildlife habitat which will be achieved by seeding natural vegetative plants and trees.

Waste Disposal:

Per the applicant no hazardous waste is being stored on site.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The National Pollutant Discharge Elimination System (NPDES) permit for this site expired on May 31st, 2022. The applicant is currently working with the Minnesota Pollution Control Agency to obtain a new permit, and may continue to work under the old permit until a new one is issued. The existing Stormwater Pollution Prevention Plan will be updated when the new NPDES permit is issued.

NEIGHBOR NOTIFICATION

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

CONDITIONAL USE PERMIT CRITERIA

1. **Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**
 - Mineral extraction is a conditionally permitted use in the Conservancy Zoning District.

- The use is similar to other mineral extraction operations within the County.
 - The applicant has a valid NPDES permit, and is working with the Minnesota Pollution Control Agency to renew it.
 - The applicant is not using explosives or storing hazardous waste.
2. **The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
- The size and function of the facility is not unreasonable for the location.
 - The site located along U.S. Highway 14, which is currently being expanded.
 - It appears the burden on public infrastructure will be minimal.
3. **The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
- The proposed use is in close proximity to other mineral extraction operations.
 - The facility's hours of operation adhere to Zoning Ordinance Sections 724.5(7).
 - The applicant is not using explosives or storing hazardous waste.
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 mineral extraction within the County.
 - The proposal meets the required setbacks for the Conservancy Zoning District.
 - The use adheres to the applicable standards of Sections 724.5(3) and 724.5(16) of the Zoning Ordinance for the appearance and screening of mineral extraction facilities.
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, 603, and 724 of the Zoning Ordinance for conditional use permits, the Conservancy Zoning District, and mineral extraction facilities.

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

- The Comprehensive Plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.
- The Comprehensive Plan states 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 use adheres to the standards of Sections 724.5(7), 724.5(9), and 724.5(13-14) of the Zoning Ordinance for dust control and air quality; hours of operation; noise and vibrations; and road dust and debris.
- Roads are treated to control dust as needed.
- No blasting takes place onsite.

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

- Section 603.3 of the Zoning Ordinance lists mineral extraction as a conditional use in the Conservancy Zoning District.
- The operation appears to be typical for mines within the county.
- There are several other mines near the site.
- The site is not adjacent to a Residential Zoning District.

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

- The operation has a valid NPDES permit. The applicant is working on a new NPDES permit.
- The applicant is not using explosives or storing hazardous waste.
- Any changes to the operation will require an amended conditional use permit.

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 as proposed seems to meet County standards, with no apparent adverse effects to public health, safety, and welfare.

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 assure compliance with the Permit and permit conditions.
3. The county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. This conditional use permit shall be reviewed no later than September 2025.
5. The applicant shall maintain a Performance Bond or Irrevocable Letter of Credit covering the amount of actively mined or not yet reclaimed acres to be effective at least one year beyond the expiration date of this permit.
6. Any acreage increase in the active mining area will require an amended Conditional Use Permit including an additional Performance Bond or amended Letter of Credit covering the amount of actively mined and not yet reclaimed acres in the amount of \$2,500 per acre.
7. The designated wetland area near the mine site shall be conspicuously staked and flagged to prevent it from being mined.
8. A minimum of 1 rod (16.5 feet) buffer strip of vegetation shall be maintained around the perimeter of the wetland area to minimize infiltration of any possible pollution source into the wetland. These strips are to be maintained until the mining area is fully reclaimed.
9. Hours of operation are limited to 7 a.m. to 7 p.m. Monday through Saturday except holidays.
10. The applicant shall conduct all mining operations in compliance with the laws of the State of Minnesota, the Federal Government, and Nicollet County Zoning Ordinance Section 724.
11. The retention ponds shall be maintained with proper disposal of material when the ponds are dredged.
12. The applicant shall continue to incorporate dust control measures as needed on the haul road.

13. If required, the applicant shall obtain a DNR-Division of Water "Water Appropriations" permit.
14. The applicant shall submit verification the site has a valid National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency prior to issuance of this conditional use permit.

Applicant: M.R Paving & Excavating, INC.
**Landowners: Gary Kohn, Timothy Kohn, Mark Kohn, Ruth
Rewitzer**

PLN22-15

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



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

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$496.00

Map#: 1501100008
Parcel#: 042010205
Permit#: PLN22-15
Date: August 26, 2022

Applicant: Adam Hoffmann, M.R. Paving, Kohn Pit, MN
Phone: 507 276 7410

Owner: KOHN GARY M & TIMOTHY L KOHN, 54650 US HIGHWAY 14 - PO BOX 69, COURTLAND MN 56021

Property Address: 0,

Abbreviated Legal Description: E ½ NW ¼ "EX pt lying N US 14 R/W aka 6.73 A" & "EX 2.43 A R/W" = 70.84 A; W ½ NE ¼ "EX 28.05 A" = 51.95 A; NE ¼ SW ¼ & NW ¼ SE ¼ "EX 44.8 A" = 35.2 A; TOTAL = 157.99 acres

Township: Courtland Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: 3 year mineral extraction Conditional Use Permit renewal.

Planning Commission Hearing Date: 09/19/2022

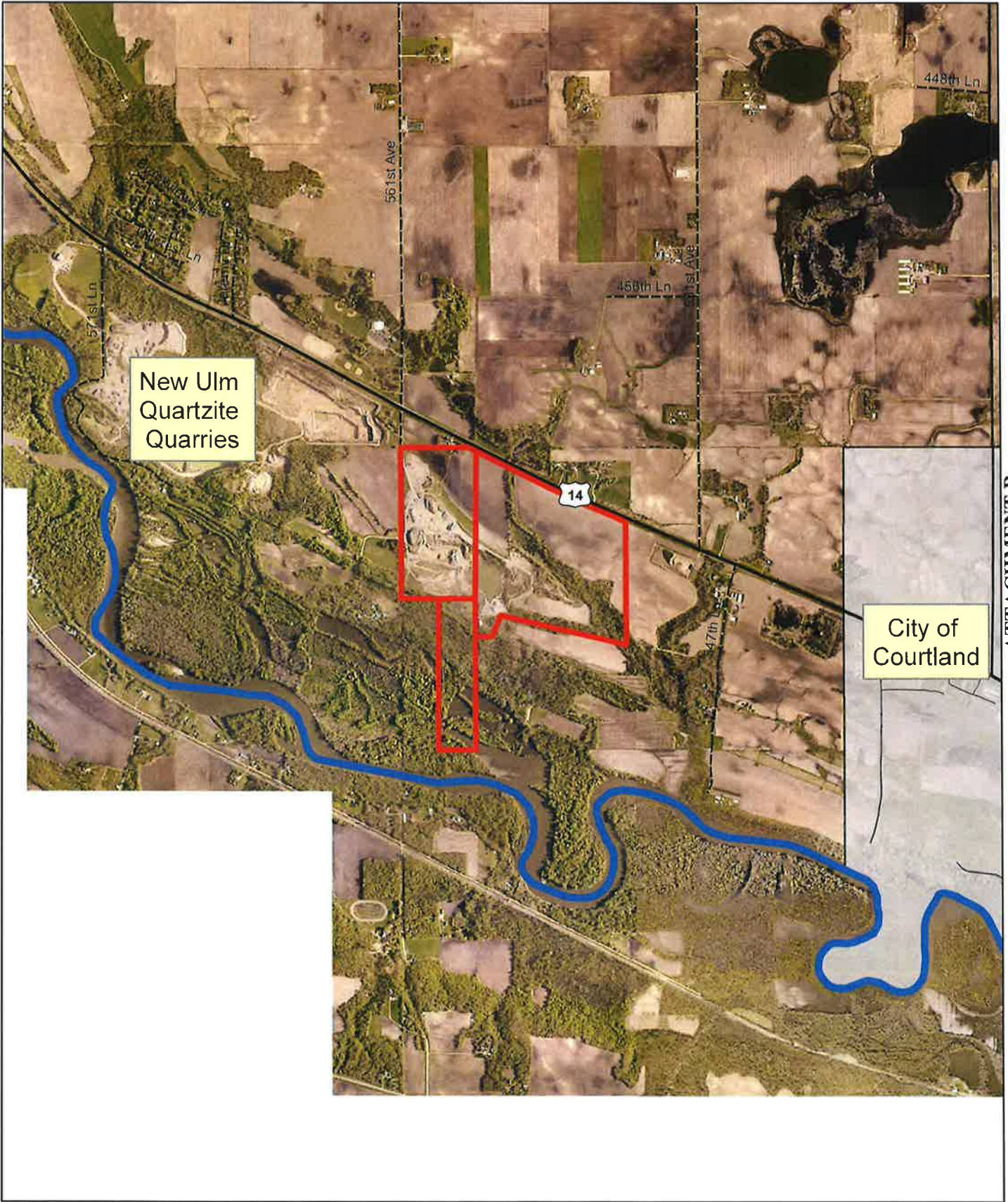
Board of Commissioners Date: 09/27/2022


APPLICANT SIGNATURE

for M.R. Paving

8-26-22
DATE

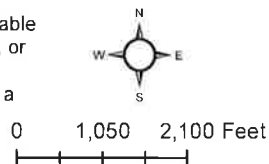
ATTACHMENT A
Application



ATTACHMENT B
Location Map

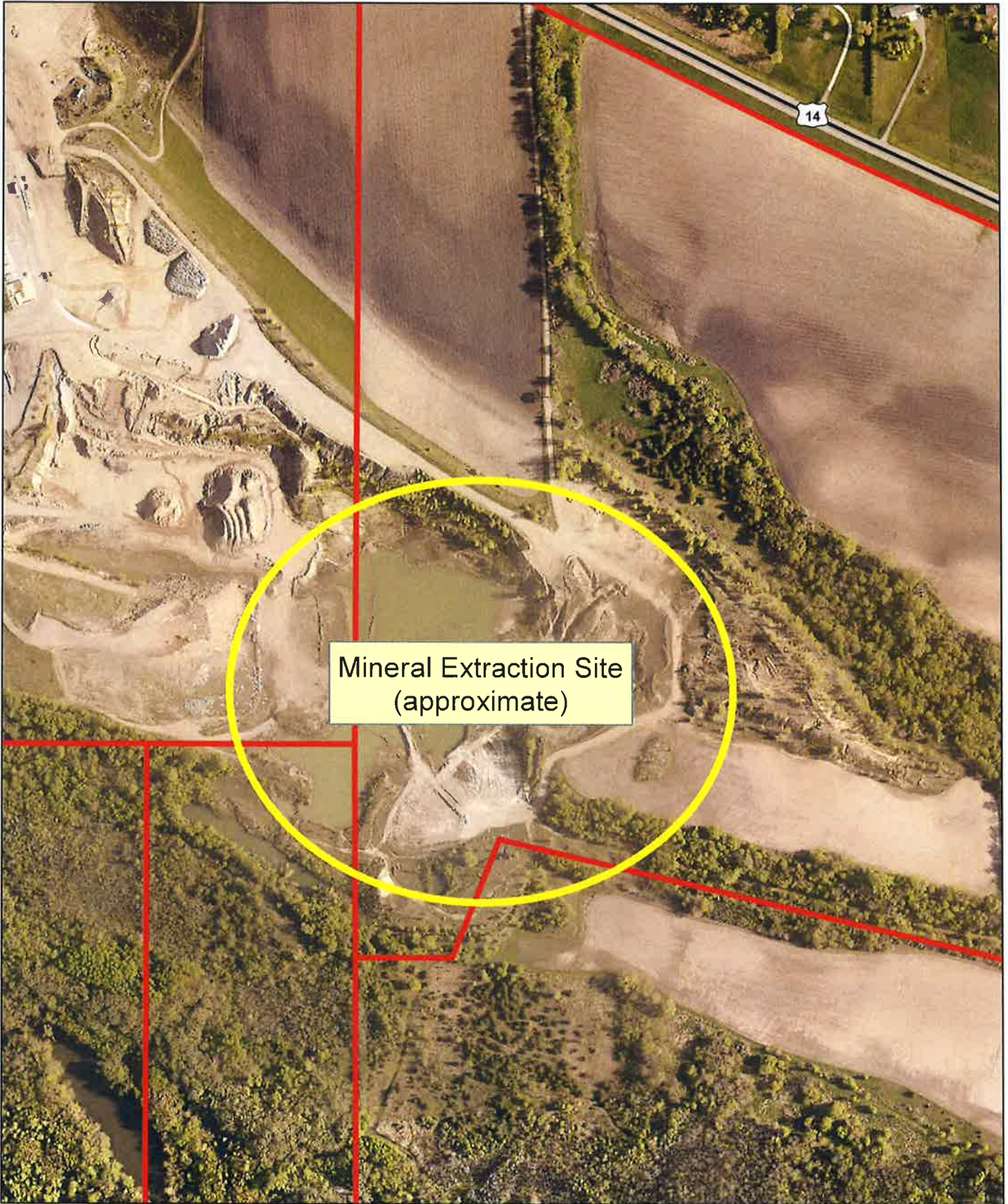
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual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

1:27,000 1 inch = 2,250 feet



Name: _____

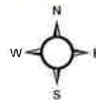
Date: _____



ATTACHMENT C
Aerial Map

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

1:4,800 1 inch = 400 feet



0 200 400 Feet

A horizontal scale bar with vertical tick marks at 0, 200, and 400 feet.

Name: _____

Date: _____



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:

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

TONNAGE OF MATERIAL REMOVED:

9327.65 Ton 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: Mark & Gary Kohn; Ruth Rewitzer

Owner's Address: 54650 US Hwy 14, Courtland, MN 56021

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

Contractor's address: 2020 North Spring St. New Ulm, MN

Contractor's phone number: 507-354-4171

Date: 8-23-22

Applicant (Landowner or Contractor) Signature: Adam Hoffe for M.R. Paving & Excavating Inc.

Parcel No. 04 201.0205

Map No. _____

Revised 11-29-18 JH

04.201.0605
04.021.0100

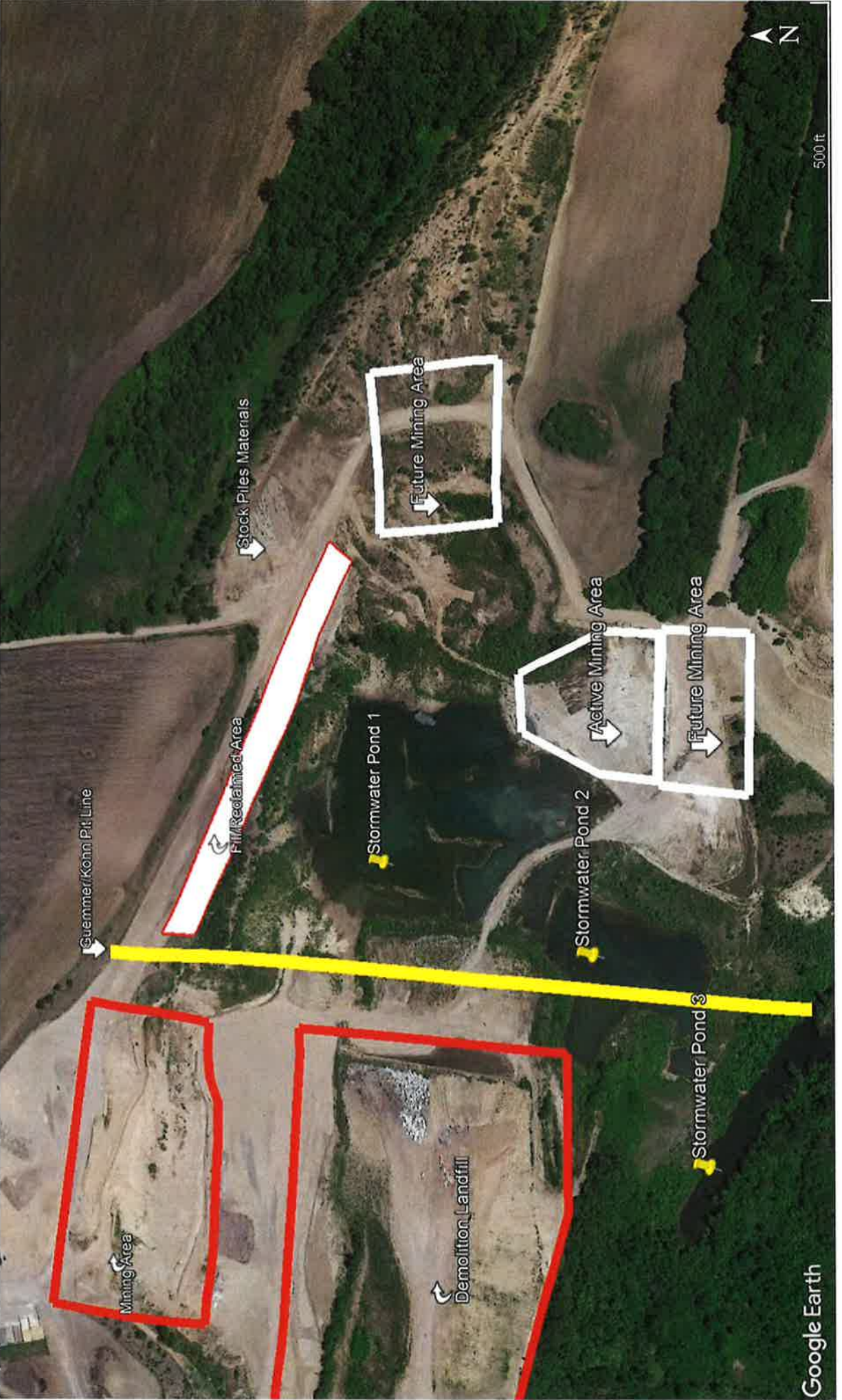
Mission Statement
Providing efficient services
with innovation and accountability.

**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.

Kohn Pit Reclamation Map





M.R.

PAVING & EXCAVATING, INC.

2020 North Spring Street

P.O. Box 787

New Ulm, MN. 56073

Phone (507) 354-4171

Fax (507) 359-4156

Web: www.mrpaving.com

November 26, 2019

Mr. Jon Hammel,

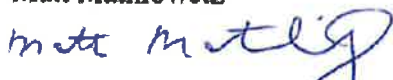
Below is the additional information you requested regarding the Guemmer and Kohn Pit conditional use permits.

1. Restoration Plan

- a. Our intent is to supplement natural tree and vegetative growth with seeding and plantings as necessary. After these areas have been established with natural tree and vegetative growth and supplemented with additional seeding and plantings as necessary the areas will be returned to wildlife habitat. Please contact me with any other questions or concerns.

Sincerely,

Matt Mathiowetz



M.R. Paving & Excavating, Inc.

An Equal Opportunity Employer

Stormwater Pollution Prevention Plan

M.R. Paving & Excavating, Inc.
Kohn Pit
Parcel ID: 04.201.0205
Courtland, MN 56021



Prepared for:
M.R. Paving & Excavating

2020 North Spring Street
PO Box 787
New Ulm, MN 56073



Prepared by:

WENCK Associates, Inc.
1802 Wooddale Drive
Suite 100
Woodbury, MN 55125
Phone: 651-294-4580

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2. General Site Layout
3. 303d Impaired Waters and Wetlands Map

APPENDICES

- Appendix A: National Pollutant Elimination System/State Disposal System General Permit for Nonmetallic Mining and Associated Activities (MNG490000)
- Appendix B: Best Management Practices Implementation Worksheet
- Appendix C: MPCA Site Inspection Form
- Appendix D: Emergency Contacts
- Appendix E: SWPPP Training Form

1.0 Introduction

This Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the M.R. Paving & Excavating (M.R. Paving) facility located at Parcel ID 04.201.0205 in Courtland, Nicollet County, Minnesota (Kohn Pit). The Facility is considered to be within the J1 Subsector which includes Standard Industrial Classification (SIC) Code of 1442 (Construction Gravel and Sand), and is required to obtain and operate in accordance with the State of Minnesota National Pollutant Elimination System (NPDES)/State Disposal System (SDS) General Permit MNG490000 for Non-Metallic Mining and Associated Activities (the Permit).

This SWPPP satisfies the requirements of the Minnesota Pollution Control Agency's (MPCA) Non-Metallic Mining and Associated Activities General Permit effective June 15, 2017 Section 2.6.114 - Pollution Prevention Plan. A copy of the Permit, including specific requirements for the industrial activities covered in this SWPPP, is included in Appendix A. It is important that the appropriate M.R. Paving staff read and understand all sections and details contained within the Permit. The Permit is an authorization to discharge stormwater associated with non-metallic mining and associated activities under the NPDES/SDS Permit Program. The Permit, satisfies the stormwater discharge provisions of the Federal Clean Water Act, as amended, (33 U.S.C. § 1251 et seq.), 40 CFR 122, 123, and 124, as amended, et.seq.; Minn. Stat. chs. 115 and 116, as amended, and Minn. Rules ch. 7001 and 7090.

Because M.R. Paving engages in industrial activity and meets the terms and conditions of the Permit, they are permitted to discharge stormwater to the waters of the state as authorized by the State of Minnesota, on behalf of its citizens through the MPCA. The goal of the MPCA's Non-Metallic Mining Stormwater Program is to protect water quality in accordance with state and federal statutes and rules by eliminating or minimizing contact of stormwater with significant materials. If contact cannot be eliminated or reduced, stormwater that has contacted significant materials should be treated/managed before it is discharged from the site.

M.R. Paving must review this SWPPP annually and revise it, if necessary, to maintain consistency with the current site conditions. The existing permit expires on May 31, 2022. Upon permit reissuance, the SWPPP will be amended to comply with the current Permit within the timeframe specified therein. A copy of this SWPPP is to be kept in the environmental files. Stormwater records should be maintained a minimum of three (3) years.

2.0 Stormwater Pollution Prevention Team

The Stormwater Pollution Prevention Team is responsible for overseeing development of the SWPPP, any modifications to the SWPPP, and for compliance with the requirements in the Permit. Each Stormwater Pollution Prevention Team member will have ready access to a copy of the Permit, the current version of this SWPPP, and any other relevant documents and information that must be retained as required by the Permit.

Team Leader: Timothy C. Rahe - CEO

Responsibilities:

- ▲ Coordinate Facility spill response,
- ▲ Develop and implement the SWPPP,
- ▲ Submit and retain all pertinent stormwater documents,
- ▲ Ensure recordkeeping requirements are met,
- ▲ Ensure inspections and sampling requirements are met as required by the Permit,
- ▲ Arrange for implementation of Best Management Practices (BMPs),
- ▲ Make revisions to this SWPPP, as needed, and
- ▲ Coordinate all training requirements associated with the SWPPP.

Stormwater Pollution Prevention Team

- ▲ Matt Mathiowetz – Pit Manager
- ▲ Jeff Carlson – Pit Supervisor

Responsibilities:

- ▲ Assist Team Leader in developing and implementing the conditions of the SWPPP,
- ▲ Implement preventive and BMP maintenance activities,
- ▲ Submit and retain all pertinent stormwater documents,
- ▲ Conduct and document inspections, as needed, and participate in making revisions to the SWPPP, as needed.

3.0 Site Description

3.1 GENERAL SITE CONDITIONS

The Facility is located at Parcel ID 04.201.0205 in Courtland, Minnesota. The approximately 72-acre facility is in Nicollet County, Minnesota; specific facility coordinates are: Lat. 44°16'29.1" N Long. 94°22'54.4" W. The area within one mile surrounding the Kohn Pit is primarily used for agriculture.

A Site Location Map is provided as Figure 1.

Kohn Gravel Pit is an active sand and gravel mine.

The Facility mines, stores, and distributes sand and gravel for use in their operations at other facilities. The Facility is located south of US Highway 14, between the cities of New Ulm and Courtland. There are no permanent structures at the Facility. The Facility consists of an active mining operation and staging of gravel, rock, and sand.

3.2 GENERAL STORMWATER CONDITIONS

The drainage area of the property is approximately 72-acres. The entirety of the property is made up of pervious surfaces. There is one primary drainage area on the property. The mined area of the Facility drains generally to the west. There is a series of ponds located at the western side of the Facility. The ponds are partially on the Kohn Pit Facility and partly on the Valley Demolition Landfill Facility, which is also operated by M.R. Paving. The Demolition Landfill operates under an individual permit for stormwater discharges. All stormwater from the Property infiltrates within the greater M.R. Paving operated property and for the purposes of this Plan, there is no discharge. When active mining is occurring, there is an electric power unit and diesel AST within a steel containment unit in the mining area.

Figure 2 shows both the direction of stormwater flow across the Facility.

The following table summarizes the representative stormwater drainage area and potential significant sources of pollutants at the Facility. The estimated Facility stormwater drainage patterns are shown on Figure 2.

Area – Description	Significant Source	Representative Outfall
Mining Area – Active mining, staging piles, conveyors, diesel AST	Total suspended solids (TSS), metals, oil & grease	No Outfall. Infiltration via low point.

3.3 IMPAIRED WATERS/TOTAL MAXIMUM DAILY LOADS (TMDLS)

There is one 303d listed waters within one mile of the Facility. The Minnesota River, located south of the Facility, is impaired for mercury and PCBs in fish tissue and for turbidity. The Kohn Pit does not discharge to this surface water, as all stormwater infiltrates onsite.

M.R. Paving will review the list of impaired waters annually and amend this SWPPP as necessary. Figure 3 shows the waterbodies located within one mile of the Facility.

3.4 WETLANDS AND SURFACE WATER BODIES

Stormwater runoff from the Facility does not discharge directly to any of the wetlands located within one mile of the Facility. There are no trout streams or Outstanding Resource Value Waters located within one mile of the Facility. All stormwater drains to the interior of the property for infiltration. National Wetland Inventory areas within 1 mile of the Facility are shown on Figure 3.

4.0 Assessment of Activities and Significant Materials

4.1 SIGNIFICANT MATERIALS INVENTORY AND STORAGE PRACTICES

Industrial activities which require use of significant materials potentially exposed to stormwater and corresponding potential pollutants within the property are summarized below. The general storage locations of significant materials are shown on Figure 2.

A significant material, as defined in the Permit, includes, but is not limited to: Raw materials; Fuels; Materials such as solvents, detergents, and plastic pellets; Finished materials such as metallic products; Raw materials used in food processing or production; Hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Any chemical the Facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); Fertilizers; Pesticides, and Waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges.

The following discussion provides a brief description of the significant materials and associated storage practices present at the Facility:

Mining: Gravel and sand are mined throughout the Facility. The active mining area may be expanded in the future.

Conveyors: Conveyors may be moved throughout the mining area to transport gravel and sand from the active mine areas to staging piles and loading areas.

Waste Storage:

- ▲ **Solid Waste-** A covered general solid waste dumpster may be located in the mining area.

Liquid Storage Tank: There is one outdoor aboveground storage tanks (AST) when active mining is occurring, located within the mine area. The single-walled tank is located in a steel containment unit.

Power Unit: A portable electrical power unit is staged in the mining area, when actively mining. The unit is fully enclosed.

Chemical Additives: There are currently no chemical additives used to treat wastewater or stormwater. Chemical dust suppressants are applied approximately once per year.

4.2 POTENTIAL POLLUTANT SUMMARY TABLE

Industrial Activity	Significant Material (Potential Pollutant)	Location/Area
Mining	TSS	Mining Area
Conveyors	TSS	Mining Area

Waste Storage	Solid Waste (TSS, organics)	Mining Area
Aboveground Storage Tank	Diesel (Oil and grease)	Mining Area
Power Unit	TSS, metals, Oil and Grease	Mining Area

5.0 Stormwater Control Measures Implementation

5.1 BEST MANAGEMENT PRACTICES

Best Management Practices (BMPs) are preventive actions used to minimize or eliminate potential pollutants from contacting stormwater. BMPs apply to the potential pollutant sources identified in Section 4.0 of this Plan and are designed to minimize pollution of stormwater at the Facility. A Best Management Practice Implementation Worksheet is included in Appendix B. The worksheet identifies potential pollutant sources, lists BMPs, and includes scheduled completion dates. The worksheet should be used to assure BMPs are implemented and maintained.

The Permit requires all structural stormwater controls and other protective measures to be maintained in effective operating condition, and any necessary corrective actions for ineffective structural controls and BMPs to be completed as soon as practicable. M.R. Paving will document any deficient structural controls and BMPs during periodic inspections as detailed in Section 6.0. All corrective actions will be documented, and all documentation will be maintained with the SWPPP.

5.2 STRUCTURAL STORMWATER CONTROLS

The list below contains the major structural controls used at this Facility. Appendix B includes a complete list of BMPs for the Facility.

- ▲ Grading at the Facility will be maintained to minimize any off-site drainage. Soil is graded in perimeter areas, where necessary, in a manner as to minimize migration of stormwater onto and from the Facility.
- ▲ The diesel AST is stored in a steel containment unit to prevent leaks.

5.3 NONSTRUCTURAL STORMWATER CONTROLS

Appendix B includes a complete list of non-structural BMPs for the Facility. Nonstructural stormwater controls for the Facility include the following:

- ▲ Good housekeeping practices to maintain a clean and orderly facility. This includes measures to reduce and remove sediment tracked off-site by vehicles and the generation of dust.
- ▲ Preventive maintenance practices must be provided for the inspection and maintenance necessary to ensure the proper operation of stormwater management devices as well as equipment used or stored at the Facility.
- ▲ Spill prevention and response procedures are implemented.

5.4 BMP MAINTENANCE

If M.R. Paving identifies BMPs that are not functioning properly, they will replace, maintain, or repair the BMP within seven (7) calendar days of discovery. If BMP replacement, maintenance, or repair cannot be completed within seven (7) calendar days, M.R. Paving will implement effective temporary BMPs until effectiveness of the original BMPs can be restored or another permanent BMP is instituted. M.R. Paving will document the justification for an extended replacement, maintenance, or repair schedule of the failed BMPs, and keep records with the SWPPP. M.R. Paving will record dates of maintenance and repairs activities and store these records with the SWPPP.

6.0 Facility Inspections

As required by Sections 2.6.132 – 2.6.140 of the Permit, M.R. Paving will develop and implement an inspection schedule that:

- ▲ Includes a minimum of one (1) facility inspection per calendar month that the Facility is active and staffed.
- ▲ Requires at least one (1) of those inspections per calendar year be conducted during a runoff event.
- ▲ Requires that at least one (1) of those inspections per calendar year be conducted during a snow melt event.

M.R. Paving employees on the Stormwater Pollution Prevention Team are responsible for performing the monthly site inspections to evaluate the effectiveness and adequacy of the requirements contained within the SWPPP.

Each inspection shall include the following:

- ▲ An evaluation of the Facility to determine that the SWPPP accurately reflects site conditions. M.R. Paving will inspect the storage tank area, waste disposal area, maintenance areas, loading/unloading areas, and raw material, intermediate product, by-product and final product storage areas.
- ▲ An evaluation of all structural and non-structural BMPs to determine effectiveness and proper function.
- ▲ An evaluation of the Facility to determine whether new exposed industrial materials or activities have been added to the Facility since completion of this SWPPP.
- ▲ A visual assessment of the runoff to identify any visible sheens or films that indicate the presence of oil or grease in the discharge. If sheens are present in stormwater discharges, corrective actions shall be implemented and documented in the SWPPP. M.R. Paving is only required to conduct visual inspections of runoff originating from, or passing through, areas of industrial activity and/or significant materials. Any runoff that does not contact industrial activity and/or significant materials (e.g., parking lots, natural areas, etc.) is not required to be inspected.
- ▲ Recommendations for corrective actions, and corrective actions taken (including dates, times, and party completing maintenance activities).

Information reported shall include the date and time of inspection, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP. If the evaluation identifies potential areas of concern, the SWPPP will be modified to correct the deficiencies. Appendix C contains a copy of the State of Minnesota Inspection Form.

Subsequent to the inspections, appropriate actions will be taken as necessary to remedy observed deficiencies and may include implementation of additional BMPs. Maintain inspection records and summary reports on-site for a period of three (3) years following the duration of the permit. Completed inspection forms will be maintained in the Facility's environmental files.

7.0 Non-Stormwater Discharge Certification

In accordance with Permit Section 2.6.5, certain non-stormwater discharges are authorized by the Permit provided that appropriate BMPs are utilized to minimize erosion and the discharges of sediment where necessary. The following non-stormwater discharges are authorized:

- a. Emergency fire-fighting activities.
- b. Fire hydrant and fire suppression system flushing.
- c. Potable water line flushing.
- d. Uncontaminated condensate from air conditioners, coolers, other compressors, and from the outside storage of refrigerated gases or liquids.
- e. Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturer's instructions.
- f. Pavement wash waters where no detergents are used and no spills or leaks of potential pollutants such as fertilizers, salts, or toxic and hazardous materials have occurred unless all spilled material has been removed.
- g. Routine external building wash down that does not use detergents, solvents, or degreasers.
- h. Uncontaminated groundwater or spring water.
- i. Foundation or footing drains where flows are not contaminated
- j. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g. "piped" cooling tower blowdown or drains)

In accordance with the Permit Section 2.6.8, certain discharges or activities are not authorized by the Permit. For operations at this M.R. Paving Facility, items of significance include the following:

- ▲ Dewatering of mine or quarry areas other than those under Subsector J1 and J2.
- ▲ Surface water discharges of scrubber or other air emissions control wastewater, cooling or boiler wastewater, floor drains from process areas, equipment/vehicle washing, cleaning and maintenance wastewaters, and sewage.
- ▲ Contaminated ground water discharges.
- ▲ Dredging or filling of wetlands or other surface waters of the state.
- ▲ Discharges of hazardous substances, lubricants, fuel leaks, or fuel spills.
- ▲ Sites for which Environmental Assessment Worksheets or Environmental Impact Statements are required by Minn. R. ch. 116D and/or 42 U.S.C. Sec 4321 - 4370f, until that environmental review is completed.

The Permit authorizes certain non-stormwater discharges that do not discharge to a surface water of the state provided these discharges are not already authorized in a separate NPDES/SDS permit. Non-stormwater that co-mingles with stormwater is considered a non-stormwater discharge (wastewater) and must be disposed of in compliance with this Permit. To be authorized under this Permit, the following discharges must be collected, contained or infiltrate to the ground and Best Management Practices must be implemented to prevent contamination of groundwater:

- ▲ Aggregate wash water from Subsector J1 and J2 facilities.
- ▲ Dredging operations from J1 and J2 facilities.

- ▲ Washing trucks, mixers, transport buckets, forms and/or other equipment at concrete block and brick, concrete products other than block and brick, and ready-mix concrete facilities (Subsector E2).
- ▲ Uncontaminated scale deck wash water that does not use detergents, solvents, or degreasers.
- ▲ Stormwater and deck wash water collected in holding tanks under scales.
- ▲ Wash water associated with cleaning of mobile equipment that does not use detergents, solvents, or degreasers.
- ▲ Waters used for dust control on crushers, conveyors, associated equipment, and site roadways.
- ▲ Boiler blowdown and reverse osmosis reject.
- ▲ Low or high pressure steam curing.
- ▲ Noncontact cooling water used for dryer, pump and air compressor cooling.

8.0 Spill Prevention and Response

If a spill of petroleum or hazardous material occurs at the property, it is important to immediately notify a member of the *Spill Response Team* responsible for implementing the emergency response procedures. The *Spill Response Team* will be comprised of the same personnel that are on the *Stormwater Pollution Prevention Committee* and are listed on the emergency response contact list included in Appendix D.

8.1 SPILL PREVENTION AND RESPONSE PROCEDURES

The Spill Response Team, or persons designated by them, shall stop or plug any leaks, if possible, and if proper safety protocol permits, absorbent materials shall be used to contain and/or isolate the spilled material. An effort shall be made, if possible, to prevent the spilled material from impacting surface water. Spill response materials are located on-site and are maintained by M.R. Paving.

Spill materials may include the following items:

- ▲ Sorbent pads
- ▲ Sorbent booms
- ▲ Material handling equipment (i.e., shovels, rakes, push-brooms, etc.)
- ▲ Floor dry or equivalent
- ▲ Sealable open-top steel or poly drums

The location of the spill response materials is included on Figure 2 of this Plan.

Specific spill response steps include:

1. Identify spilled material and severity.
2. Leave the immediate vicinity of the spill and inform other employees or non-employees who may be in the immediate vicinity.
3. Contact the supervisor and perform the appropriate procedures as directed.
4. Consult the appropriate Safety Data Sheet (SDS) regarding the prescribed use of the personal protective equipment (PPE), containment methods, collection practices, and approved disposal methods.
5. Once properly prepared and a course of action has been determined, perform the following steps:
 - 5.1 Assemble, as needed, an adequate and qualified group of employees to assist in the task.
 - 5.2 Don the correct PPE and obtain the appropriate clean up materials, neutralizing agents, and collection containers.
6. Control the discharge.
7. Neutralize the material, if necessary.
8. Apply the absorbents in either a granular form or by use of absorbent pads or booms.
9. Place the contaminated material (in either a liquid, solid, or saturated absorbent form) in appropriate containers, seal, and label.
10. Replace the damaged original container with an approved unit and store in a secure area.

11. Properly dispose of the contaminated materials and absorbents along with the damaged container as per regulations.
12. Perform an Incident Investigation in order to determine the cause of the spill, evaluate the cleanup process, and take action to prevent the incident from occurring in the future.
13. Report if necessary*.

*In the State of Minnesota, a petroleum spill of five gallons or greater must be immediately reported to the Minnesota Duty Officer (800-422-7298). A spill of all other chemicals or hazardous materials in any quantity is reportable.

Contact Wenck Response Services for spill response support. The 24 hours a day, 365 day a year contact number is 1-800-368-8831.

Following any spill, the prevention procedures shall be evaluated to determine if they were successful in responding to the spill, and shall be revised and improved if necessary.

9.0 Employee Information and Training

9.1 GENERAL

M.R. Paving will provide select personnel information and training on preventing stormwater pollution in their work area at the time of their initial assignment and upon subsequent transfer to other areas. The Stormwater Pollution Prevention Team is responsible for identifying individuals requiring training. Training will cover but not be limited to the following:

- ▲ The requirements of the SWPPP;
- ▲ The location and availability of the SWPPP;
- ▲ Spill response procedures;
- ▲ Good housekeeping procedures;
- ▲ Material management practices;
- ▲ Preventative maintenance;
- ▲ Sediment control practices;
- ▲ Stormwater discharge monitoring procedures (for Stormwater Pollution Prevention Team members); and
- ▲ Stormwater control measure implementation procedures and BMP operation and maintenance.

9.2 TEAM MEMBER STORMWATER EDUCATION PROGRAM

Specific team members that should receive stormwater training include all members of the Stormwater Pollution Prevention Team, any individuals who will be included in coordinating emergency response, and lead department or facility personnel. General awareness training should be provided for all other personnel. The training should be performed during initial job training with annual refresher sessions, and all trained personnel should be made aware of any new stormwater management practices that are implemented.

A SWPPP training documentation form is included as Appendix E.

10.0 General Monitoring Requirements

10.1 GENERAL

All drainage from the Facility infiltrates, therefore, M.R. Paving is not required to conduct semi-annual sampling in accordance with the Permit Section 4. Sampling requirements in the permit are ongoing on a quarterly/annual basis, as outlined in Table 10-1, below.

Table 10-1: Sector-Specific Intervention Limits – Subsector J1

Sector	Parameter	Intervention limit Value
J1	Total Suspended Solids (TSS)	100 mg/l

M.R. Paving does not discharge to surface waters and in accordance with Permit section 2.6.152; therefore, **monitoring is not required for the parameters listed in Table 10-1.**

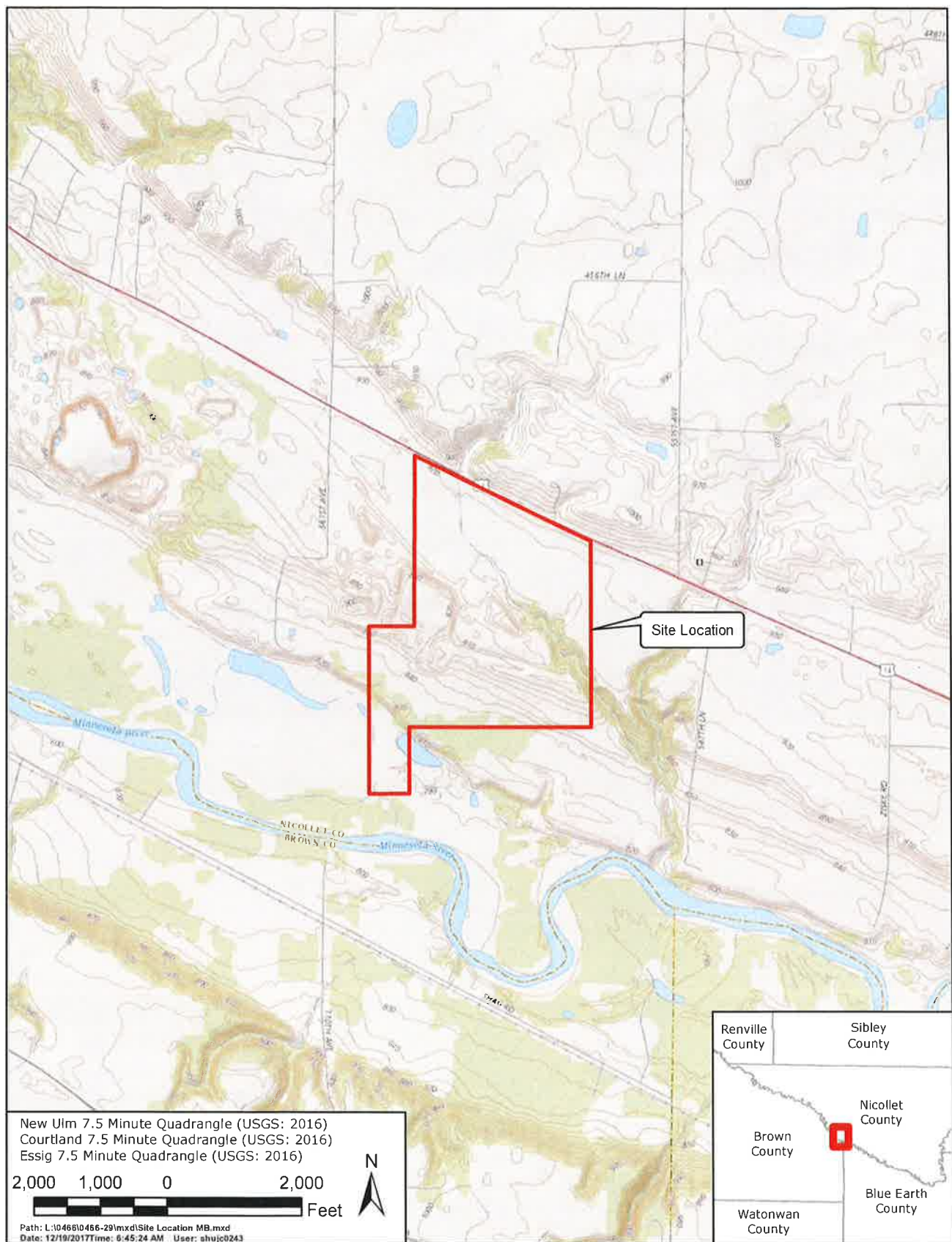
11.0 SWPPP Review Log

The SWPPP is a "living" document and must be reviewed at least annually and updated making sure everything is current and updated, and modifying if it is not. Any modification is to be recorded in the SWPPP Review Log. Modifications could include but are not limited to change in personnel, design, operation, and maintenance, but could also include newly listed TMDLs and BMP deficiencies identified through inspections or benchmark monitoring.

Date	Reviewer(s) Name	Revision Made to Plan
December 2017	Wenck Associates	Created plan to meet requirements of the Non-Metallic Mining and Associated Activities General Permit issued June 15, 2017.

Figures

1. Site Location Map
2. Site Detail Map
3. 303d Impaired Waters and Wetlands



MR PAVING - KOHN PIT

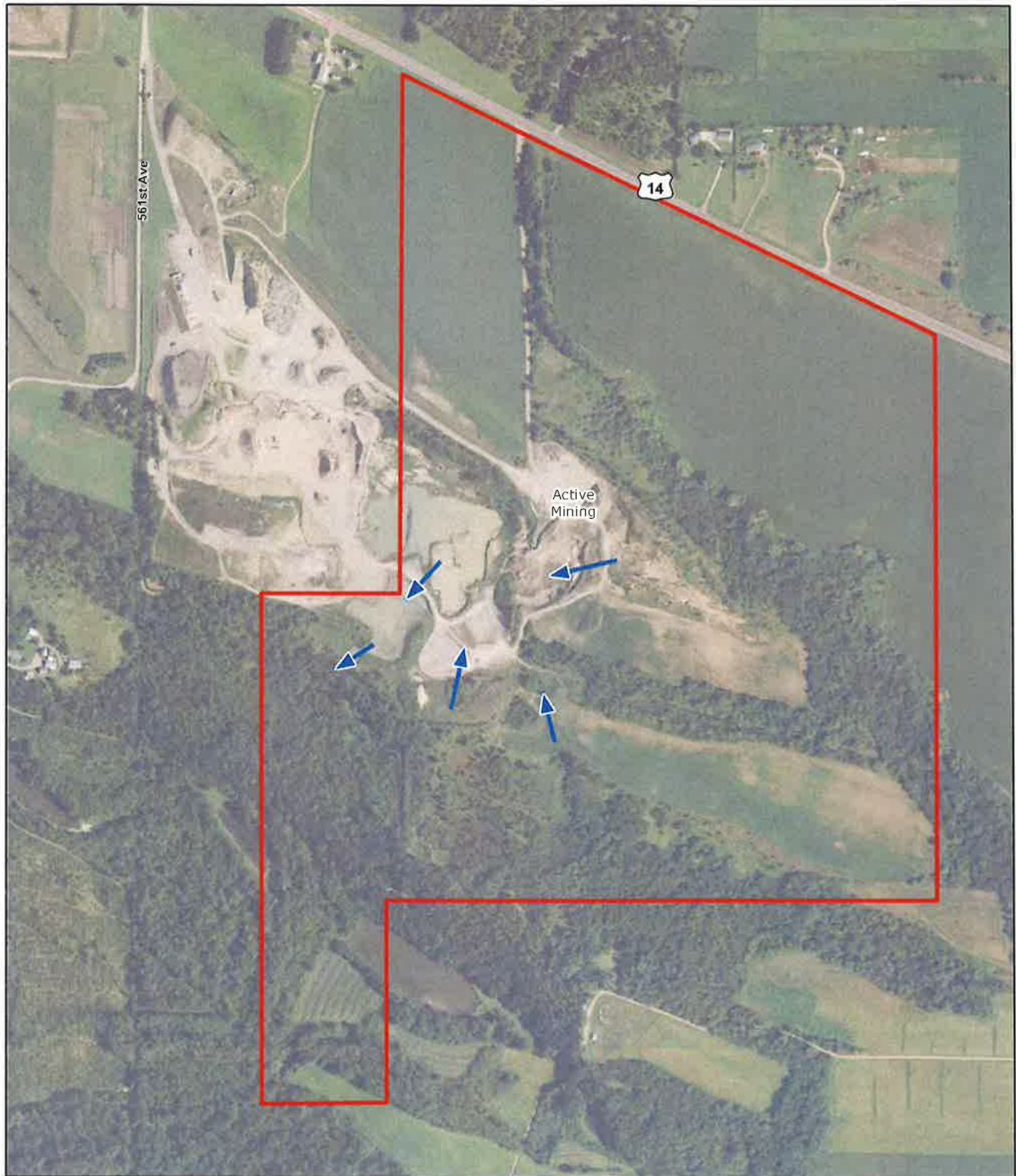
Site Location Map



Responsive partner. Exceptional outcomes.

DEC 2017

Figure 1



2015 Aerial Photograph (Source: MN GEO)



Path: L:\0456\0466-29\mxd\Site Detail Map - Kohn.mxd
Date: 12/19/2017 Time: 7:21:01 AM User: shujc0243

Legend

-  Property Boundary
-  Flow Direction

MR PAVING - KOHN PIT

Site Detail Map



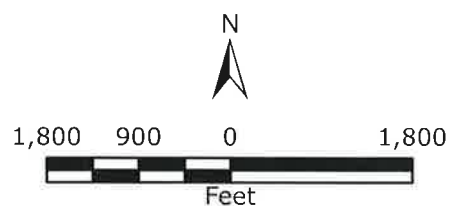
Responsive partner. Exceptional outcomes.

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Figure 2



2015 Aerial Photograph (Source: NAIP)



Path: L:\0466\0466-29\mxd\Impaired Waters and Wetlands MB.mxd
Date: 12/19/2011 Time: 6:55:12 AM User: shujc0243

Legend

- | | |
|------------------------------------|----------------------------|
| Property Location | River or Stream |
| 1 Mile Radius | Trout Lakes |
| 2016 MPCA Impaired Streams (Draft) | Trout Stream |
| 2016 MPCA Impaired Lakes (Draft) | Rivers and Streams |
| Lake, Pond or Reservoir | National Wetland Inventory |

MR PAVING - KOHN PIT

303(d) Impaired Waters and Wetlands



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Figure 3

Appendix A

MNG 490000 NPDES/SDS General Permit for Nonmetallic Mining
and Associated Activities



Minnesota Pollution Control Agency

National Pollutant Discharge Elimination System/State Disposal System

MNG490000

Permittee: Multiple
Facility name: Nonmetallic Mining/Associated Activities General Permit
Issuance date: June 15, 2017
Expiration date: May 31, 2022

The Permittee is an owner or operator of facilities within the boundary of the state of Minnesota that:

- a. Discharge stormwater to waters of the state, including groundwater, from the construction sand and gravel, industrial sand, dimension stone, crushed and broken limestone, crushed and broken granite, crushed and broken stone (not elsewhere classified) mining and quarrying areas, asphalt production areas, (including portable asphalt plants), concrete block and brick, concrete products (other than block and brick), and ready-mix concrete, as well as aggregate dredging operations and uncontaminated asphalt and concrete rubble recycling at sites already listed.
- b. Discharge mine site dewatering to waters of the state, including groundwater, from construction sand and gravel, industrial sand, dimension stone, crushed and broken limestone, crushed and broken granite, and crushed and broken stone (not elsewhere classified) mining and quarrying areas.
- c. Non-stormwater discharges that meet the requirements of this permit and occur at the above-mentioned facilities.

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

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

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

Signature:

Jeff Udd

This document has been electronically signed

Jeff Udd, P.E.
Supervisor, Water Quality Permits Unit
Water Section
Industrial Division

for The Minnesota Pollution Control Agency

Submit eDMRs

Submit via the MPCA Online Services Portal at
<https://netweb.pca.state.mn.us/private/>

Submit other WQ reports to:

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

Questions on this permit?

For eDMR and other permit reporting issues, contact:
Sheri Woitalewicz, 507-476-4271

For specific permit requirements please refer to:

Contact the appropriate MPCA regional office below.

Wastewater Permit Program general questions, contact:

MPCA, 651-282-6143 or 1-800-657-3938.



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

Name of Applicant/ M.R Paving & Excavating, INC
Property Owner: Gary Kohn, Timothy Kohn, Mark Kohn,
Ruth Rewitzer

Date: September 19, 2022

File #: PLN22-15

Use Requested: Three year mineral extraction 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 the general welfare, public health and safety.

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	mineral extraction is permitted in the conservancy district. similar to other operations.
Dave Ubel	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	The request is not unreasonable for the location; located on highway 14.
Dave Ubel	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	other similar operations in the area. No hazardous waste. No explosives.
Dave Ubel	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	

Attachment F
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	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
Dave Ubel	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Lloyd Hoffmann	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐

WHY:

meets required setbacks, similar to other operations nearby.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
Dave Ubel	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Lloyd Hoffmann	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐

WHY:

The requested use meets all ordinance requirements.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
Dave Ubel	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Lloyd Hoffmann	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐

WHY:

The use provides jobs for the county.

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	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
Dave Ubel	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Lloyd Hoffmann	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐

WHY:

The use adheres to requirements for noise, odor, glare, and hours of operation.

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	There are other mines in area.
Dave Ubel	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	The operation has a NPDES Permit not using explosives.
Dave Ubel	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	no explosives, hazardous waste, and seems to meet requirements of zoning ordinance.
Dave Ubel	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Lloyd Hoffmann	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	

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

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:

(☒ APPROVES) (☐ DENIES)

THE REQUESTED CONDITIONAL USE PERMIT

This decision is based on:

- ☒ Application
- ☒ Staff Report
- ☒ Pictures
- ☒ Information received at public hearing

Viewed by Members of Board:

- ☐ Hermanson
- ☐ Ubel
- ☐ Laven
- ☐ Hoffmann
- ☐ Dranttel
- ☐

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

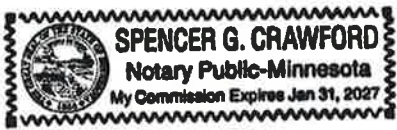
Date: 9-19-2022

Chair: David Hermanson

STATE OF MINNESOTA
COUNTY OF NICOLLET

The foregoing instrument was acknowledged before me this 19 day of September 20 22,
by David Hermanson

Notarial stamp or seal (or other title or rank)



Spencer Crawford
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: September 19, 2022 Planning and Zoning Advisory Commission Meeting: Floodplain Public Hearing		
Primary Originating Division/Dept.: PPSPD- Property Services Contact: Spencer Crawford Title: Zoning Administrator Amount of Time Requested 10 minutes Presenter: Spencer Crawford Title: Zoning Administrator	Meeting Date: 09/27/2022 Item Type: Regular Agenda (Select One) Attachments: ☒ Yes ☐ No	
County Strategy: Programs and Services - deliver value-added quality services (Select One)		
BACKGROUND/JUSTIFICATION: Public hearing for consideration of the attached proposed amendments to the Nicollet County Zoning Ordinance and the Official Zoning Map.		
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None		
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A		
ACTION REQUESTED: Approval of the attached proposed amendments to the Zoning Ordinance and the Official Zoning Map.		
FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify ☒ FUNDING County Dollars = 0 Other (Select One) Total		
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:		



Planning & Zoning Advisory Commission

MINUTES

SEPTEMBER 19, 2022

7:42 PM

NICOLLET COUNTY
GOVERNMENT CENTER

BOARD MEMBERS	David Hermanson ☒ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☒ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☒	
ABSENT EXCUSED	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Lloyd Hoffmann ☐	
ABSENT	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
STAFF PRESENT	Property and Public Services Director Jaci Kopet ☒		
	Deputy Zoning Administrator Spencer Crawford ☒		
	County Attorney (CA) Michelle Zehnder Fischer ☒		
	Other Staff ☒ Administrative Support Specialist Crystal Madden, County Administrator Mandy Landkamer		

REVIEW OF CANCELLATIONS & ADDITIONS		PLN22-12 United Farmers Cooperative continued until the 10/17/2022 hearing due to lack of quorum.		
MOTION TO APPROVE MINUTES OF AUGUST 15, 2022		APPROVE ☒	APPROVE WITH REVISIONS ☐	
1 ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate	
	Justin Laven ☐	Lloyd Hoffmann ☒		
2 ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate	
	Justin Laven ☐	Lloyd Hoffmann ☐		
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐	VOTE: 4-0
PUBLIC APPEARANCES	None.			

PUBLIC HEARINGS:

M.R. PAVING &
EXCAVATING, INC.

PLN22-15

THREE-YEAR MINERAL EXTRACTION PERMIT REVIEW.

APPLICANT COMMENT	Adam Hoffmann was present at the meeting representing M.R. Paving & Excavating, Inc. He had no comment.		
PUBLIC COMMENT	None.		
PUBLIC TESTIMONY	None.		
PUBLIC PARTICIPATION	None.		
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐
1ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☒	
2nd	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
COMMISSION DISCUSSION		None.	
VOTE TO APPROVE REQUEST		PASS ☒	FAIL ☐ VOTE: 4-0
MOTION TO ADOPT FINDINGS			
1ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☒ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
2ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
VOTE TO ADOPT FINDINGS		PASS ☒	FAIL ☐ VOTE: 4-0

PROPOSED AMENDMENTS TO THE NICOLLET COUNTY ZONING ORDINANCE & OFFICAL ZONING MAP

PUBLIC COMMENT	DZA Crawford stated the Property Services Department had received numerous calls regarding the proposed changes. DZA Crawford stated some members of the public also expressed their disagreement with FEMA's Floodplain determinations.
PUBLIC TESTIMONY	Craig Smith testified. He expressed concern over the accuracy of the floodplain map and stated the floodplain should be moved further back on his property. He stated that he should not have to buy flood insurance. Mark Forst testified. He expressed concern over his driveway bridge flooding. Terri Stratton-Hickey testified. She stated the floodplain map was not colorblind friendly, so she could not interpret the map. She was also concerned about the economic impact of her property being in floodplain. Terry Genelin testified. He expressed concerns over the accuracy of the floodplain map and asked how FEMA obtained their measurements. He also expressed concern about the economic impact of the new restrictions. Ted Boys testified. He started his concern about FEMA's public notification process, and requested Nicollet County take more time to study FEMA's map amendment before voting. DZA Crawford requested a recess at 8:39 PM. The Board resumed at 8:43 PM. CA Zehnder Fischer provided information about FEMA's map amendment process, and explained that the role of the Planning and Zoning Advisory Commission is to make a recommendation to the Board of

	Commissioners. She also explained the potential consequences of not approving the maps and Floodplain Ordinance revision. DZA Crawford read part of the April 13, 2022 letter from FEMA to Nicollet County relating to the appeal period ending for the FIS report and FIRM map. Craig Smith testified. He stated his concern about FEMA's notification process, and recommends this Commission not approve the recommended changes. Bruce Erkel testified. His primary concern is the accuracy of the Floodplain Zoning Map by using satellite imagery vs. on-site surveys. Dan Born testified. He inquired about the ratio of the Floodplain Zoning District being added and removed on his family farm and wanted technical information about the webmap. Mark Forst testified. He stated his concern about the notification process by FEMA. DZA Crawford read part of the April 13, 2022 letter from FEMA to Nicollet County relating to the public notice process for the Flood Insurance Study and Flood Insurance Rate Map. Mark Forst testified. He asked what the consequences of not adopting the maps would be. CA Zehnder Fischer explained the potential consequences of not approving the maps and ordinance revision. Bruce Erkel testified. He asked if this Commission will contact any federal representatives to state the map is inaccurate. Mike Martens testified. He asked why Nicollet County is discussing this map amendment now when FEMA notified the County in April. Terry Genelin testified. He asked the Commission if they had seen the map changes.		
COMMISSION DISCUSSION	PC Ubel stated he sympathizes with the landowner's concerns, and the map is the main issue and not the Ordinance change. PC Hoffmann stated he also sympathized, but if the changes are not accepted there may be consequences. Commissioner Dranttel noted her concern would be a lack of federal support during catastrophic flooding if the proposed changes are not approved. DZA Crawford read a part of the April 13, 2022 letter from FEMA to Nicollet County relating to the consequences of not approving the proposed changes to the zoning map and ordinance. PC Ubel stated his belief that variances could be granted within the floodplain. DZA Crawford stated the floodplain ordinance would not apply if a structure or proposed structure was proven to be above the 500 year floodplain elevation. PC Ubel stated that he thinks the ordinance primarily pertains to putting up new homes where they should not go, and that Nicollet County often works with property owners. DZA Crawford stated that staff must follow the zoning ordinance. DZA Crawford noted that Nicollet County would not require the immediate removal of structures within the floodplain, but that substantial damage and substantial improvement determinations would apply in the event existing structures were damaged or improvements were sought.		
MOTION TO RECOMMEND ADOPTION OF THE PROPOSED AMENDMENTS TO THE OFFICIAL NICOLLET COUNTY ZONING MAP			
1 ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☒ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
2 ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Lloyd Hoffmann ☐	
VOTE		PASS ☒	FAIL ☐ VOTE: 4-0

MOTION TO RECOMMEND ADOPTION OF THE PROPOSED AMENDMENTS TO THE NICOLLET COUNTY ZONING ORDINANCE				
1 ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate	
	Justin Laven ☐	Lloyd Hoffmann ☒		
2 ND	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☒ Commissioner Terry Morrow ☐ Commissioner, Alternate	
	Justin Laven ☐	Lloyd Hoffmann ☐		
VOTE		PASS ☒	FAIL ☐	VOTE: 4-0

OTHER:

OLD BUSINESS	None.			
OTHER BUSINESS	None.			
REVIEW OF PERMITS	The permits for August were reviewed.			
COMMUNICATIONS	None.			
MOTION TO ADJOURN	9:10 PM			
1 ST	David Hermanson ☐ Chair	Dave Ubel ☐ Vice Chair	Marie Dranttel ☒ Commissioner Terry Morrow ☐ Commissioner, Alternate	
	Justin Laven ☐	Lloyd Hoffmann ☐		
2 ND	David Hermanson ☐ Chair	Dave Ubel ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate	
	Justin Laven ☐	Lloyd Hoffmann ☐		
DAVID HERMANSON, CHAIR		DATE		
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE		

Floodplain Ordinance & Zoning Map Amendment



SUMMARY OF FLOODPLAIN ORDINANCE CHANGES

The following is a summary of the proposed changes to the Nicollet County Zoning Ordinance pursuant to Minnesota State Statute 375.51 and Minnesota State Statute 331A.01:

Section 2: Intent and Purpose

- 201 Removed a provision requiring the Federal Emergency Management Agency to determine the location of contested Floodplain Zoning District boundaries.

Section 3: Rules and Definitions

- 302 Clarified, added, or removed the following definitions: farm fence, lowest floor, PPSD, substantial damage, substantial improvement, flood fringe, floodplain, floodproofing, regulatory flood protection elevation, flood protection elevation regulatory, and floodway.

Clarified citations.

Section 4: General Provisions

- 401 Clarified grammar.
- 404 Removed a provision relating to nonconforming structures in the Floodplain Zoning District. Added enhanced nonconforming floodplain standards.

Clarified grammar.

Section 5: Variances

- 503 Removed floodplain variance language.
- Added Section 503.4 Floodplain Variance Procedures.
- 505 Added language to allow the prevention of soil erosion and pollution of public waters as a condition.
- Clarified grammar.
- 506 Clarified grammar.

Section 6: Zoning Districts and District Provisions

- 601 Removed FIRM dates of July 21, 1999 and added October 13, 2022.
- Removed Commissioner of Natural Resources.

Changed the location of the Official Zoning Map from the Office of the County Auditor, Office of the County Recorder and the Office of Property Services to PPSD.

Clarified citation.

Clarified gender terminology.

Clarified elevation is the determining factor when conflict exists between the floodplain limits on the Zoning Map and field conditions.

Added farm fences as a permitted use.

Require the floodplain boundaries to be marked on site plans within the Floodplain Zoning District.

Clarified the applicant is responsible to provide plans to a designated engineer when necessary.

Removed the requirement that floodproofed structures be certified by a registered engineer or architect.

Removed recordkeeping requirements for elevation data of new or altered structures.

Clarified noticing to the Department of Natural Resources by email.

Added Subsection 610.9 Recordkeeping, which details document record keeping requirements.

Added Subsection 610.10 Notifications, which details notifications for watercourse alterations, and notifications to the Federal Emergency Management Agency when a watercourse is changed or when the Base Flood Elevation is increased or decreased.

Clarified grammar.

Section 7: Performance Standards

712 Clarified the lowest acceptable elevation for a new dwelling from three (3) feet above the ordinary high water mark to any height above the Regulatory Flood Protection Elevation.

716 Clarified that no structure, fill, or object may increase the velocity of the 500 year flood.

Added provisions requiring that all uses be designed to prevent flotation, collapse, or movement; be constructed with methods and materials resistant to flooding; be safe from flooding and adequately drained to reduce exposure to flooding; not be detrimental to adjoining areas; not affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Added a provision requiring heating, ventilation, duct work, air conditioning equipment, and other service facilities to be elevated at least up to the Regulatory Flood Protection Elevation; Water, sewage, electrical, and other utility lines below the Regulatory Flood Protection Elevation must be constructed so as to prevent water from entering or accumulating within them during flooding.

Added a provision requiring a Public Waters Work Permit from the Department of Natural Resources when altering the current, course, or cross section of a public water.

Clarified all floodplain requirements for public utilities with an enhanced provision, requiring construction to minimize or eliminate flood damage and infiltration of flood waters, banning new solid waste management facilities per Minnesota Rules Part 7035.0300, and referencing Part 4725.4350 for water supply systems. Existing regulations for floodproofing or placement above the Regulatory Flood Protection Elevation have been retained, with the exception of reference to the “floodproofing regulations”.

Removed a requirement that levees, berms, or floodwalls in the floodway shall not cause an increase to the 100-year flood.

Clarified that dredge spoil sites and gravel or sand operations may not be located in a floodplain when the floodway is not delineated.

Removed an alternative allowing conditional approval of dredge spoil sites and mineral extraction operations which would cause rise in the 100-year floodplain, but have a material removal plan.

Removed dry floodproofing as an option for accessory structures in floodplain. Removed references to Federal Emergency Management Agency Floodproofing Bulletins 1-4.

Removed all existing requirements for floodproofed accessory structures, including: Anchoring to prevent flotation and equalize hydrostatic loads; mechanical and utility equipment elevated above the Regulatory Flood Protection Elevation; the placement of fill above the 100-year flood elevation plus floodway stage increase, or higher; the walking surface of the lowest floor is above the Regulatory Flood Protection Elevation.

Clarified that accessory structures must have a low flood damage potential by adding the following standards: construction with the longitudinal axis parallel to the direction of flood flow; placement along the same flood flow lines of adjacent structures; Structures with two (2) or fewer walls may be below the Regulatory Flood Protection Elevation; structures with two (2) or more walls must accommodate for internal flooding or be elevated on fill.

Clarified that elevated accessory structures in floodplain must be certified by a survey and floodproofing must be certified by a registered professional engineer or architect.

Clarified grammar.

Section 9: Separability, Supremacy, and Effective Date

903 Clarify language pertaining to the adoption and effective date of the ordinance.



Zoning Ordinance

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NICOLLET COUNTY ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE OF LAND AND WATER IN
NICOLLET COUNTY.

THE NICOLLET COUNTY BOARD ORDAINS IN ACCORDANCE WITH
AUTHORITY GRANTED IN LAWS OF MINNESOTA, CHAPTER 394 AS
AMENDED, AS FOLLOWS:

SECTION 1 TITLE, REPEALS

101 TITLE

This Ordinance shall be known, cited and referred to as the Nicollet County Zoning Ordinance and will be referred to herein as THIS ORDINANCE.

102 REPEALS

The existing Nicollet County Zoning Ordinance adopted as amended, is hereby repealed. The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the previous said Nicollet County Zoning Ordinance if the violation is also a violation of this Ordinance.

SECTION 2 INTENT AND PURPOSE

201 INTERPRETATION AND APPLICATION

1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes and are adopted for the purpose of:
 - A. Protecting the public health, safety, morals, comfort, convenience, and general welfare.
 - B. Protecting and preserving economically viable agricultural land.
 - C. Promoting orderly development of residential, commercial, industrial, recreational, and public areas.
 - D. Conserving the natural and scenic beauty and attractiveness of the County.
 - E. Conserving and developing natural resources in the County.
 - F. Providing for the compatibility of different land uses and the most appropriate use of land throughout the County.
 - G. Minimizing environmental pollution.
2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment and Appeals shall make the necessary interpretation. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and Appeals and to submit technical evidence. ~~In the case of the floodplain boundary, the Federal Emergency Management Agency (FEMA) will review the technical data and make the necessary interpretation.~~

SECTION 3 RULES AND DEFINITIONS

301 RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses.
3. The word “shall” is mandatory and the word “may” is permissive.
4. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
5. All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provisions shall apply.

302 DEFINITIONS

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

1. Access – A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
2. Accessory Use of Structure – A land use or structure which is subordinate to and serving the principal use or structure on the same lot, and customarily incidental thereto, including signs, garages, sheds, farm structures, landscaping, fencing, and necessary for the operation of a permitted or an approved permitted use.
3. Administrator, Zoning – The duly appointed person charged with enforcement of this Ordinance.
4. Agricultural Use – The use of land for the growing and/or production and processing for local use of field crops, livestock and livestock products for the production of income including but not limited to the following:
 - A. Field crops, including but not limited to: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, wheat, and tree farming.
 - B. Livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, cats, ponies, deer, rabbits and milk.
 - C. Livestock products, including but not limited to: milk, butter, cheese, eggs, meat, fur, and honey.

The definition includes sale of raw products, but not processing or sale of processed goods. It also includes feedlots.

5. Agricultural Use, Industrial – Agricultural processing in excess of that which would occur on the family farm for local use. The definition includes sale of processed farm goods.
6. Airport or Heliport – Any land or structure which is used or intended for use, for the landing and taking off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-ways.
7. Animal Unit – A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. Based on Minnesota Rules Chapter 7020, incorporated by reference as amended by the Minnesota Pollution Control Agency.

8. Apartment – A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.
9. Applicant – See Petitioner.
10. Application – Applications include, but are not limited to, requests to the PPSD for permits, conditional use permits, variances, rezonings, administrative appeals, zoning map amendments, and plats. Applications are not considered complete unless an official electronic application is completed, all associated fees are paid, any necessary preliminary reviews and site visits are completed, and all required information and documents are submitted. Additional information may be requested by the Zoning Administrator to process the request.
11. Application Deadline – The date, as established by the Property Services, by which an applicant shall submit an application for consideration by the Planning and Zoning Advisory Commission or the Board of Adjustment and Appeals.
12. As-Built – Drawings and documentation specifying the final in-place location, size and type of all system components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.
13. Authorized Representative – An employee or agent of the Nicollet County PPSD.
14. Automobile or Motor Vehicle Reduction Yard – A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard)
15. Awning – A roof-like cover, often of fabric, plastic, metal, or glass, designed and intended for protection from the weather, or as a decorative embellishment, and which projects from a wall or roof of a structure, primarily over a storefront, walk, window, patio, deck, or the like. Any part of an awning which also projects over a door shall be counted as an awning.
16. Basement – Means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
17. Beauty Salon – A place where generally women go for hair styling, tinting, manicures and pedicures.
18. Bed and Breakfast – An owner-occupied dwelling unit where short-term lodging rooms and meals are provided.

19. Bedroom – Any room used principally for sleeping purposes, an all-purpose room, a study, or a den. For the sole purpose of estimating design flows for dwellings, an area that is:
- A. A room designed or used for sleeping; or
 - B. A room or area of a dwelling that has a minimum floor area of seventy (70) square feet with access gained from the living area or living area hallway.

Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.

20. Bluffline – A line along the top of a slope connecting the points at which the slope becomes less than twelve (12) percent. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.
21. Boarding House (Rooming or Lodging House) – A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty (20) persons.
22. Board of Adjustment and Appeals – A board established by County ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, Sections 394.21 to 394.37, as amended, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.
23. Boathouse – A one (1) story structure not to exceed fifteen (15) feet in height for the purpose of storage of boats and accessories, the top of which may be used as an enclosed deck with safety railing.
24. Building – A structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
25. Building Line – A line parallel to the street right-of-way line at any story of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way.

26. Building Line, Shoreland – A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high water mark.
27. Building Height – The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
28. Buildable Lot – A contiguous parcel which will have access by way of a public road. The lot shall also meet current one (1) new dwelling per quarter-quarter standards and current setbacks.
29. Building Setback – The minimum horizontal distance between the building and a lot line.
30. Bulk Storage (Liquid) – Bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids in excess of 2,500 gallons in above ground storage containers.
31. Business – Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
32. Business Day – The Nicollet County PPSD hours of operation shall be from 8 a.m. to 4:30 p.m., not including legal holidays.
33. Camping Establishment, Seasonal – Any recreational camping area which operates for a continuous period of six (6) months (183 days) or less during a calendar year.
34. Camping Establishment, Year-Round – Any recreational camping area which operates on a year-round basis, in excess of six (6) months (183 days).
35. Camping Unit – Tents, recreational camping vehicles, or any other device or vehicular-type structure as may be developed, marketed, and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.
36. Campsite – Any plot of ground within a recreational camping area used or intended for the exclusive occupation by a camping unit or units under the control of a camper.
37. Campsite Accessory Storage Structure – Any temporary or permanent structure designed for storage purposes intended for use by occupants of a campsite.
38. Campsite, Dependent – Campsites which do not have sewer connections and are dependent upon a central facility for this utility.

- 39. Campsite, Independent – Campsites which are provided with individual sewer connections.
- 40. Campsite, Seasonal – A campsite intended for occupancy by the same camping unit for a period of thirty (30) days or longer.
- 41. Campsite, Transient – A campsite intended for occupancy by camping unit and rented by the day or week and occupied by the same camping unit for up to thirty (30) days.
- 42. Canopy – A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.
- 43. Carport – An automobile shelter having one or more sides open.
- 44. Certificate of Compliance, SSTS – A document, from a licensed sewage treatment inspector fully licensed by the State of Minnesota or a Qualified Employee, provided to the owner of property on which a dwelling is located which is required to have an SSTS that is not a failing system nor an imminent threat to public health or safety and, for new construction and replacement, is constructed in compliance with Minnesota Rules, Chapter 7080, as amended.
- 45. Certified Statement – Is a statement by a licensed or Qualified Employee, identified by license or registration numbers, certifying that the licensed or Qualified Employee completes work in accordance with applicable requirements.
- 46. Church – A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- 47. Cistern – An artificial reservoir where water is collected and stored for use.
- 48. Class V Injection Well – A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or non-sewage from a two (2) family dwelling or greater or receive sewage or non-sewage from another establishment that serves more than twenty (20) persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 Code of Federal Regulations Parts 144 & 146).
- 49. Clear Cutting – A regeneration or timber harvesting method that removes essentially all trees from an area in one operation.

50. Cluster System – A SSTS under some form of common ownership that collects wastewater from two (2) or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.
51. Clustering/Cluster Housing – The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.
52. Common Interest Community (CIC) – A development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowners association.
53. Compliance Inspection – An evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.
54. Comprehensive Plan or Policies – A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the County and its environs, as defined in the Minnesota County Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
55. Commercial WECS – A WECS which is equal to or greater than two hundred (200) feet in total height.
56. Commissioner – Commissioner of the Department of Natural Resources and/or Minnesota Pollution Control Agency.
57. Community Water and Sewer Systems – Utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.
58. Conditional Use – See “Use, Conditional”.
59. Condominium – A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.
60. Conservancy – A zoned area, the purpose of which is to protect the natural resources and manage areas unsuitable for development.
61. Cooperative – A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

- 62. County – Nicollet County, Minnesota.
- 63. County Board – Nicollet County of Board Commissioners.
- 64. Curb Level – The grade elevation of the curb in front of the building as established by the governing body. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
- 65. Deadline Date – The date as established by the PPSD in reference to an application for the Planning and Zoning Advisory Commission or the Board of Adjustment and Appeals.
- 66. Department – The Nicollet County Zoning Administrator, the Environment Services Department, or other designated agent.
- 67. Design Flow – The daily volume of wastewater for which an SSTS is designed to treat and discharge.
- 68. Dewatering (Mineral Extraction) – The pumping, extraction, or removal of surface and subsurface water.
- 69. Distilled Spirits – Ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.
- 70. Ditch (public or private) – As defined in under and with reference to the provisions of Minnesota Statutes Chapter 103E.
- 71. Drive-In – Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.
- 72. Dwelling – A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses or tourist homes.
- 73. Dwelling Attached – A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.
- 74. Dwelling Detached – A dwelling which is entirely surrounded by open space on the same lot.
- 75. Easement – A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.

76. Encroachment, Equal Degree of – A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
77. Erosion Control and Wildlife Developments – Structures, water control developments, and ponds which are installed to control soil erosion or increase the habitat for wildlife, including but not limited to; erosion control structures, dams, diversions, terraces, waterways, culverts, pits and ponds.
78. Essential Services – Overhead or underground electric, gas, communication, sewage, steam or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.
79. Expansion – Enlargement or intensification; any increase in a dimension, size, area, volume or height, any increase in the area of use, any placement of a structure or part thereof where none existed before.
80. Exterior Storage (including open storage) – The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
81. Failing Systems – Any ISTS that fails to protect groundwater, discharges sewage to a seepage pit, drywall or leaching pit and any system constructed prior to June 3, 1997 with less than two (2) feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock. In addition any system posing an imminent threat to public health or safety as defined in Minnesota Rules 7080.0020 Subpart 19a shall be considered failing.
82. Failure to Protect Groundwater – At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in Minnesota Rules Chapter 7080.1500 Subpart 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions shall be made by a Qualified Employee or an individual licensed inspector.
83. Family – An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
84. Farm – A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm.

85. **Farm Fence** – An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, Section 344.02, Subdivision 1(a)-(d).
86. **Farm Winery** – A winery operated by the owner of a Minnesota farm which produces table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota.
87. **Feedlot** – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance.
88. **Feedlot, New** – A feedlot permitted after the adoption of the December 12, 2000 Ordinance revision.
89. **Felling** – The process of severing trees from stumps.
90. **Fence** – A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.
91. **Flood** – A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
92. **Flood Frequency** – The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
93. **Flood Fringe** – That portion of the floodplain which is located outside of the floodway and which has been or hereafter may be covered by ~~the regional flood the 0.2-percent annual chance (500 year) flood. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Nicollet County.~~
94. **Floodlight** – A device which casts a wide beam of light, between forty-five (45) and one hundred and twenty (120) degrees.
95. **Flood Plain Floodplain** – The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the ~~regional flood 0.2-percent annual chance (500 year) flood.~~

96. ~~**Flood Proofing**~~ Floodproofing – A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages. ~~For the purposes of this Ordinance, the classification of buildings and structures (FP-1 through FP-4 shall be as defined in Section 210.1 of the 1972 Edition of “Flood Proofing Regulations,” as developed by the Office of Engineers, U.S. Army, Washington, D.C., and adopted by reference and declared to be a part of this Ordinance.~~

~~96. Flood Protection Elevation, Regulatory—A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofing.~~

97. Floodway – The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining ~~flood plain~~ floodplain, which are reasonably required to carry or store the regional flood discharge ~~without cumulatively increasing the water surface elevation more than one-half (.5) foot.~~
98. Floor Area – The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor areas shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
99. Floor Area Ratio – The numerical value obtained through dividing the gross floor area of a building or buildings by the net areas of the lot or parcel of land on which such building or buildings are located.
100. Floor Plan, General – A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
101. Forestry – The use and management of a forest, woodland, or plantation for commercial, research, and educational activities, including timber harvesting and the construction, alteration, or maintenance of wood roads, skidways, landings, and fences.
102. Frontage – That boundary of a lot which abuts an existing or dedicated public street.
103. Garage – An accessory building or portion of the principal building which is intended for and used to store the private passenger vehicles of the family or family’s resident upon the premises.

104. Governing Body – Nicollet County Board of Commissioners.
105. Government Buildings – Government offices, garages, and utility buildings.
106. Habitable Room – A space used for living, sleeping, eating or cooking, or a combination thereof, but not including bathrooms, toilet compartments, closets, halls storage rooms, laundry and utility rooms, cellars and similar spaces.
107. Highly Permeable Soil – Means soils whose soil leaching potentials are rated as severe, poor filter for pesticide loss, by the Natural Resources Conservation Service using the procedure found in part 620, Soil Interpretation Rating Guides of the United States Department of Agriculture-Natural Resources Conservation Service National Soil Survey Handbook.
108. Highway – Any public thoroughfare or vehicular right-of-way with a federal, state or county numerical route designation.
109. Holding Pond – An impoundment made by excavation, earth fill, concrete, fabricated steel or other suitable material for the safe non-water polluting temporary storage of animal or other agricultural waste, usually for a period of six (6) to twelve (12) months.
110. Home Occupation – Any occupation or profession engaged in by the occupant of a dwelling which is clearly secondary to the principal use of the property as a residence, when carried on within said dwelling, or an accessory building or structure located on the same property. The occupant engaged in the home occupation must legally and physically reside at the location on which the home occupation is permitted.
111. Horse Stable – A horse raising and breeding operation that involves traffic of persons living offsite in connection with horse training, riding lessons, shows and boarding.
112. Horticulture – Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
113. Hotel – A building which provides a common entrance, lobby, halls and stairway and in which twenty (20) or more people are, for compensation, lodged with or without meals.
114. Hunting Shack – A limited use structure, the purpose of which is for the enjoyment of the natural environment, which may or may not be utilized for overnight shelter and/or short term habitation, with no indoor plumbing, and which is greater than sixty-four square feet in size.
115. Incorporation – The mixing of manure or septage with the topsoil, concurrent with the application or immediately thereafter, by means such as disking, plowing, rototilling, injection or other mechanical means.

116. Imminent Threat to Public Health and Safety – At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions shall be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Article IV Section 5 hereof, as amended.
117. Indemnification Agreement – An agreement provided to the County and signed by the permittee which indemnifies and saves the County, holding it harmless from all losses, damages, costs and charges that may be incurred by the County due to the failure of the permittee to conform to and comply with the provision of this Ordinance.
118. Individual Sewage Treatment System (ISTS) – An individual sewage treatment system or part thereof, as set forth in Minnesota Statutes, Sections 115.03 and 115.55, as amended, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevated final grade that are designed to receive a sewage design flow of five thousand (5,000) gallons per day or less. ISTS includes the holding tanks and privies that serve these same facilities. ISTS does not include building sewers or other components regulated under Chapter 4715 or collection systems.
119. Industrial Sewage Waste – Sewage containing waste from activities other than sanitary waste from industrial activities including, but not limited to, the following uses defined under the Standard Industrial Classification (SIC) Codes established by the U.S. Office of Management and Budget.
120. Inspector – An individual qualified to review proposed plans and inspect SSTS and who meets the licensure and registration requirements of the Minnesota Pollution Control Agency.
121. Intersection Functional Area – The functional area on the approach to an intersection or driveway consists of three basic elements: (1) perception reaction distance, (2) maneuver distance, and (3) queue-storage distance. The maneuver distance includes the length needed for both braking and lane changing when there is a left or right turning lane. In the absence of turn lanes, the maneuver distance is the distance to brake to a comfortable stop. For all roads in the County, the intersection functional area is set at six hundred (600) feet from the intersection as measured at the intersecting point of the right of ways of the roads.
122. Irrigation System – Any structure or equipment, mechanical or otherwise, used to supply water to cultivate fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

123. Junk Yard – An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to: scrap iron, and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an automobile wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
124. Kennel, Dog/Cat – Commercial Boarding – A commercial boarding kennel is a for-profit activity where dogs/cats are brought to the facility by their owner and boarded for limited periods of time. Boarded animals are kept separate, are not allowed to engage in breeding, and are not for sale.
125. Kennel, Dog/Cat – Commercial Breeding – A commercial breeding kennel is a commercial activity where four (4) or more dogs/cats over six (6) months of age are kept for breeding purposes, engage in breeding activities and birthing, and where resulting young are raised for sale.
126. Kennel, Dog – Commercial Guard, Attack, or Personal Protection Training – A facility which trains, sells, rents, leases, or loans guard dogs for the purpose of defending, patrolling, or protecting properties or persons.
127. Kennel, Dog/Cat – Commercial Training – A facility used for training dogs/cats either individually or in classes. Said facility may include training in obedience, search and rescue, substance detection, or assistance to individuals with disabilities, but shall not include guard, attack, or personal protection dog training.
128. Lagoon (Animal) – An impoundment made by excavation of earth fill for the safe non-water polluting biological treatment of animal or other agricultural waste.
129. Land Excavation – Any non-agricultural artificial digging and removal of earth exceeding fifty (50) square feet of surface area of two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, breaking or undermining the surface of the earth.
130. Land Spreading – The placement of septage of human waste from septic or holding tanks on or into the soil surface.
131. Land Use – Any activity that involves use of the land or environmental quality involving structures, alteration of the land form or alteration of land, air or water quality. This includes, but is not limited to, buildings, essential services, agriculture, natural resource harvesting, commerce, industry, residential development, and storm water systems.
132. Land Use Development Application – The term includes, but is not limited to, applications for the following: construction permits, ISTS permits, vegetative

alteration permits, topographic alterations permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the PPSD unless all fees are paid, preliminary reviews and approvals are completed, associated supporting information and documents are submitted, and such other information as required by the Zoning Administrator.

- 133. Landfill, Demolition – A place for the disposal of demolition wastes including waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition.
- 134. Landfill, Solid Waste – A place for the disposal of solid waste including garbage, refuse and other discarded solid materials resulting from residential, commercial, industrial and community activities.
- 135. Landscaping – Plantings such as trees, grass, and shrubs.
- 136. Livestock Waste Lagoon – A bermed enclosure for disposal of livestock waste by natural process.
- 137. Lodging Room – A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.
- 138. Logging – See Timber Harvesting.
- 139. Lot – A parcel or portion of land, separated from other parcels or portions by description as on a subdivision or record of survey map, or recorded metes and bounds description for the purpose of sale or lease or separate use thereof. See Property.
- 140. Lot Area – The area of a lot in a horizontal plane bounded by the lot lines.
- 141. Lot Area, Buildable – That contiguous portion of a lot remaining after the deletion of any floodplain, road right-of-ways, setback areas, wetlands, slopes of twelve (12) percent or greater, and protected waters.
- 142. Lot Corner – A lot situated at the junction of, and butting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred and thirty-five (135) degrees.
- 143. Lot Depth – The mean horizontal distance between the front lot line and the rear lot line of a lot.

144. Lot Line – The property line bounding a lot except that where any portion of a lot extends into the public right-of-way. The right-of-way line shall be the lot line for applying this Ordinance.
145. Lot Line, Front – That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimensions on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Board.
146. Lot Line, Rear – That boundary of a lot which is opposite the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
147. Lot Line, Side – Any boundary of a lot which is not a front lot line or a rear lot line.
148. Lot of Record – Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor's Subdivision or a Registered Land Survey of Subdivision of land by metes and bounds description that has been recorded in the office of the County Recorder for Nicollet County, Minnesota.
149. Lot, Substandard – A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.
150. Lot, Through – A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.
151. Lot Width – The horizontal distance between the side lot lines measured at the building setback line.
152. **Lowest Floor - The lowest floor of the lowest enclosed area (including basement).**
153. Malfunction – The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.
154. Management Plan – A plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations, including a planned course of action in the event a system does not meet performance expectations.
155. Manufactured Home – Manufactured homes are living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A manufactured home will be defined by

reference to the latest publication of the Federal Manufactured Home Construction and Safety Standards Act of 1974 and Minnesota Statutes, Chapter 327.

156. **Manufactured Home, Derelicts** – Means any pre-code manufactured home or manufactured home that no longer complies with the Minnesota Manufactured Home Code. This definition is applicable when said manufactured home is parked, stored, or abandoned and when it is no longer fit (or being used) for human habitation.
157. **Manufactured Home Park** – Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. “Manufactured Home Park” shall include any buildings, structure, vehicle or enclosure intended for use as part of the equipment of such manufactured home park.
158. **Manufactured Home Stand** – The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures, or additions.
159. **Marquee** – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.
160. **Meteorological Tower** – Towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
161. **Metes and Bounds Description** – A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.
162. **Micro-WECS** – A WECS which is less than one hundred (100) feet in total height.
163. **Midsized Subsurface Sewage Treatment System (MSTS)** – A midsized subsurface sewage treatment system under single ownership that receives sewage from dwellings or other establishments having a design flow of more than five thousand (5,000) gallons per day to a maximum of ten thousand (10,000) gallons per day.

164. Migratory Labor Camp – Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.
165. Mineral Extraction – The definition of mineral extraction includes, but is not limited to, the following activities:
- A. Any process or method of extracting, mining, digging, excavating, drilling, blasting, tunneling, dredging, stripping, or removing metals, minerals, or materials from the land surface or underground.
 - B. The processing, crushing, washing, separation, compounding, cleaning, screening, filtering, sorting, stockpiling, mixing, blending, and storage of extracted material.
 - C. The removal and transportation of extracted material.
 - D. All activities occurring at extraction sites, including sites identified as quarries and sand pits.
166. Mineral Extraction Facility – Any area that is being used for the removal, stockpiling, processing, transportation, or storage of extracted metals, minerals, or materials; any area where an activity occurs which meets the definition of mineral extraction, as defined in this Ordinance.
167. Mineral Extraction Operation – The process, or series of actions, involved in mineral extraction, including all removal, processing, transportation, and storage of minerals and their related structures and equipment
168. Mineral Extraction Operator – Any person or persons, partnerships, or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.
169. Mineral Extraction Site – The property on which mineral extraction is permitted.
170. Mining – See Mineral Extraction.
171. Minor Repair – The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition provided it is not failing to protect ground water or an imminent threat to public health and safety. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.
172. Modular Home – A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

173. Motel (Tourist Court) – A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
174. Mottling – As applied to soils, means a zone of chemical and reduction activity, appearing as splotchy patches of red, brown, or grey in the soil. In subsoils with a color value of four (4) or more, the term mottling also includes soil having matrix colors with chroma of two (2) or less as described in “Keys to Soil Taxonomy” 5th edition, 1992 Soil Management Support Services, technical monograph No. 19, which is incorporated by reference.
175. MPCA – Minnesota Pollution Control Agency.
176. Multiple Dwelling (Apartment Building) – Three or more dwelling units in one (1) structure.
177. Non-Commercial WECS – A WECS equal to or greater than one hundred (100) feet in total height, but less than two hundred (200) feet in total height.
178. Notice of Noncompliance – A document written and signed by a certified inspector after a compliance inspection that gives notice that an ISTS is not in compliance as specified under part Minnesota Rules Chapter, 7080.1500, as amended.
179. Nursery – A tract of land that is principally used for the planting and growing of trees, flowering and decorative plants, and shrubs, for experimental purposes or for transplanting.
180. Nursery, Retail – The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.
181. Nursery, Wholesale – The growing, cultivation, storage and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail nurseries.
182. Nursing Home – A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provide for in Minnesota Statute, Section 144.50, as amended.
183. Obstruction – Any dam, wall, wharf, embankment, levee, berm, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse, or regulatory ~~flood plain~~ floodplain which may impede,

retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

- 184. Off Street Loading Space – A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one (1) vehicle of the type typically used in the particular business.
- 185. Open Sales Lot (Exterior Storage) – Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise, and for the storing of same under the open sky, prior to sale.
- 186. Operating Permit – A permit required for an MSTs, Type IV and Type V systems or any other system deemed by the Department to require operational oversight. Operating permits shall include monitoring and maintenance requirements and a mitigation plan.
- 187. Ordinary High Water Mark – A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water; the main channel, adjoining side channels, backwaters and sloughs.
- 188. Parcel – See Property.
- 189. Parking Space – A suitable surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store a standard automobile.
- 190. Pasture – A fenced in area for livestock where a vegetative cover is maintained.
- 191. Pedestrian Way – A public or private right-of-way across or within a block to be used by pedestrians.
- 192. Permeability – The maximum rate of water movement through the soil, usually expressed in inches per hour.
- 193. Petitioner – The owner of the land or their legally appointed representative who is seeking action on a request submitted to the PPSD for permits, a variance, a conditional use permit, or any other official control administered by the department.

- 194. Pipeline – An essential service that involves underground piping of flammable or hazardous material, not including distribution of natural gas to area users (service lines).
- 195. Planned Unit Development (PUD) – See Common Interest Community.
- 196. Planning Commission – The Planning and Zoning Advisory Commission of Nicollet County, except when otherwise designated. See Planning and Zoning Advisory Commission.
- 197. Planning and Zoning Advisory Commission – The County Planning Commission, created by ordinance with the responsibility for reviewing and approving applications for development, preparation of plans, and other duties as specifically provided for in the State Enabling Act.
- 198. **PPSD – The Nicollet County Property and Public Services Department.**
- 199. Prefabricated Home – A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.
- 200. Principal Structure or Use – One which determines the predominant use as contrasted to accessory use or structure.
- 201. Property – A lot, site, parcel, or tract of land together with the buildings and structures located thereon.
- 202. Property Line – The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.
- 203. Protective Covenant – A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- 204. Public Land – Land owned or operated by municipal, school district, county, state or other governmental units.
- 205. Qualified Employee – A state or local government employee who designs, installs, maintains, pumps, or inspects SSTS as part of the person’s employment duties and is listed on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.
- 206. Quarter/Quarter Section – A division of a section of land according the survey and rules of the original United States Government Land Survey, containing approximately forty (40) acres.
- 207. Reach – A term used to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment

of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

208. Reclamation – To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this Ordinance.
209. Recreation, Commercial – Includes uses relating to outdoor recreation, such as hunting and shooting facilities, shooting ranges, driving ranges, and golf courses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public. The definition does not include recreational camping areas, movie theaters, bowling alleys, or lodging facilities.
210. Recreation Equipment – Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats, and trailers not exceeding twenty (20) feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, or play houses exceeding twenty five (25) square feet of floor area, or sheds utilized for storage of equipment.
211. Recreation, Public – Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
212. Recreational Camping Area – Any area whether privately, or publicly, owned, used for the accommodation of five or more camping units free of charge or for compensation. This definition is not intended to include: children's camps, industrial camps, migrant labor camps, United States Forest Service camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing, and temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area, as defined by Minnesota State Statute.
213. Recreational Camping Vehicle – Recreational camping vehicles include the following:
 - A. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation use.
 - B. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
 - C. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

- D. Any folding structure mounted on wheels and designed for travel, recreation, and vacation use.
214. Recreational Camping Vehicle Addition – Any attachment to a recreational camping vehicle, including, but not limited to, decks, screened porches, solid walled additions, or any combination thereof.
215. Redoximorphic Features – Redoximorphic concentrations, redoximorphic depletions, reduced matrices, a positive reaction to alpha, alpha-dipyridyl, and other features indicating the chemical reduction and oxidation of iron and manganese compounds resulting from saturation.
216. Refuse – Putrescible and non-putrescible solids wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ashes, incinerator residue, street cleanings, and market and industrial solid wastes, and sewage treatment wastes which are in a dry form.
217. Regional Flood – A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 1 ~~%~~-percent flood / one hundred (100) year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.
218. Registered Land Survey – A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47.
219. Regulatory Flood Protection Elevation—~~The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.~~
- A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain that result from designation of a floodway. It is the elevation to which uses regulated by this Ordinance are required to be elevated or floodproofed.
220. Road – A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.
221. Road Impact Agreement – A negotiated and legally binding arrangement between a party, or parties, and a road authority. The arrangement concerns real or

potential impacts to public infrastructure (e.g. a public road) resultant from the actions of the party.

- 222. Roof – The exterior surface and its supporting structure on the top of a building or structure.
- 223. Roof line – The upper-most edge of the roof or in the case of an extended façade or parapet, the upper-most height of said façade.
- 224. Rural Repair Garage – General repair, maintenance, rebuilding, and reconditioning of small engine, automobile, truck, trailer, marine, and farm implement motor vehicles, machinery, and equipment.
- 225. Rutting – The creation of linear depressions with significant soil displacement and/or tearing of the root mat by the tires or tracks of vehicles, often under wet conditions.
- 226. Saturated Soil (or seasonal high water table) – The upper surface of the zone of soil (or underlying material) that is saturated by water.
- 227. Searchlight – A device which casts a narrow beam of light, less than forty-five (45) degrees.
- 228. Seasonal Produce Stand – A temporary stand, structure, or place that is used for the seasonal selling of fresh fruit and vegetable produce grown on the property.
- 229. Selective Cutting – The removal of individual scattered trees.
- 230. Septage – Solids and liquids that are removed from an SSTS and includes solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that receive sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets. Waste from Type III marine sanitation devices, as defined in Code of Federal Regulations, Title 33, Section 159.3, as amended, and material that has come into contact with untreated sewage within the past twelve (12) months is also considered septage.
- 231. Sewage – Means waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, and includes household cleaners and other constituents in sewage restricted to amounts normally used for domestic purposes.
- 232. Shoreland – Land located within the following distances from public waters:
 - A. One thousand (1,000) feet from the normal high water mark of a lake, pond or flowage; and

- B. Three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater.

The practical limits of Shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner.

233. Shoreland Setback – The minimum horizontal distance between a structure and the normal high water mark.
234. Sign – A name, identification, description, display, illustration, object, or device which is affixed to, or represented directly or indirectly upon, a building, structure, or land in view of the general public and which directs attention to a product, service, place, activity, person, institution, business, destination, event, or organization by any means, including, but not limited to, words, letters, figures, designs, symbols, fixtures, colors, drawing, pictures, illumination, animation, or video.
235. Sign, Abandoned – Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or longer. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.
236. Sign, Dynamic Display – Any sign that appears to have movement or appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement is in the display, the sign structure, or any other component of the sign, including, but not limited to, any flashing, blinking, animated, or video display, and any sign that incorporates rotating panels, LED lights or screens manipulated through digital input, or any other method or technology that allows the sign to present a series of images or messages.
237. Sign, Flashing – An exteriorly or interiorly illuminated sign which exhibits changing light intensity or color effect by any means, so as to provide pulsing intermittent illumination, including the illusion of pulsing intermittent flashing light by means of animation or video, and also any mode of lighting that resembles blinking, zooming, twinkling, or sparkling.

238. Sign, Height of – The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
239. Sign, Illuminated – Any sign which has characters, letters, figures, designs or outlines illuminated by an exterior or interior artificial light source.
240. Sign, Interior – A sign which is located within the interior of any building, or within an enclosed lobby or court of any building.
241. Sign, Legally Established Nonconforming – Any sign and its support structure lawfully erected prior to the effective date of this Ordinance which fails to conform to the requirements of this Ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this Ordinance and which does not comply with this Ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed an illegal sign.
242. Sign, Off-Premise – A sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold, or offered upon the premises where such sign is located.
243. Sign, On-Premise - A sign which directs attention to a business, commodity, service, activity, or entertainment conducted, sold, or offered upon the premises where sign is located.
244. Sign, Pole – See Pylon sign.
245. Sign, Projecting – Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface, wall, or building face.
246. Sign, Pylon – A freestanding sign erected upon a single pylon or post, which is in excess of ten (10) feet in height with the sign mounted on the top thereof.
247. Sign, Roof – Any sign erected and constructed wholly on or above the roof of a building and supported by the roof structure.
248. Sign, Rotating – A sign which revolves or rotates on its axis by mechanical means.
249. Sign, Surface Area of – The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one (1) side of a double face or V-type sign structure shall be used in computing total surface area.

250. Sign, Temporary – Any sign which is intended to be displayed for a period of two (2) weeks or less and is not permanently affixed to the ground or a structure including, but not limited to, balloons, banners, blimps, flags, freestanding signs, pennants, posters, reader boards, or portable signs. Signs that are not temporary shall be considered to be permanent.
251. Sign, Wall – Any sign affixed to, or otherwise supported by, a building which is attached parallel to, but within two (2) feet of a wall, or erected and confined within the limits of, an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign surface.
252. Silica Sand – Sand having composition and grain-size distribution suitable for industrial applications, including, but not limited to, use in the hydraulic fracturing process. Characteristics of silica sand include: spherical shape, high silica (silicon dioxide, or quartz) content, hardness (can withstand high pressure), uniform particle shape, and larger grain size, found primarily in high concentration in the Jordan and Wonewoc Geologic Formations.
253. Site – See Property.
254. Site Plan – The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority. At the discretion of the Zoning Administrator or their designated representative may relieve the applicant of some of the submission requirements.
255. Slashings – Residual woody material created by timber harvesting or timber stand improvement.
256. Solar Energy System – A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar energy. This definition also includes structural design features, the purpose of which is to provide daylight for interior lighting.
257. Solar Energy System, Large – A solar energy system with a nameplate capacity of forty (40) kilowatts or more.
258. Solar Energy System, Small – A solar energy system with a nameplate capacity of less than forty (40) kilowatts.

259. Solar Energy System, Reflecting – A solar energy system that employs one (1) or more devices designed to reflect solar radiation onto a solar collector. This definition includes systems of mirrors that track and focus sunlight onto collectors located at a focal point. The collectors may be thermal or photovoltaic.
260. Solid Waste – Means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. (Waste Management Act of 1980 and related acts and laws.)
261. State – The State of Minnesota.
262. Story – That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.
263. Street – A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.
264. Street, Collector – A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.
265. Street, Major or Thoroughfare – A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
266. Street, Local – A street intended to serve primarily as an access to abutting properties.
267. Street, Pavement – The wearing or exposed surface of the roadway used by vehicular traffic.
268. Street, Width – The width of the right-of-way, measured at right angles to the centerline of the street.
269. Structure – A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface land or water; or attached to something having a permanent location on the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the

exemption criteria specified in this Ordinance, dense vegetation used for screening or windbreaks, including trees and landscaping along a public road, and cisterns.

270. Structural Alteration – Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
271. Subdivision – A subdivision is the dividing of any parcel of land into two (2) or more parcels. The definition includes both platted and unplatted subdivisions.
- A. Platted Subdivision – If any resultant parcel is less than five (5) acres in area and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels shall be platted in accordance with the terms and procedure of the Nicollet County Subdivision Regulations.
 - B. Unplatted Subdivision – A division of any parcel of land into two (2) or more parts wherein all parts are at least five (5) acres and at least three hundred (300) feet in width and where no new road is involved. These do not require platting.
272. Substantial Damage – Damage of any origin sustained by a structure within the Floodplain District where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
273. Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure within the Floodplain District, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by Nicollet County and which are the minimum necessary to assure safe living conditions; or
 - B. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”. For the purpose of this Ordinance, “historic structure” is defined in Title 44 CRF § 59.1.

274. Subsurface Sewage Treatment System (SSTS) – An individual sewage treatment system as defined in ~~part MR Chapter Minnesota Rules~~, Part 7080.1100, Subpart 41, or a mid-sized sewage treatment system as defined in Minnesota Rules, Part 7081.0020, ~~Ssubpart 4. as published in the State Register, volume 31, page 1027, and as subsequently adopted, as applicable.~~
275. Timber – Trees which because of their species, size, quality, and number are marketable.
276. Timber Harvesting – The felling and removing of five thousand (5,000) or more board feet of timber on any public or private land for the purpose of selling the timber for profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or terminally diseased trees.
277. Toilet Waste Treatment Devices – Privies and other devices including incinerating, composting, biological, chemical, recirculating, or holding toilets.
278. Townhouse – A single family dwelling attached by party walls with other single family dwellings, and oriented so that all exits open to the outside.
279. Tract – See Property.
280. Transfer of Property – The act of a party by which the title to property is conveyed from one (1) person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.
281. Tree Removal – The felling and removal of trees, or other woody material, from any public or private land for non-commercial purposes.
282. Travel Trailer – A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term “trailer” shall include camp car, camp bus, camper, and house car. A permanent foundation shall not change its character unless the entire structure is built in accordance with the standards as found in the Minnesota Building Code.
283. Type I System – An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.
284. Type II System – An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions

acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

- 285. Type III System – An ISTS that uses soil to treat sewage but does not meet the tank, size or distribution requirements for a Type I system. Type III systems are designed for use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.
- 286. Type IV System – An ISTS, having an approved pretreatment device and incorporating pressure distribution and dosing.
- 287. Type V System – An ISTS designed by a Professional Engineer that does not meet the prescriptive designs for Types I-IV. Type V systems shall meet the public health and safety standards of Minnesota Rules Chapter 7080.1500.
- 288. Use – The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.
- 289. Use, Accessory – A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
- 290. Use, Conditional – Means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
 - A. Certain conditions as detailed in this Ordinance exist; and
 - B. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- 291. Use, Non-Conforming – Use of land, buildings or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.
- 292. Use, Permitted – A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
- 293. Use, Principal – The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted or conditional.
- 294. Variance – A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a

specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

- 295. Vehicle – Car, truck, motorcycle, recreation vehicle or similar equipment which is permitted by license to operate on public roads.
- 296. Vehicle, Inoperable – Any vehicle from which the engine, wheels or other essential parts have been removed, or on which the engine, wheels or other essential parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power and has no substantial potential for further use consistent with its usual functions.
- 297. Vehicle, Junk – Any rusted, wrecked, damaged, dismantled or partially dismantled, inoperative, or abandoned motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition.
- 298. Vehicle, Motor – A self-propelled device licensed as a motor vehicle and used for transportation of people or goods over roads.
- 299. Vehicle, Recreational – A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.
- 300. Vertical Separation – The vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the periodically saturated soil level or bedrock.
- 301. Vineyard – An area where grapes or other agricultural products are grown in order to produce wine.
- 302. Warehouse – A building used primarily for the storage of commercial goods, products, cargo, and other materials.
- 303. Wetland – Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.
- 304. Width (Structure) – The narrowest side, regardless of setting.
- 305. Wildlife Management Area – A lot or lots where the main land use is for promotion of wildlife through raising of feed or provision of environmental conditions.
- 306. Wind Energy Conversion System (WECS) – A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy, including, but not limited to: power lines, transformers,

substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.

- 307. Wine – The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, sherry and sake, in each instance containing not less than one-half ($\frac{1}{2}$) of one (1) percent nor more than twenty-four (24) percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in Minnesota State Statute.
- 308. Wine, Fortified – Wine to which brandy, or neutral grape spirits, has been added during or after fermentation resulting in a beverage containing not less than one-half of one percent nor more than twenty-four (24) percent alcohol by volume for nonindustrial use.
- 309. Wine, Table or Sparkling – A beverage made without rectification or fortification and containing not more than twenty-five (25) percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey.
- 310. Wine Tasting Room – A room in conjunction with a farm winery where the following may occur:
 - A. Tasting of wine or non-alcoholic fruit juices takes place at a charge or no charge to the individual.
 - B. The retail sales of winery products, incidental retail sales of non-food items, products by the bottle for off-premises consumption, and packaged food items are allowed. Gratuitous offerings of cheese, crackers, or condiments associated with wine sampling are allowed.
- 311. Winery, Special Events – Events that are above the normal tasting or sales activities for a farm winery, such as charitable, religious, or other non-profit organization, promotional, or tour group events.
- 312. Yard – A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky and underground essential service except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or with specified in the setback regulations for the zoning district in which such lot is located.
- 313. Yard, Front – A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

- 314. Yard, Rear – The portion of the yard on the same lot with the principal structure located between the rear line of the structure and the rear lot line and extending for the full width of the lot.
- 315. Yard, Side – The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
- 316. Zoning Amendment – A change authorized by the County Board either in the allowed use within a district or in the boundaries of a district.
- 317. Zoning District – An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.

SECTION 4 GENERAL PROVISIONS

401 APPLICATION OF THIS ORDINANCE

1. The jurisdiction of this Ordinance shall apply to all the area of Nicollet County outside of incorporated municipalities.
2. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
3. No land use shall hereby be permitted in any manner which is not in conformity with this Ordinance. This Ordinance divides the County into zoning districts in which only specified permitted and conditionally permitted uses are allowed. Land uses are further regulated with standards relating to some activities and most physical development. Provisions are provided for amending the regulations and for variances to some provisions.

~~A.~~ USES NOT PROVIDED FOR IN ZONING DISTRICTS

In any zoning district, a use is neither specifically listed as permitted or a conditional use shall be considered prohibited.

In allowing and regulating land uses, the following will be considered as new uses and shall meet the provisions herein unless otherwise stated: extensions, additions, and increases in intensity.

4. Permits, conditional use permits, or Shoreland Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 8 of this Ordinance.
5. Compliance: No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodplain District, all uses not listed as permitted uses or conditional uses in Section 610 of this Ordinance, shall be prohibited. In addition, a caution is provided here that:
 - A. Modifications, additions, structural alterations or repair after damage to existing non-conforming structures and non-conforming uses of structures

or land are regulated by the general provisions of this Ordinance and specifically Section 404 of this Ordinance; and

- B. As-built elevations for elevated or ~~flood-protected~~ floodproofed structures shall be certified by ground surveys, and ~~flood-proofing~~ floodproofing techniques shall be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section ~~644~~ 716 of this Ordinance.

402 SEPARABILITY

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, dwelling, or structure, such judgment shall not affect other property, dwellings or structures.

403 EXISTING LOTS

A substandard lot of record may be used for that or those purposes as described in its district provided that it has direct access to a public right-of-way and that all other provisions of this Ordinance are complied with.

404 NON-CONFORMING USES AND STRUCTURES

1. Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued for a certain period of time subject to the following conditions:
 - A. No such use or structure shall be expanded, changed, altered or enlarged except in conformity with the provisions of this Ordinance, nor shall such expansion, change, alteration or enlargement increase the non-conformity of use.
 - B. If a non-conforming use is discontinued for a period of twelve (12) months, further use of the structures or property shall conform to this Ordinance. The County Assessor shall notify the Zoning Administrator or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve (12) consecutive months.

- C. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty (50) percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.
- D. Normal maintenance of a dwelling or other structure containing or related to a lawful non-conforming use is permitted, including necessary repairs and incidental alterations which do not extend or intensify the non-conforming use.
- ~~E. In the case of non-conforming uses or structures within the Floodplain District, the following conditions apply in addition to (A) to (D) above:
 - ~~i. Alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the "Flood Proofing Regulations", except as further restricted in (ii) below.~~
 - ~~ii. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial floodplain controls shall be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost place on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure shall meet the standards of Section 610 of this Ordinance for new structures.~~~~
- E. Structures within the Floodplain District which have been substantially damaged or will be substantially improved, as defined by this Ordinance, shall meet the standards for a new structure as listed in Sections 610 and 716 of this Ordinance. A determination of damage or improvement must be made in accordance with the following procedures:
 - i. Estimate the market value of the structure. In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

- ii. Estimate the cost of the project. The property owner shall allow for an inspection, and furnish other documentation needed by the Zoning Administrator to evaluate costs.
 - (a) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one (1) year.
 - (b) Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if the structure is being restored beyond its pre-damaged condition.
- iii. Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure.
 - (a) For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

Based on this determination, the Zoning Administrator shall prepare a determination letter and notify the property owner of the determination. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this Ordinance.

- 2. Uses that existed previously and would be considered as conditional uses under the present Ordinance are not non-conforming, but are considered as legal conditional uses.

405 ZONING COORDINATION

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining county or community shall be referred to the Planning Commission, and the adjacent community for review and comment prior to action by the County Board granting or denying the zoning district classification change.

A period of at least thirty (30) days shall be provided for receipt of comments; such comments shall be considered as advisory only.

406 ZONING AND THE POLICIES PLAN

Any change in zoning granted by the governing body shall automatically amend the Policies Plan in accordance with said zoning change.

503 VARIANCES

503.1 CRITERIA FOR GRANTING VARIANCES

A variance to a provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the intent of the official control creates practical difficulties for the property owner in the use of their land.

No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. No variance shall ~~have the effect of allowing the Floodplain District a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area~~ or permit standards lower than those required by state law. A variance may be granted only in the event that the following circumstances exist:

1. The variance is in harmony with the general purposes and intent of the official control?
2. The variance is consistent with the intent of the comprehensive plan?
3. The variance establishes a practical difficulty in complying with the official controls?
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?
5. The variance will not alter the essential character of the locality?
6. The practical difficulty includes more than economic considerations alone?

503.2 CRITERIA FOR GRANTING AFTER-THE-FACT VARIANCES

In consideration of an after-the-fact variance request, and in addition to the criteria listed in Section 503.1, the Board shall take into consideration the following:

1. Did the applicant make a good faith effort to obtain a zoning permit prior to completion of the construction?
2. In relation to the subject variance, are there similar structures in the area?
3. Does the burden on the applicant of compliance outweigh the benefit to the County?
4. Was the act of the violation by the applicant unintentional?

503.3 PROCEDURES

1. The petitioner applying for a variance shall complete an official variance application with the Zoning Administrator or their designated representative. The petitioner's request will be heard at the next available Board of Adjustment and Appeals meeting.

Unless otherwise determined by the Zoning Administrator, the following information shall be submitted at the time of application:

- a. A legal description.
- b. A survey of the property completed by a licensed surveyor in the State of Minnesota; the survey shall depict the purpose of the request, including the proposed structure/addition and the calculated distance of the variance request.
- c. A site plan showing minimally the locale, size, shape, and use of all existing buildings and all proposed buildings, and the width and depth of existing or proposed yards of the property.

- d. ~~If an applicant is requesting a variance from floodplain elevation the Zoning Administrator shall notify the applicant that:~~

~~i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.~~

~~ii. Such construction below the one hundred (100) year or regional flood level increases risks to life and property.~~

~~Such notification shall be maintained with a record of all variance actions. The Zoning Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in an annual or biennial report submitted to the Administrator of the National Flood Insurance Program.~~

2. The Zoning Administrator shall refer the application to the Board for review.
3. The Board shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities in the County. In unincorporated areas of the County, property owners of record within five hundred (500) feet of the affected property or the nearest ten (10) landowners, whichever is greater, shall be notified in writing of the public hearing on the request for a variance. In incorporated areas of the County, property owners of record within five hundred (500) feet of the affected property shall be notified in writing of the public hearing on the request for a

~~variance. If the variance request is for land lying within the Floodplain District, the Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances so that the Commissioner will receive notice at least ten (10) days prior to the hearing.~~

4. The petitioner or his/her representative shall appear before the Board in order to answer questions concerning the proposed variance.
5. The Board must take action on the application within sixty (60) days after receiving the application. If the Board grants the variance, the Board may impose conditions it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.
6. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions.
7. The Board may impose conditions in the granting of variances. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 8.
- ~~8. A copy of all decisions granting variances in the Floodplain Zoning District shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.~~
8. All decisions by the Board in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within thirty (30) days, after receipt of notice of the decision to the district court in the county in which the land is located on questions of law and fact.
9. Variance applications shall be submitted no later than 3:30 p.m. on the deadline date for the next available meeting.
10. Following denial of an application for a variance, no similar, or substantially similar, application for a variance on the same property, from the same standard, shall be filed for six (6) months from the date of denial.

503.4 FLOODPLAIN VARIANCE PROCEDURES

In addition to the procedures listed in 503.3, variance requests in the Floodplain District must comply with this section.

1. Adherence to State Floodplain Management Standards. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
2. Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - A. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - B. Variances may only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - C. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Flood Insurance Notice. The Zoning Administrator shall notify the applicant for a variance in writing that:
 - A. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - B. Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
4. Additional Criteria for Approval. The Board may consider the following factors in granting variances and imposing conditions on variances in the Floodplain District:
 - A. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others.

- C. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 5. Conditions of Approval. The Board may attach such conditions to the granting of variances as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - A. Limitations on period of use, occupancy, and operation.
 - B. Imposition of operational controls, sureties, and deed restrictions.
 - C. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - D. Other conditions as deemed appropriate by the Board.
- 6. All notices of public hearings to consider floodplain variances under this Ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings.
- 7. A copy of all decisions granting variances under this Ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

503.4 5 ADMINISTRATIVE VARIANCES

Modifications to existing structures or upgraded septic systems that are located or will be located within the setback areas of a lot are allowed without a public hearing if they do not further encroach into the existing setback provided that in the case of:

- 1. An encroachment on a public road, the road authority voices no objections on the basis of safety, future road projects, or right-of-way widening on that road.
- 2. An encroachment on any other lot line setback, written consent from the abutting property owners affected.

The consent as outlined in (1) and (2) shall be made upon official forms with the Zoning Administrator or their designated representative and shall be recorded in the Office of the County Recorder, with any recording fees being paid by the applicant. A listing of permits issued under these provisions shall be provided monthly (as needed) to the Planning Commission and Board.

505 CONDITIONAL USE PERMITS

505.1 CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

In granting a conditional use permit, the County Board shall consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of the community. Among other things, the County Board shall make the following findings where applicable.

Criteria for Granting a Conditional Use Permit

- A. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.
- B. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.
- C. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.
- D. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.
- E. The requested use is consistent with the County Zoning Ordinance.
- F. The requested use is not in conflict with the County Comprehensive Plan.
- G. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.
- H. The requested use is reasonably related to the existing land use and environment.
- I. There are no apparent unreasonable health risks posed to neighbors or the public in general.
- J. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors.

In passing upon conditional use applications that include land lying in the Floodplain District, the County Board shall, in addition, consider all relevant factors specified in other Sections of this Ordinance, and:

- A. The danger to life and property due to increase flood height or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Ordinance.

505.2 ADDITIONAL CONDITIONS

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition, in addition to the standards and requirements expressly specified by this Ordinance, of additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the County as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off street parking spaces.
6. Limiting the number, size, location or lighting of signs.

7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Designating operating hours and noise levels.
10. In considering applications that include land lying in the Floodplain District, the Planning Commission shall also attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of the floodplain portions of this Ordinance. Such conditions may include, but are not limited to, the following:
 - A. Modification of waste treatment and water supply facilities.
 - B. Limitations on period of use, occupancy, and operation.
 - C. Imposition of operational controls, sureties, and deed restrictions.
 - D. Requirements for construction of channel modifications, compensatory storage, berms, levees, and other protective measures.
 - E. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - F. ~~Flood-proofing~~ Floodproofing measures in accordance with this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the ~~flood-proofing~~ floodproofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the County Board and time limits, review dates, and such other information as may be appropriate.

505.3 PROCEDURE

1. The petitioner applying for a conditional use permit shall complete an official conditional use application with the Zoning Administrator or their designated representative. A complete application will be heard at the next available Planning Commission hearing.
2. The Zoning Administrator shall refer the application to the Planning Commission for review.

3. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. If the application is for land lying in the Floodplain District, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for the proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten (10) days' notice of the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities in the County. In unincorporated areas of the County, property owners of record within one quarter ($\frac{1}{4}$) mile of the affected property, or the ten (10) closest properties, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for a conditional use permit. In incorporated areas of the County, property owners of record within five hundred (500) feet of the property in question shall be notified in writing of the public hearing on the request for a conditional use permit.
4. The petitioner or their representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
5. The report of the Planning Commission shall be placed on the agenda of the County Board, at the designated meeting following referral from the Planning Commission, but not later than sixty (60) days after the applicant has a complete application.
6. The County Board shall take action on the application within sixty (60) days from the date of application and after receiving the report from the Planning Commission. If the County Board grants the conditional use permit, the County Board may impose conditions it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
7. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
8. Following denial of an application for a conditional use permit, no similar, or substantially similar, application for a conditional use permit on the same property, for the same purpose, shall be filed for six (6) months from the date of denial.
9. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. The petitioner shall complete an official application with the Zoning Administrator or their designated representative in the Property Services office and will be heard at the first available Planning Commission meeting. A public hearing for a periodic review of a conditional use permit may be granted at the discretion of the Planning Commission.

10. In the event that the applicant violates any of the conditions set forth in the permit, the County Board shall have the authority to revoke the conditional use permit.
11. Applications for a conditional use permit shall be submitted no later than 3:30 p.m. on the deadline date for the next available meeting.

SECTION 6 ZONING DISTRICTS AND DISTRICT PROVISIONS

601 ZONING DISTRICTS

The Zoning Districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan.

For the purposes of this Ordinance, Nicollet County is hereby divided into the following Zoning Districts:

<u>Symbol</u>	<u>Name</u>
AG	Agricultural Preservation
C	Conservancy
R-1	Urban/Rural Residential
R-2	Multi-Family Urban
B-1	Highway Business
B-2	General Business
I-1	Limited Industry
I-2	General Industry
FP	Floodplain
SP	Special Protection
RT	Rural Townsite

601.1 ZONING MAP

The locations of boundaries of the districts established by this Ordinance are set forth on the Zoning Map which is hereby incorporated as part of this Ordinance. It shall be the responsibility of the Zoning Administrator to maintain and update this map and the amendments to such Map shall be recorded within thirty (30) days after official adoption of zoning amendments.

The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the County of Nicollet prepared by the ~~Federal Insurance Administration~~ Federal Emergency Management Agency dated ~~July 21, 1999~~ October 13, 2022, and the Flood Insurance Rate Maps therein dated ~~July 21, 1999~~ October 13, 2022. The Official Zoning Map shall be on file in the ~~Office of the County Auditor, Office of the County Recorder and the Office of Property~~ PPSD Office.

610 FLOODPLAIN (FP)

610.1 PURPOSE

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F ~~and, Minnesota Statutes Chapter 394, as amended and Minnesota Rules, Parts 6120.5000 - 6120.6200, as amended~~, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

The development of the Floodplain District of the County could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community and since these lands are suitable for open space uses that do not require structures or fill, the following standards are herewith established as part of this Ordinance.

This Ordinance does not imply that areas outside the Floodplain District or land uses permitted within such district will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

This Section of the Ordinance shall apply to all lands within the jurisdiction of the County shown on the Official Zoning ~~in~~Map and/or the attachments thereto as being located within the boundaries of the ~~General~~ Floodplain District.

610.2 AMENDMENTS

The Floodplain designation on the official Zoning Map shall not be removed from Floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the Floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if ~~he determines that it is determined~~ through other measures, lands are adequately protected for the intended use.

~~All amendments to this Ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The Floodplain Ordinance shall not be considered valid until approved.~~

610.3 FLOODPLAIN DISTRICT AREAS

The Flood Insurance Study for Nicollet County, Minnesota and Incorporated Areas, dated ~~July 21, 1999~~ October 13, 2022 and all Flood Insurance Rate Map panels published therein as indicated on the Flood Insurance Rate Map Index dated ~~July 21, 1999~~ October 13, 2022, are hereby adopted by reference and declared to be part of the Official Zoning Map for the County and this Ordinance. The Flood Insurance Study and Flood Insurance Rate Map panels shall be on file in the ~~Property Services~~ PPSD office. The Floodplain District for the

County shall include those areas which lie within all areas designated within the ~~one-hundred~~ ~~(100)-year~~ 1-percent annual chance (100 year) and ~~five-hundred~~ ~~(500) year~~ 0.2-percent annual chance (500 year) flood boundaries on the Flood Insurance Rate Map panels adopted herein.

Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the outer boundaries of the Floodplain District.

610.4 PERMITTED USES

The following uses have low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodplain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, storage of materials, or equipment.

1. Airport landing strips
2. Archery ranges, target ranges, trap and skeet ranges
3. Boat launching ramps
4. Fish hatcheries
5. Game farms and shooting preserves
6. General farming, pasture, grazing, truck farming, sod farming, and wild crop harvesting
7. Hunting and fishing areas
8. Lawns, gardens, and play areas
9. Outdoor plant nurseries and horticulture
10. Parking areas
11. Parks, wildlife and nature preserves
12. Picnic grounds and swimming areas
13. Private and public golf courses and driving ranges
14. Single or multipurpose recreational trails
15. Tennis courts
16. Timber harvesting
17. ~~Farm fences~~

610.5 CONDITIONAL USES

1. Erosion control in accordance with Soil and Water Conservation District and Department of Natural Resource practices
2. Cutting, filling, or grading in excess of ten (10) cubic yards that is not in connection with another permitted use
3. Railroads, streets, bridges, utility transmission lines, pipelines, and water wells
4. Structural works for flood control such as levees, berms, and floodwalls constructed to any height where the intent is to protect individual structures and levees or berms where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten (10) year frequency flood event
5. Accessory structures on existing dwelling sites

6. Wildlife ponds (dugouts and impoundments)

610.6 DIMENSIONAL STANDARDS

1. Front Yard

- A. Required Setback from road right-of-way

State Highway	Eighty-five (85) feet
County Road	Fifty (50) feet
Township/Private Roads/Easement	Thirty-five (35) feet

- B. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

2. Side Yard

- A. Twenty (20) foot setbacks.

3. Rear Yard

- A. Fifty (50) foot setbacks.

4. Lot Area

- A. The minimum lot size shall be ten (10) acres.

5. Lot Width and Depth

- A. A minimum width of not less than two hundred (200) feet and a minimum depth of not less than two hundred fifty (250) feet.

6. General Regulations

- A. Additional requirements and other regulations are set forth in Section 7.

610.7 INFORMATION REQUIRED

Procedures to be followed by the Planning Commission in passing conditional use permit applications within the Floodplain District:

1. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use and whether the stage of the one hundred (100) year flood will be increased due to the proposed activity:

- A. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing structures, fill, storage of materials, ~~flood proofing measures~~ and the relationship of the above to the location of the stream channel ~~and boundaries of the floodplain~~.
 - B. Specifications for building construction and materials, ~~floodproofing~~, ~~flood proofing~~ filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.
- 2. ~~Transmit~~ The applicant shall provide one copy of the information described in Section 610.7(1.A) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matter.
 - 3. Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
 - 4. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. ~~Flood proofing measures shall be certified by a registered professional engineer or registered architect.~~
 - 5. ~~The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the Floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.~~

610.8 DECISIONS

In granting a conditional use permit the Planning Commission shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 505.2(10), which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 8. A copy of all decisions granting conditional use permits shall be forwarded by email to the ~~Commissioner of Natural Resources~~ Department of Natural Resources' area hydrologist within ten (10) days of such action.

610.9 RECORDKEEPING

The Zoning Administrator shall maintain applicable records in perpetuity documenting:

1. Analysis of rise within the 0.2-percent annual chance (500 year) flood, where applicable.
2. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
3. The cost of any structural alterations or additions, as detailed in Section 404.1(E), including the cost of improvements, repairs, and market value.
4. All variance and conditional use permit actions, including justification for their issuance. Nicollet County must report such variances as requested to the Federal Emergency Management Agency.

610.10 NOTIFICATIONS

1. Notifications for Watercourse Alterations

Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

2. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations

Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, Nicollet County must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six (6) months after the date such supporting information becomes available.

712 DWELLINGS (INCLUDING TEMPORARY DWELLINGS)

712.1 PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory building shall at any time be used as a dwelling.

712.2 DWELLING STANDARDS

1. No more than one (1) dwelling shall be placed on any one (1) lot except in the cases of temporary dwellings.
2. ~~The lowest floor elevation of any dwelling shall be at least three (3) feet above the ordinary high water mark of adjoining protected waters.~~ The lowest floor elevation of any dwelling shall be placed at an elevation at least above the Regulatory Flood Protection Elevation. Where this elevation is not known, the lowest floor must be place at an elevation of at least three (3) feet above the ordinary high water level of adjoining protected waters.
3. All dwellings shall be on foundations, piles, or other foundation systems extending below the frost line, technologically proven to be sound as determined by the Zoning Administrator or their designated representative.
4. The minimum dwelling width shall be twenty (20) feet except in the case of temporary dwellings.
5. All dwellings shall conform to the sewage treatment regulations of this Ordinance and no zoning permits will be issued for new dwellings prior to sewage treatment system approval.
6. The lot for a new dwelling shall have access to an existing public road.
 - A. The applicant shall consult with the proper road authority before receiving a single family dwelling zoning permit to verify access to a public road. The road authority shall verify that if converted from a farm approach, the access will not increase the risk of injury to the health, safety, and welfare of the residents of the County.
7. Lots of record that are substandard in area shall conform to all other applicable regulations herein to qualify for placement of a dwelling.
8. Manufactured homes shall bear a State seal as verification of construction and inspection to American National Standards Institute A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 and June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with Federal Housing and Urban Development Code of Federal Regulations 3280 Construction Standards.

9. Dwellings to be constructed within Project River Bend shall provide certification from a licensed surveyor, verifying the lowest floor elevation is above the five hundred (500) year flood elevation.
10. A replacement dwelling may be constructed on a lot containing an existing dwelling, provided that:
 - A. Only one (1) dwelling shall be inhabited at any time.
 - B. The dwelling being replaced is removed and properly disposed of within one (1) year of the completion of the replacement dwelling.

712.3 TEMPORARY DWELLING STANDARDS

1. Temporary dwelling applicants shall demonstrate a need for housing of elderly, farm and business helpers, or occupants of principal dwelling during construction or repair of principal dwelling.
2. The use shall be secondary to the primary dwelling use and a time frame shall be estimated and added as a condition for the conditional use.
3. All dwelling standards and dimensional standards apply, except:
 - A. The treatment system of the main dwelling can be utilized if it is up to present standards and has enough capacity, otherwise it shall be brought into conformity and/or enlarged.
 - B. They cannot be placed on a separate lot with no other dwelling intended.
 - C. There are no minimum width requirements.
 - D. There are no foundation requirements, but the dwelling shall be secure to the ground.
 - E. In cases of use for the elderly, they may be attached to the main dwelling
 - F. Detached temporary dwellings are only allowed where the lot size for the primary dwelling is forty (40) or more acres except when being used only during construction or repair of primary dwelling
4. Temporary dwellings for seasonal or temporary migrant agricultural workers shall meet MDH Migrant Labor Camp standards.

712.4 TEMPORARY CONSTRUCTION BUILDINGS

A temporary construction building will be permitted if the following conditions are satisfied:

716 FLOODPLAIN

716.1 GENERAL STANDARDS

1. All uses

~~A. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed that will cause any increase in the stage or velocity of **the one hundred (100) year or regional flood** the 0.2-percent annual chance (500 year) flood or cause an increase in flood damages in the reach or reaches affected.~~

~~B. The use shall have a low potential for flood damage.~~

~~C. The use shall be permissible in the underlying zoning district if one exists~~

A. Structures shall be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Structures shall be constructed with materials and equipment resistant to flood damage.

C. Structures shall be constructed by methods and practices that minimize flood damage.

D. Structures shall be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.

E. Structures shall be reasonably safe from flooding and consistent with the need to minimize flood damage.

F. Structures shall be assured to provide adequate drainage to reduce exposure to flood hazards.

G. Structures shall not be detrimental to uses in adjoining areas.

H. Structures shall not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

- I. Any development in the beds of public waters that will change the course, current, or cross section is required to obtain a Public Waters Work Permit in accordance with Minnesota Statutes, Section 103G.245, or a Utility Crossing License in accordance with Minnesota Statutes, Section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required before applying for a local permit.

2. Public Utilities

~~All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be floodproofed in accordance with the "Floodproofing Regulations" or elevated to above the Regulatory Flood Protection Elevation.~~

All public utilities and facilities such as gas, electric, sewer, and water supply systems to be located within the floodplain shall: Be elevated and/or floodproofed up to the Regulatory Flood Protection Elevation; be located and constructed to minimize or eliminate flood damage; be designed to eliminate infiltration of flood waters into the systems; be designed against discharge from the systems into flood waters; and be designed to minimize an increase in flood elevation. New solid waste management facilities, as defined in Minnesota Rules, Part 7035.0300, are prohibited within the Floodplain District. Water supply systems are subject to the provisions found in Minnesota Rules, Part 4725.4350.

3. Public Transportation Facilities

Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 5 & 610 of this Ordinance. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to public health or safety, or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services will not endanger public health or safety.

4. Structural Works for Flood Control

- A. Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

~~B. A levee, berm, or floodwall constructed in the floodway shall not cause an increase to the one hundred (100) year or regional flood and the technical analysis shall assume equal conveyance or storage loss on both sides of a stream.~~

5. Fill

- A. Fill, dredge spoil, and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.
- B. Dredge spoil sites and ~~sand and gravel operations~~ mineral extraction operations shall not be allowed in a floodway, ~~unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan~~ or in a floodplain where the floodway is not delineated.
- C. ~~As an alternative, and consistent with Subsection B immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on site storage of fill or other materials which would have caused an increase to the stage of the one hundred (100) year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit shall be title registered with the property in the Office of the County Recorder.~~

6. Storage of Materials and Equipment

- A. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- B. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning, ~~and also~~ in accordance with a plan approved by the Governing Body.

7. On-Site Sewage Treatment and Water Supply Systems

Where public utilities are not provided:

- A. On-site water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- B. New or replacement on-site sewage treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. **Additionally**, they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined compliant with this Section.

8. Accessory Structures

~~A. Accessory structures shall not be designed for human habitation.~~

~~B. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of the flood waters.~~

~~i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.~~

~~ii. So far as feasible, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.~~

~~C. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the "Floodproofing Regulations". As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and, for a detached garage, the detached garage shall be used solely for parking of vehicles and limited storage. All floodproofed accessory structures shall meet the following additional standards, as appropriate:~~

~~i. The structure shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls.~~

~~ii. Any mechanical and utility equipment in a structure shall be elevated to or above the Regulatory Flood Protection Elevation or properly floodproofed.~~

~~iii. The placement of fill shall be at the 100-year flood elevation plus floodway stage increase, or higher, extending at least fifteen (15) feet horizontally from all sides of the structure.~~

~~iv. The top (walking surface) of the lowest floor (including basement or crawl space) is at or above the Regulatory Flood Protection Elevation.~~

~~v. The structure is designed to internally flood and is constructed with flood resistant materials.~~

~~D. As built elevations for elevated or floodproofed structures shall be certified by ground surveys and floodproofing techniques shall be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 610 of this Ordinance.~~

- A. Accessory structures shall not be designed for human habitation and shall have a low flood damage potential by meeting the following requirements:
 - i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow so as to offer the minimum obstruction to the flow of the flood waters.
 - ii. So far as feasible, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- B. Structures with fewer than two (2) rigid walls, such as carports and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
- D. Structures with two (2) or more rigid walls must meet one (1) of the following construction methods:
 - i. Internally flooded. Structures may accommodate internal flooding. Such structures shall:
 - (a) Not exceed five hundred seventy-six (576) square feet in size, and one (1) story in height.
 - (b) Only be used for parking and limited storage.
 - (c) Allow for the equalization of hydrostatic pressure. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The openings shall have a minimum net area of no less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - (d) Allow automatic entry and exit of floodwaters without human intervention.
 - ii. Elevation on fill. Structures to be erected, constructed, reconstructed, altered, or moved on fill shall be placed so that the lowest floor, as defined, is elevated at or above the Regulatory Flood Protection Elevation. The finished fill elevation shall be at or above the elevation associated with the regional flood, plus any stage increases that result from designation of a floodway.
- E. As-built elevations for elevated or floodproofed structures shall be certified by ground surveys, and floodproofing techniques shall be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance, and specifically as stated in Section 610 of this Ordinance.

724.3 USE RESTRICTIONS

The following uses shall be prohibited unless specifically authorized in the conditional use permit for mineral extraction:

1. The crushing, washing, refining, or processing of material.
2. The production or manufacturing of veneer stone sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
3. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready mixed concrete, and any similar production or manufacturing processes, such as asphalt or concrete batch plants, which might be related to the mining operation.

The governing body may impose additional performance standards as part of the conditional use permit.

724.4 PROHIBITED ACTIVITY

The following mineral extraction activities are prohibited:

1. The extraction of any material using any process or method that injects, drills with, applies, or uses any chemical or toxic substance.
2. Extraction activities which cause or result in any chemicals, metals, minerals or materials leeching, spilling, or flowing into any water resource, including aquifers, water tables, rivers, springs, streams, or other underground or surface waters.
3. Underground mineral extraction activities. Such activities shall include, but are not limited to, tunneling, augering, shafting, hydraulic dredging, or any similar methods.
4. The washing, processing, or other application of any chemicals or flocculants to extracted materials. Operators may dry screen and sort extracted materials at the mineral extraction facility, but shall transport all extracted materials to sites outside of the County for further washing or processing.
5. Any material that has been processed with chemicals or flocculants is prohibited from being brought back to the mineral operation site. Any suspect material shall be subject to testing at the owners and/or operators expense.
6. The extraction of any material using any process or method within the floodway or in the floodplain when the floodway is not delineated.

SECTION 9 SEPARABILITY, SUPREMACY, AND EFFECTIVE DATE

901 SEPARABILITY

Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

902 SUPREMACY

When any condition imposed by any provision of this Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions or covenants, relating to the use of land or imposed lands within the community by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

903 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after _____, ~~2016~~ **2022** of the date of its passage and publication according to law, whichever occurs first.

Dated this ____ day of _____, ~~2016~~ **2022**

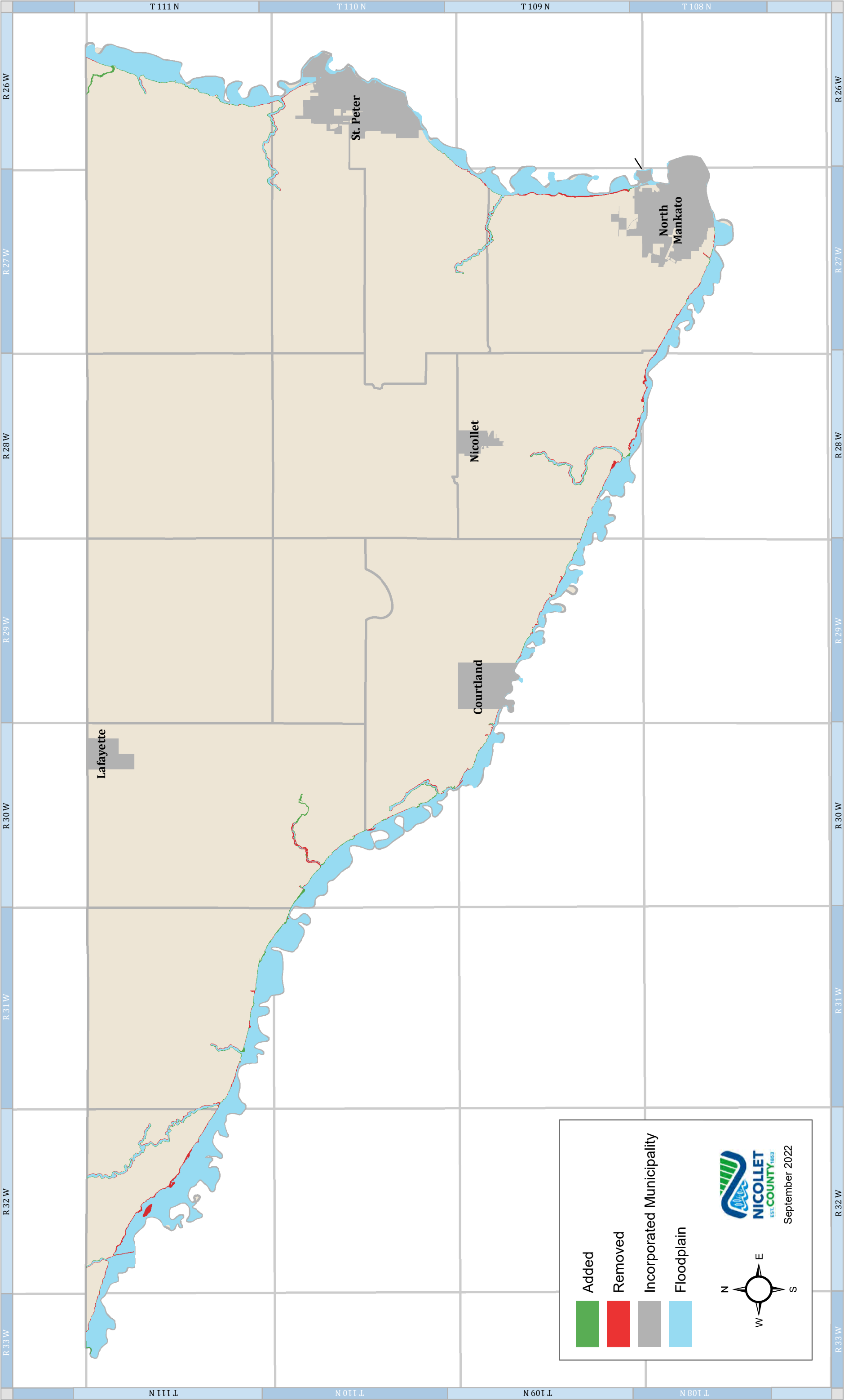
~~James S. Stenson~~ Marie Dranttel, Chair
Nicollet County Board of Commissioners

ATTEST:

~~Ryan Kroese~~ Mandy Landkamer
Clerk to the Board

Original	September 15, 1965
Revised	July 29, 1981
Revised	August 22, 1989
Revised	April 24, 1990
Revised	October 13, 1992
Revised	July 26, 1994
Revised	January 2, 1996
Revised	March 25, 1997
Revised	May 13, 1997
Revised	December 9, 1997
Revised	May 25, 1999
Revised	December 12, 2000
Revised	June 26, 2001
Revised	February 12, 2002
Revised	November 7, 2005
Revised	August 11, 2009
Revised	February 23, 2010
Revised	July 8, 2014
Revised	November 25, 2014
Revised	January 5, 2016
Revised	September 27, 2022

Nicollet County Floodplain Changes



Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
01.115.0605	GRIMSHAW EMILY J	39504 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.116.1800	SMITH RAY A	43920 STATE HIGHWAY 99	NICOLLET MN 56074
01.115.0200	DIDIT INC	22922 N RIVERFRONT	MANKATO MN 56001
01.116.1200	JOHNSON GLENETTE	53998 DAKOTA LN	NORTH MANKATO MN 56003
01.116.1300	BLOM DAVID & DONNA BLOM	40273 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.116.1700	LOWE MARTIN D & LINDA L LOWE	53975 DAKOTA LN	NORTH MANKATO MN 56003
01.115.0100	CRAIG MELVIN V	53971 DAKOTA LN	NORTH MANKATO MN 56003
01.109.2400	JOHNSON CLAYTON L & JULEE M JOHNSON	40299 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.106.1210	SMITH-BIEDSCHEID FAMILY LLC	520 W 8TH ST	MANKATO MN 56001
09.101.0215	ARCHER JAMES R & ANGELA K ARCHER	43459 JUDSON BOTTOM RD	NORTH MANKATO MN 56003-4250
09.103.0100	POATE JOY MARGARET	7544 CEDAR AVE S #104	RICHFIELD MN 55423
01.036.0700	WINDSCHITL WARREN M & BONNIE L WINDSCHITL	51524 US HIGHWAY 169	NORTH MANKATO MN 56003
09.033.0200	D & G FARMS LLC	9531 LEE BOULEVARD	LEAWOOD KS 66206
09.033.0400	NELSON GREGORY E & SARAH NELSON	51034 461ST AVE	NORTH MANKATO MN 56003
09.033.0315	ANDERSON ROGER	22202 532ND LN	LAKE CRYSTAL MN 56055
09.028.2100	MACK VANESSA K & JONATHAN M MACK	46114 506TH ST	NICOLLET MN 56074
09.028.1910	MAMER RANDY S & LORA J MAMER	46154 506TH ST	NICOLLET MN 56074
09.028.1005	WEAR PATRICK M & SUSAN J WEAR	46299 HILL TOP LN	NICOLLET MN 56074
09.028.0400	ZINS MICHAEL E	10055 OAK ST	COLOGNE MN 55322
09.028.0200	STEFFEN GARY M & ANNE E	50065 475TH AVE	NICOLLET MN 56074
09.030.0400	WILKING PROPERTIES	104 N BELMONT DR	MANKATO MN 56001
09.029.0200	DALLMANN MARGARET I	47420 461ST AVE	NICOLLET MN 56074
09.028.0500	THOMPSON GARY W & PATSY J THOMPSON	PO BOX 445	NICOLLET MN 56074
09.028.0100	JORGENSEN KATHLEEN	20114 US HIGHWAY 169	LAKE CRYSTAL MN 56055
04.324.2005	STEVENSEN MICHAEL & ALAN JAMES STEVENSEN	49107 506TH ST	COURTLAND MN 56021-4286
09.020.0800	THOM JASON D	PO BOX 331	QUECHEE VT 05059
04.324.2100	HOPP GARY D & MONICA R HOPP	49451 506TH ST	COURTLAND MN 56021
04.324.1800	BODE KEVIN	49527 506TH ST	COURTLAND MN 56021
09.021.1605	GOETZKE ROBERT D & RONALD SCHIRMERS & RYAN HINIKER ETAL	121 CAPRI DR	MANKATO MN 56001
09.020.0700	EMICH JONATHAN G & JANE A EMICH	46196 SHADY RIDGE LN	NICOLLET MN 56074
09.021.2100	DAUER FREDERICK H TRUST	3908 XYLON AVE N	NEW HOPE MN 55427
09.020.0600	HERMEL ROGER A TRUST SHARE	316 CEDAR ST E	MOTLEY MN 56466
09.021.2000	T C HEWITT LLC	46209 SHADY RIDGE LN	NICOLLET MN 56074
04.324.1300	NELSON WALLACE D & CLARA J NELSON	49795 506TH ST	COURTLAND MN 56021
04.324.1900	BODE JUDITH G REVOCABLE TRUST	48642 491ST AVE	COURTLAND MN 56021
04.324.1200	KOSEK RICHARD A - LE	49889 506TH ST	COURTLAND MN 56021
09.021.1900	BLANK BRENT K	47714 461ST AVE	NICOLLET MN 56074
01.024.0300	MANN ERIK L	49579 US HIGHWAY 169	NORTH MANKATO MN 56003
09.021.0600	WARD CHARLANE M	200 DAVIDSON RD	SMITHVILLE TN 37166-2953
09.020.0900	BRUNS LUCY M	49287 475TH AVE	NICOLLET MN 56074
09.021.0500	STOLT TODD	33640 481 AVE	GAYLORD MN 55334-9544
04.323.0205	VOGES LYNN M & NANCY J VOGES	50488 506TH ST	COURTLAND MN 56021
04.323.0100	BRUNS VIRGIL & MARY BRUNS	108 1ST ST APT 3	COURTLAND MN 56021
09.021.0700	THOM CEDRIC F REVOCABLE TRUST	47030 478TH ST	NICOLLET MN 56074
09.021.0800	VON OHLEN MARLENE R	1310 LLOYD LN	SAINT PETER MN 56082
09.021.0300	HINIKER JOHN R & ROSEMARY HINIKER	48999 471ST AVE	NICOLLET MN 56074
09.016.1415	KLOCKZIEM DAVID & TIFFANY YOUNG KLOCKZIEM	46298 RED OAK DR	NICOLLET MN 56074
09.016.1410	OTTO BRENT & DESIRAE OTTO	46296 RED OAK DR	NICOLLET MN 56074-4007
09.016.1405	KOPPENDRAYER LESLIE W	46294 RED OAK DR	NICOLLET MN 56074
09.016.1400	DIERENFELD DAVID L & CHERYL DIERENFELD	46258 RED OAK DR	NICOLLET MN 56074-9631
04.314.1600	BRUNS MARY A	108 1ST ST APT #3	COURTLAND MN 56021
04.315.0815	STRUSS TIMOTHY HAROLD & JANE MARIE STRUSS	51154 506TH ST	COURTLAND MN 56021
09.016.1600	SOOST JOHN C & MARY BETH SOOST	50059 461ST AVE	NICOLLET MN 56074
09.016.1300	SOOST JEREMY C & AMY J SOOST	46595 478TH ST	NICOLLET MN 56074
09.016.0605	BRUNS CRAIG S	46305 478TH ST	NICOLLET MN 56074
09.016.0800	LAHR ALAN	46498 478TH ST	NICOLLET MN 56074
04.315.0200	N&V GLEASON FAMILY TRUST	51945 506TH ST	COURTLAND MN 56021
10.303.0610	ERKEL GORDON BRUCE & CYNTHIA ERKEL	46743 COUNTY ROAD 13	SAINT PETER MN 56082
04.202.1800	GULDAN TIMOTHY J & BROOKE M GULDAN	46198 561ST AVE	NEW ULM MN 56073
10.303.0305	VOGEL HOWARD W & PHYLLIS E VOGEL TRUST	46675 COUNTY ROAD 13	SAINT PETER MN 56082
10.303.0200	MOLITOR MAGDALEN M LIVING TRUST	650 MORNING SKY PLACE	ELIZABETH CO 80107
10.304.0500	VANZEE RODNEY L & BARBARA A VANZEE	46421 COUNTY ROAD 13	SAINT PETER MN 56082
10.304.0505	VANZEE MARK & PAULA VANZEE	46301 COUNTY ROAD 13	SAINT PETER MN 56082
10.303.0110	STUEVEN ANDREW M & LAURA BETH STUEVEN	46261 COUNTY ROAD 13	SAINT PETER MN 56082
10.301.0600	DANIELSON RANDY R	1007 N MINNESOTA ST	NEW ULM MN 56073
10.304.0430	MOLITOR WAYNE M	42878 470TH ST	NICOLLET MN 56074
10.304.0415	BOLINT ELIZABETH X & STEVEN G BOLINT	46133 COUNTY ROAD 13	SAINT PETER MN 56082
10.304.0425	MURPHY MICHAEL EDWARD & PAMELA JEAN MURPHY	46130 COUNTY ROAD 13	SAINT PETER MN 56082
10.304.0400	WILLSON DEIDRA	46077 COUNTY ROAD 13	SAINT PETER MN 56082
10.133.1110	DONATO TESSA	39859 460TH	SAINT PETER MN 56082

Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
10.133.1100	O'CONNOR LIVING TRUST DAN	45859 COUNTY ROAD 13	SAINT PETER MN 56082
10.231.1550	HICKEY JAMES D	45631 US HWY 169	SAINT PETER MN 56082
04.792.0030	HERTLING JOHN P & DEBORAH M HERTLING	45162 EDGEWOOD DR	NEW ULM MN 56073
04.792.0040	DOMEIAR MARK VINCENT	45134 EDGEWOOD DR	NEW ULM MN 56073
04.034.0800	HEYMANN JOHN H	316 S STATE ST	NEW ULM MN 56073
04.027.1000	WIERING GARY J	57184 446TH ST	NEW ULM MN 56073
04.027.0800	NEW ULM TELECOM INC	PO BOX 697	NEW ULM MN 56073-0697
04.027.1300	KITZBERGER DENNIS WILLIAM	57228 446TH ST	NEW ULM MN 56073
04.022.1105	KOHN GARY M & TIMOTHY L KOHN	54650 US HIGHWAY 14 - PO BOX 69	COURTLAND MN 56021
06.108.4300	STILLWELL KAREN L	59501 414TH LN	NEW ULM MN 56073
06.108.1400	DINSE LUKE M & HANNAH L DINSE	41576 595TH LN	NEW ULM MN 56073
06.108.1300	LINDSTROM MARLYS M	41544 595TH LN	NEW ULM MN 56073
06.108.1200	VANROEKEL RICK A & KATHY JO VANROEKEL	41520 595TH LN	NEW ULM MN 56073
06.108.1000	BARTELS JAMES O LIVING TRUST JAMES O BARTELS & KONNIE L BARTELS	59536 414TH LN	NEW ULM MN 56073
06.108.0900	LUX DENNIS P & KATHLEEN J LUX	41424 595TH LN	NEW ULM MN 56073
06.108.3000	HUELSKAMP JOHN G & ROBERT J HUELSKAMP	41612 581ST AVE	NEW ULM MN 56073
06.108.2800	BERDAN JEFF C	18 JONATHON DR	NEW ULM MN 56073
06.107.0200	ROBLING PAUL & JANET ROBLING	19891 HARLOW AVE	JORDAN MN 55352
06.108.2600	ROESCH RICHARD ATTN THOMAS H ROESCH	138 PARKVIEW CT	COURTLAND MN 56021
06.103.2900	ALLEN JERRY L	41421 595TH LN	NEW ULM MN 56073
06.106.3800	PRECHEL ROBERT H & MONICA PRECHEL	60514 COUNTY ROAD 21	NEW ULM MN 56073
06.106.3600	SELLNER BRUCE G	40998 597TH AVE	NEW ULM MN 56073
12.105.0500	MCCABE AMBROSE R & SCHELLI O MCCABE	40497 COUNTY ROAD 20	SAINT PETER MN 56082
12.001.0200	WENNER RUTH FAMILY SHARE TRUST	41923 387TH AVE	SAINT PETER MN 56082
07.132.1000	SOROKA JACEK T & MALGORZATA D SOROKA	39877 COUNTY ROAD 20	SAINT PETER MN 56082
07.611.0060	ANDERSON KIRK H & AMY M ANDERSON	39870 COUNTY ROAD 20	SAINT PETER MN 56082
07.131.1300	SODERLUND WILLIAM A JR & BETH A SODERLUND	40293 STATE HWY 22 PO BOX 492	SAINT PETER MN 56082
07.133.0200	KENDALL MARK & SUSAN KENDALL	39956 US HIGHWAY 169	SAINT PETER MN 56082
07.132.0600	HART MARILYN C	35697 398TH LN	SAINT PETER MN 56082
07.131.1005	SEITZER MERLIN H REVOCABLE TRUST	35698 398TH LN	SAINT PETER MN 56082
13.033.0400	KRAL JOHN H	64325 COUNTY ROAD 21	NEW ULM MN 56073
13.033.0405	SEIFERT KATHERINE A	800 N WASHINGTON	NEW ULM MN 56073
13.032.0400	SCHROEDER MATTHEW	64431 COUNTY ROAD 21	NEW ULM MN 56073
13.034.0100	RATHMANN RICKY & KATHLEEN RATHMANN	39067 641ST AVE	NEW ULM MN 56073
13.029.0900	SCHLUMBERGER MARLYS M - LE	1118 S FRANKLIN	NEW ULM MN 56073
13.029.1205	KNAAK JANE M	38886 645TH AVE	NEW ULM MN 56073
13.029.0800	FRUHWIRTH HARVEY & RUTH FRUHWIRTH	64794 COUNTY ROAD 21	NEW ULM MN 56073
13.029.1000	PALMER MARION A LIFE ESTATE	1223 KARL DR APT 107	NEW ULM MN 56073
13.029.0200	BROWN CAROL E	38511 661ST AVE	NEW ULM MN 56073
13.029.0300	BRANDEL ROBERT W & COLLEEN P BRANDEL	294 GRACE POINTE CT	WAYZATA MN 55391-2900
13.029.0150	HILLESHEIM JEREMY R AND STACEY L HILLESHEIM	60950 FORT RD	NEW ULM MN 56073
13.020.0600	BIANCHI MICHAEL	35695 663RD AVE	GIBBON MN 55335
07.121.1415	ZIEGLER JOHN O & SHANNON M ZIEGLER	37477 345TH LN	SAINT PETER MN 56082
07.121.1410	WAGNER GERALD	23895 STOPPELMANN BLVD	BELLE PLAINE MN 56011
07.121.0915	RIVERLAND LLC	6216 SHAMROCK DR	MADISON LAKE MN 56063
07.121.0910	TORBENSON TIMOTHY J & SARRA G TORBENSON	37379 345TH LN	SAINT PETER MN 56082
11.124.0400	DUMMER JOHN & MARIA COFFMAN	17408 135TH AVE	FERGUS FALLS MN 56537-7211
07.121.0610	DAVIS M MITCHELL & LAURIE A DAVIS	PO BOX 328	EXCELSIOR MN 55331
11.111.0900	FORST CHAD S & AUDRA L FORST	67377 FORT RD	FAIRFAX MN 55332
11.111.0705	MEYER NICHOLAS M & RACHEL A SCHWARTZ	67517 FORT RD	FAIRFAX MN 55332
07.109.0715	PHILLIPS MARK W	33850 330TH ST	LE SUEUR MN 56058
07.109.0705	KOTASEK CHARLES F & BRENDA KOTASEK	34600 358TH ST	SAINT PETER MN 56082
07.109.0700	ERNSTING CHRISTOPHER J	108 N PARK LN	LE SUEUR MN 56058
07.103.1200	GENELIN TERRANCE L REVOCABLE TRUST	33901 348TH ST	LE SUEUR MN 56058-3448
07.103.0705	GENELIN STEVEN J & SANDRA L GENELIN	33866 348TH ST	LE SUEUR MN 56058
07.103.0600	BRANCAMP JOHN B & KAREN L BRANCAMP III	33952 348TH ST	LE SUEUR MN 56058
07.103.0410	LEE PHILLIP C & DIANE K LEE	36313 FAIRWAY LN	LE SUEUR MN 56058
07.103.0200	HUNSAKER FAMILY TRUST ETAL	217 HILLCREST WAY	LE SUEUR MN 56058
11.001.0300	MARWEDE CALVIN D	76467 410TH ST	BIRD ISLAND MN 55310
07.104.0100	DEPUYDT GEORGE W	34927 351ST LN	LE SUEUR MN 56058
10.303.0400	VOGEL CHARLES A & KATHRYN M VOGEL	39315 460TH ST	SAINT PETER MN 56082
01.036.0800	HENSEL THOMAS C & JOANN C HENSEL	229 BITTERSWEET LN	MANKATO MN 56001
01.036.0100	HERMEL BLAKE D	23099 N RIVERFRONT DR	MANKATO MN 56001
13.035.1000	GIESEKE PATRICK E & SHANA E GIESEKE	62208 COUNTY RD 21	NEW ULM MN 56073
13.035.0805	CORDES RONNY L & SUSAN CORDES	62664 COUNTY ROAD 21	NEW ULM MN 56073
04.792.0070	WHITTINGTON ADAM & LAURA WHITTINGTON	56040 BROOKVIEW LN	NEW ULM MN 56073
01.025.0905	BECKER TOD T & DIANE M BECKER	50542 OLD RIVER BLUFF RD	NORTH MANKATO MN 56003
04.021.1300	KRAUS GREGORY C & SUSAN KRAUS	615 SO FRONT ST	NEW ULM MN 56073
06.117.0400	STILLWELL BLAKE O	58699 COUNTY ROAD 21	NEW ULM MN 56073
04.022.1010	BREHMER MICHAEL A & JENNIFER R BREHMER	58009 COUNTY ROAD 21	NEW ULM MN 56073

Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
10.301.1700	OSBORNE MARK MICHAEL	36995 351ST LN	SAINT PETER MN 56082
10.301.1800	RASMUSSEN DARBY D & REBECCA A RASMUSSEN	46821 US HIGHWAY 169	SAINT PETER MN 56082
10.231.1500	GUSTAFSON DONALD & BEVERLY TRUST	45684 367TH AVE	SAINT PETER MN 56082
10.301.1000	WINDOM RICHARD L & REBECCA J WINDOM REVOCABLE TRUST	46613 US HIGHWAY 169	SAINT PETER MN 56082
13.030.1000	WURTZBERGER FLORIAN B LIVING TRUST	66142 COUNTY ROAD 21	NEW ULM MN 56073
13.030.0810	MN HISTORICAL SOCIETY	200 TOWER AVE	SAINT PAUL MN 55111
13.030.0820	GLEISNER BRIAN & EMILY GLEISNER	66366 COUNTY ROAD 21	NEW ULM MN 56073
07.133.0300	GELDNER BROTHERS SAND & GRAVEL LLC	28808 W LAKE DR	MADISON LAKE MN 56063
12.105.0400	WOELPERN DAVID F	40196 US HWY 169	SAINT PETER MN 56082-4392
07.121.0905	RETTIG RODNEY W	37302 345TH LN	SAINT PETER MN 56082
07.121.0800	NELSEN EUGENE N & SHIRLEY A NELSEN	37499 US HIGHWAY 169	SAINT PETER MN 56082
07.103.1000	HRDLICKA CASSANDRA A	34980 US HIGHWAY 169	LE SUEUR MN 56058
07.103.0800	BOYS THEODORE M & KATHRYN J REVOCABLE TRUST	34876 US HIGHWAY 169	LE SUEUR MN 56058
07.110.0500	BORTH DEBRA M	33925 337TH LN	LE SUEUR MN 56058
07.116.1000	DAVIS MARK E	PO BOX 558	SAINT PETER MN 56082-0558
01.024.0805	VALLEY LANDSCAPE SUPPLY LLC	23371 610TH AVE	MADISON LAKE MN 56063
01.024.0810	FALLENSTEIN JAMES C & JENICE & JENICE FALLENSTEIN	2271 NORTHRIDGE DR	NORTH MANKATO MN 56003
01.025.0605	SCHEURER DANIEL J	1810 MARY LN	NORTH MANKATO MN 56003
01.025.0100	LARSON JOHN R & GAE L LARSON	50298 OLD RIVER BLUFF RD	NORTH MANKATO MN 56003
01.010.0310	BLUE LEE E & KATHLEEN T	47005 COUNTY ROAD 13	SAINT PETER MN 56082
01.010.0500	DARGE DAWN WILSON & WAYNE DARGE	47190 391ST LN	SAINT PETER MN 56082
01.109.2300	JUDSON BOTTOM ROAD LLP	4240 HEATHCOTE RD	DEEPHAVEN MN 55391
04.201.0800	MICHALETZ PROPERTIES LLC	150 ST ANDREWS CT STE 210	MANKATO MN 56001
04.034.0305	NEW ULM QUARTZITE QUARRIES INC	PO BOX 55038	LEXINGTON KY 40555
04.034.0100	KORNERSTONE LLC	3800 STONE POINT DR NE	ROCHESTER MN 55906
04.316.0300	HULKE SHERI L	51771 COUNTY ROAD 21	COURTLAND MN 56021
04.316.0100	DRILL KENNETH	28 FIEMEYER DR	COURTLAND MN 56021
06.103.2700	BOETTGER KEITH	41114 581ST AVE	NEW ULM MN 56073
06.104.0800	MUEHLBAUER MYRON	2698 SHADOW WOOD CT	CHASKA MN 55318
06.104.0900	MUEHLBAUER PAUL L	608 2ND AVE SW	SLEEPY EYE MN 56085
06.104.1700	DREXLER HAROLD W	40726 581ST AVE	NEW ULM MN 56073
06.104.1800	BARNELL FAMILY TRUST	40730 581ST AVE	NEW ULM MN 56073
06.108.2750	STARK ALAN D & LAURI A STARK	41431 593RD AVE	NEW ULM MN 56073
06.110.0100	HOTTMAN MITCHELL	117 S JEFFERSON ST	NEW ULM MN 56073
07.109.0800	WATER FARM LLC	506 S MAIN ST	LE SUEUR MN 56058
07.128.0102	LAGER JESSE C & CARRIE K LAGER	37517 375TH AVE	SAINT PETER MN 56082
09.020.0200	HERMEL ORPHA S A	49583 475TH AVE	NICOLLET MN 56074
09.021.3705	KOEHLER VERNON W LIVING TRUST 1/2 & MONA M KOEHLER LIVING TRUST 1/2	52771 222 LN	LAKE CRYSTAL MN 56055-2250
09.101.0200	POWERS MICHAEL F & PATRICIA A POWERS	44432 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
10.133.1000	PETERS FAMILY LLLP	41129 STATE HIGHWAY 99	SAINT PETER MN 56082
10.304.0420	JOHNSON DAVID & BEVERLY MARIE THORN	50297 405TH AVE	NORTH MANKATO MN 56003
12.104.0200	MNR 130 LLC	130 DELAWARE ST SE	LONSDALE MN 55046
10.231.1200	PETE ALISHIA RAE	PO BOX 286	KASOTA MN 56050
12.001.0700	PELL LEE H	36601 450TH LN	SAINT PETER MN 56082
12.001.0400	MILLER FRED W & JOAN R REV TRUST	39536 STATE HIGHWAY 22	SAINT PETER MN 56082
12.105.0100	CONLON JAMES A & KATHRYN A CONLON FAMILY IRREVOCABLE TRUST	40297 STATE HIGHWAY 22	SAINT PETER MN 56082
07.611.0030	SKOOG DAVID MICHAEL & ROSEMARIE SKOOG	35689 398TH LN	SAINT PETER MN 56082
07.132.0700	KIENHOLZ JEFFERY L & DEBORAH J KIENHOLZ	35693 398TH LN	SAINT PETER MN 56082
01.012.0910	ROSSOW BRENT E & ANDREA L ROSSOW	47847 US HIGHWAY 169	SAINT PETER MN 56082
06.116.0700	SAUER MARLENE M LIFE ESTATE	58560 COUNTY ROAD 21	NEW ULM MN 56073
01.036.0105	HINIKER STEVEN J & JULIE A HINIKER	38691 512TH ST	NORTH MANKATO MN 56003
06.116.0910	MEYER LOU ANN M	25 INDIAN POINT DR	NEW ULM MN 56073
13.019.0710	KNISLEY LAWRENCE A & PATRICIA A KNISLEY	1221 SETTLER TR	NEW ULM MN 56073
11.002.1400	SATHER ELLSWORTH O & PATRICIA	471 E 5TH ST PO BOX 295	FRANKLIN MN 55333
11.108.0500	NOSBUSH DARYL & JANE NOSBUSH	69328 FORT RD	FAIRFAX MN 55332
11.105.0315	KRENZ RICKY T AND PATRICIA M	26085 280TH AVE	SLEEPY EYE MN 56085
11.108.0400	NOSBUSH DOUGLAS P & LOUETTE NOSBUSH	68849 FORT RD	FAIRFAX MN 55332
11.103.0605	RIDGELY FARMS LLC	68808 FORT RD	FAIRFAX MN 55332
11.109.0500	HELLENDRUNG LIVING TRUST RICHARD L & SANDRA J HELLENDRUNG LIVING TRUST	61081 480TH ST	FAIRFAX MN 55332
11.113.0400	BASTIAN MARK J	36839 693RD AVE	FAIRFAX MN 55332
11.111.0800	KORKEMEIER FRANCIS G & DEBORAH KORKEMEIER	36137 693RD AVE	FAIRFAX MN 55332
11.111.1000	GROSAM CHARLES JR	67798 FORT RD	FAIRFAX MN 55332
11.113.0700	LAGERSTEDT CAROL L	502 LINCOLN ST	ADAMS MN 55909
11.113.0600	BLAALID DAVID	60057 520TH ST	GIBBON MN 55335
11.113.1200	DUMMER FAMILY REVOCABLE LIVING TRUST	36774 667TH AVE	NEW ULM MN 56073
11.115.0700	HELLENDRUNG JANE KATHRYN	4501 PARK GLEN RD APT 235	SAINT LOUIS PARK MN 55416
11.114.0100	BASTIAN STEVEN	68170 362ND ST	FAIRFAX MN 55332
11.114.0200	WAGER CONSTANCE L REVOCABLE TRUST	37714 693RD AVE	FAIRFAX MN 55332
11.111.0300	PEICHEL JEROME J LIVING TRUST	7205 DAHLGREN RD	CHASKA MN 55318
11.123.0115	WENDINGER JAMES & PHYLLIS WENDINGER LE	201 SCOTT ST SE	SLEEPY EYE MN 56085-1871

Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
11.124.0500	MERKEL GARY A	37639 693RD AVE	FAIRFAX MN 55332
11.115.0200	MURNAN BLAKE T & JOAN MELDAHL	8101 OAKMERE RD	BLOOMINGTON MN 55438
11.109.0800	KIENLEN PATRICK J & DAWN S KIENLEN	70313 COUNTY ROAD 21	FAIRFAX MN 55332
11.108.0100	MERKEL ALLAN	31653 COUNTY ROAD 10	SLEEPY EYE MN 56085
11.105.1000	MANGEN DENNIS B & CHRISTINE A MANGEN	71475 COUNTY ROAD 21	FAIRFAX MN 55332
13.871.0050	BODE GLENN E & LOIS J BODE	24 WOODLAND DR	NEW ULM MN 56073
13.871.0040	FRANK D MATTER & ARLENE M MATTER	61935 ZEMPEL DR	NEW ULM MN 56073
11.113.1100	BASTIAN JEROME L	35410 693RD AVE	FAIRFAX MN 55332
12.104.0600	DRANTTEL MARIE	117 S 3RD ST	SAINT PETER MN 56082
10.231.1100	RODER DAVID E	45461 HIGHWAY 169	SAINT PETER MN 56082
01.012.0200	CATTRYSSE WAYNE R & GWENDOLYNN CATTRYSSE	46828 381ST AVE	SAINT PETER MN 56082
07.121.1405	STIEN KENT & DANA STIEN	43325 OTTAWA RD	SAINT PETER MN 56082
04.021.0805	BUSHARD DALE	43252 WINDHAVEN LN	NEW ULM MN 56073
06.108.4100	GAG JOHN & JENNIFER GAG	1500 N FRONT ST	NEW ULM MN 56073
06.531.0040	KUESTER JASON J & JENNIFER L KUESTER	18951 RIVERBLUFF DR	NEW ULM MN 56073
04.792.0010	FLITTER DAVID B & PAULINE D FLITTER	57054 HILLCREST LN	NEW ULM MN 56073
04.792.0020	BORTH RONALD J & SANDRA M BORTH	45184 EDGEWOOD DR	NEW ULM MN 56073
09.742.0050	OTTO SCOTT J & AMY R OTTO	46218 RED OAK DR	NICOLLET MN 56074
09.742.0040	KOEHLER BRIAN & DANIELLE M KOEHLER	46182 RED OAK DR	NICOLLET MN 56074
07.131.0900	MILLER MARIE A	39803 365TH LN	SAINT PETER MN 56082
07.131.0620	MEYER JOSEPH F & CHRISTINA R MEYER	39804 365TH LN	SAINT PETER MN 56082
11.116.0105	SELLNER PATRICK & KATHRYN SELLNER	36152 701ST AVE	FAIRFAX MN 55332
11.111.0500	LIEBL FAMILY TRUST, A & K	41287 441ST AVE	NICOLLET MN 56074
11.113.0200	FORST MARK B & LINDA F FORST REVOCABLE LIVING TRUST	67379 FORT RD	FAIRFAX MN 55332
13.020.0710	BIANCHI GERALD B	1800 REDBUD RD	NEW ULM MN 56073
06.104.1400	HOFFMANN ANITA C ETAL	19995 200TH AVE	NEW ULM MN 56073
06.104.0515	GIESEKE CLAIR V	58331 FORT RD	NEW ULM MN 56073
06.104.0605	GRIEBEL GERALD A LIVING TRUST	58409 FORT RD	NEW ULM MN 56073
09.101.0105	GRUBER BENJAMIN D & SHAY L WASINGER	43583 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.101.0205	RIVERS DANIEL F & CLARE M RIVERS	43291 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.101.0210	PETERSON JON D & MELINDA L KJARUM	43141 JUDSON BOTTOM RD	NORTH MANKATO MN 56003-4262
01.106.0905	JAVENS JEAN E REVOCABLE TRUST	20009 589TH AVE	MANKATO MN 56001
01.106.1205	SMITH DUANE R	16009 3RD ST NE	ANOKA MN 55304
01.105.1300	HOLCOMB MARION J	42024 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.109.1905	STOKESBARY STANLEY & JOSEPHINE A STOKESBARY	40997 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.024.0100	HIGH DONALD W	49161 OLD RIVER BLUFF RD	SAINT PETER MN 56082
11.002.1300	WELDY JERRY	41560 660TH ST	FRANKLIN MN 55333
11.001.0510	SOMMER TODD J	73329 COUNTY ROAD 21	FAIRFAX MN 55332
11.001.0505	SOMMER JOAN	72535 COUNTY ROAD 21	FAIRFAX MN 55332
07.131.0860	CONLON MARY ROSE REVOCABLE TRUST	39954 STATE HWY 22	SAINT PETER MN 56082
13.030.0600	CARSON STEVEN R	706 N MINNESOTA	NEW ULM MN 56073
06.105.1500	MARTENS MICHAEL & MELISSA TRUST	48113 232ND ST	NEW ULM MN 56073-5258
06.104.0700	PORTNER JOSEPH E	432 E ROBERTSON AVE	APPLETON MN 56208
06.104.0105	ALBRECHT CHARLES W & KAREN ALBRECHT	58539 FORT RD	NEW ULM MN 56073-4303
06.108.2300	BAUER NATHAN S & ALEXA L BAUER	41407 593RD AVE	NEW ULM MN 56073
06.105.1400	PORTNER LEON L	440 SKYVIEW AVE	LAFAYETTE MN 56054
06.103.2800	WENNINGER LESLIE	57688 412TH ST	NEW ULM MN 56073-9351
04.022.1020	DAUER JACOB & ALISHA BROWN	43852 SPRUCE HAVEN LN	NEW ULM MN 56073
10.301.0800	HALL-FERGUSON LYNN C & TEDDY FERGUSON	46309 US HIGHWAY 169	SAINT PETER MN 56082
01.013.0435	NESS ANNETTE K	38793 TIMBER LN	SAINT PETER MN 56082
13.030.0800	PALMER DARRELL G & LINDSAY C PALMER	66289 COUNTY ROAD 21	NEW ULM MN 56073
09.030.0100	BODE RACHEL M	48955 506TH ST	COURTLAND MN 56021
01.115.1605	MUELLER COREY A & JENNIFER M	39516 JUDSON BOTTOM ROAD	NORTH MANKATO MN 56003
01.115.0300	REDS WOODS LLC	2 CARDINAL LN	NORTH OAKS MN 55127
09.034.1305	MORGAN JONATHAN P	45669 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.034.1200	MCKMAHON JOSHUA J & MEGAN A MCKMAHON	45727 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.034.1100	BROWN MATTHEW J	46007 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
09.033.0500	BROWN RICHARD & TERRY FAMILY TRUST	51411 465TH AVE	NICOLLET MN 56074
09.029.0400	DALLMANN L M FAMILY TRUST	47633 506TH ST	NICOLLET MN 56074
06.107.0100	GRUBER RONALD J & MARY C GRUBER	60918 COUNTY ROAD 21	NEW ULM MN 56073
13.451.0020	GRIEBEL MICHAEL W	61278 COUNTY ROAD 21	NEW ULM MN 56073
06.451.0010	SCHAEFER PETER J & SHERYL K SCHAEFER	61256 COUNTY ROAD 21	NEW ULM MN 56073
13.452.0030	PATTERSON DOUGLAS S	61346 COUNTY ROAD 21	NEW ULM MN 56073
13.452.0010	SCHULTZ CYNTHIA B	61352 COUNTY RD 21	NEW ULM MN 56073
07.121.1100	GUENTZEL CHAD T & KIRSTEN J GUENTZEL	37989 VALLEYVIEW RD	SAINT PETER MN 56082
09.029.0520	GOODELL MICHAEL J	47399 506TH ST	NICOLLET MN 56074
06.108.2100	ACHMAN TIMOTHY J & MELISSA L ACHMAN	41400 593RD AVE	NEW ULM MN 56073-4349
06.661.0155	FRAUENHOLTZ BENJAMIN P & SHANNON R FRAUENHOLTZ	41402 593RD AVE	NEW ULM MN 56073
06.108.3200	LONG DANIEL W & JULIE R LONG	41427 595TH LN	NEW ULM MN 56073
06.108.3700	APITZ RICK & KIM APITZ	419 2ND ST S	NEW ULM MN 56073

Floodplain Property Owner Mailing List

PARCEL ID	PROPERTY OWNER	MAILING ADDRESS	MAILING CITY, STATE, ZIP
11.124.0700	KIENLEN FREDERICK J LIVING TRUST	68093 COUNTY ROAD 21	FAIRFAX MN 55332
11.110.0600	DUCKSTAD ETAL RICHARD PAUL	22077 WAGON WHEEL TRL	LAKEVILLE MN 55044
04.307.0100	STOERING DAVID E & GRACE R STOERING TRUST	430 ZIESKE RD	COURTLAND MN 56021
04.202.0400	LEGARE DENNIS	46126 571ST LN	NEW ULM MN 56073
13.033.0500	RATHMANN RICKY	38864 641ST AVE	NEW ULM MN 56073
13.030.0900	JAUS MARTIN A	22891 651 AVE	GIBBON MN 55335
11.002.1200	ATHMANN MARVIN & KAREN	1266 DIAMOND CT	SHAKOPEE MN 55379
11.002.0400	ZEGAR GREGORY MICHAEL DANIEL	13401 87TH WAY NORTH	MAPLE GROVE MN 55369
13.101.0800	OWENS WENDY L	25679 COUNTY RD 27	SLEEPY EYE MN 56085
13.792.0010	FREITAG BRYANNE N & JOEY R FREITAG	61430 COUNTY RD 21	NEW ULM MN 56073
13.792.0020	SORENSEN ROBERT J	61436 COUNTY RD 21	NEW ULM MN 56073
13.101.0200	RAABE RENATE	925 N PAYNE	NEW ULM MN 56073
13.101.1600	JOHNSON GERALD E & MARY JO JOHNSON	PO BOX 292	NEW ULM MN 56073
09.742.0020	BARRER GARY L & BONNIE J BARRER	46138 RED OAK DR	NICOLLET MN 56074
04.793.0160	BODE GRANT T & GAIL M BODE	57034 BROOKVIEW LN	NEW ULM MN 56073
04.035.0400	CORDES WADE & VELEDA CORDES	56936 BROOKVIEW LN	NEW ULM MN 56073
04.026.0500	HIPPERT MICHAEL	200 SUMMERSET DR	ASHLAND OH 44805
04.794.0010	NELSON PATRICK W & MELISSA R NELSON	57063 BROOKVIEW LN	NEW ULM MN 56073
01.109.1400	SMITH CHARLES R & SALLY ANN L SMITH	40629 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.109.1900	OLEARY MEREDITH S	41051 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.109.1100	NUEHRING DANIEL L & TARA L ROCHEL-NUEHRING	40967 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.1400	SMITH CRAIG LEE - LIFE ESTATE	41296 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.0705	SMITH CRAIG L SMITH & CRAIG L JR	41355 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.0405	MEYER STEVEN A & SARA E MEYER	41567 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.0205	AHL DAVID H	41896 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.108.0300	MICHEL JOSEPH P & BEVERLY J MICHEL	41887 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.106.0910	KOESTLER KERRY K & RUTH C KOESTLER	42635 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.109.1600	JOHNSON ANDREW JAMES	530804 ROCKFORD RD	NORTH MANKATO MN 56003
01.109.2200	MADISON HEATHER & MICHAEL MADISON	2294 BALSAM DR	NORTH MANKATO MN 56003
04.021.0410	RANWEILER BRADLEY A	58375 COUNTY RD 21	NEW ULM MN 56073
01.011.0600	SCHLUETER ROBERT	47104 391ST LN	SAINT PETER MN 56082
04.315.0700	DRILL MARVIN R & LISA A	54 ROSYLN RD	NEW ULM MN 56073
13.101.0300	VANDERBOSCH KAREN REVOCABLE TRUST	8246 ENCLAVE RD	WOODBURY MN 55125
01.115.1300	ANDERSON JASON R & JODELL L ANDERSON	PO BOX 580	LAKE CRYSTAL MN 56055-0580
01.115.0500	GOETTLICHER JAMES J & NORMA J GOETTLICHER	39266 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.115.1100	GOETTLICHER BRADLEY J	39152 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.115.1500	BENZKOEFER BETH MARIE	39191 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
01.115.1400	MUELLER JEFFREY & ELIZABETH L MUELLER	39099 512TH ST	NORTH MANKATO MN 56003
01.115.0600	GOETTLICHER CHARLES A & CATHERINE GOETTLICHER	39260 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
12.105.0200	WALTER WILLIS JOSEPH	40512 COUNTY RD 20	SAINT PETER MN 56082
06.451.0030	FRANTA JAMIE	14132 LEADWELL ST	VAN NUYS CA 91405
06.451.0020	PETERSON KEVIN	61238 COUNTY ROAD 21	NEW ULM MN 56073
11.105.0400	HEIDERSCHIEDT ADAM B	1607 NORTH GARDEN ST	NEW ULM MN 56073
13.871.0060	PIETZ ROBERT E & LORI L PIETZ	61851 ZEMPEL DR	NEW ULM MN 56073
09.034.1500	HOPP ALLAN L & PATRICIA L HOPP	44089 490TH ST	NORTH MANKATO MN 56003
11.109.0300	PALMER JOHN & ELAINE LIVING TRUST	70474 FORT RD	FAIRFAX MN 55332
09.034.1600	TRULLINGER JASON & SHERRY TRULLINGER	45514 JUDSON BOTTOM RD	NORTH MANKATO MN 56003
13.030.0210	MERKEL DANIEL R & ANDREA MERKEL	72055 COUNTY ROAD 21	FAIRFAX MN 55332-4532
11.105.0320	HOFFBECK CURT A	47142 298TH ST	BERESFORD SD 57004
11.103.0500	SELLNER FRANCIS A & EUGENE L & LOIS R SELLNER	23342 250TH AVE	SLEEPY EYE MN 56085
11.105.0300	KRENZ JOSHUA T & AMANDA J KRENZ	71831 COUNTY ROAD 21	FAIRFAX MN 55332
11.125.0200	MOWAN JON JAY	900 SOUTH MINNESOTA ST	NEW ULM MN 56073
04.021.0405	RANWEILER BRADLEY A & MARLYS L RANWEILER	58375 COUNTY ROAD 21	NEW ULM MN 56073
04.022.0800	SCHAEPEKAHM ALEX	43922 SPRUCE HAVEN LN	NEW ULM MN 56073
04.034.1800	HIPSTER LLC	1220 SOUTH VALLEY ST	NEW ULM MN 56073
04.035.0605	BERG JAMIE & GINA M BERG	45304 KOHN DR	NEW ULM MN 56073
04.027.0300	HART JO ANN	20202 COUNTY ROAD 25	NEW ULM MN 56073
04.027.0105	KLINGLER JEFFREY J	57930 US HIGHWAY 14	NEW ULM MN 56073
09.016.0700	JOHN ALBERT PROSCH REVOCABLE TRUST	6505 SW 111TH LOOP	OCALA FL 34476
13.034.1400	PUHLMANN JOHN A & BETTE L PUHLMANN	626 S STATE ST	NEW ULM MN 56073
04.022.0600	NETZKE CARROLL H & BARBARA A NETZKE	58023 US HIGHWAY 14	NEW ULM MN 56073
04.034.0300	ENTER JASON P & JODY M ENTER	57108 422ND ST	NEW ULM MN 56073-4321
11.125.0205	KNUTZEN ANGELA MERKEL	8201 FOXBERRY DR	SAVAGE MN 55378
07.131.0605	MILLER GARY A	40415 STATE HIGHWAY 22	SAINT PETER MN 56082
07.131.1205	RODNING PAUL E & GAYLA J RODNING	40027 STATE HIGHWAY 22	SAINT PETER MN 56082
07.131.0705	DANIELS CHRISTOPHER D	1612 ASPEN DR	SAINT PETER MN 56082
07.131.1100	HERBERG ANTHONY R & BRYAN L HERBERG	39342 391ST AVE	SAINT PETER MN 56082
06.116.0100	FILZEN CALEB P	42064 581ST AVE	NEW ULM MN 56073
04.201.0605	KOHN MARK G	46091 551ST AVE	COURTLAND MN 56021
12.106.0110	CONLON THOMAS G & ANN M CONLON REVOCABLE TRUST	40018 STATE HWY 22	SAINT PETER MN 56082



**RESOLUTION OF THE ADOPTION OF THE AMENDMENTS TO THE NICOLLET COUNTY
ZONING ORDINANCE AND THE OFFICIAL ZONING MAP**

THE COUNTY BOARD OF NICOLLET COUNTY ORDAINS:

WHEREAS, Minnesota Statute §394.21 authorizes a county to carry on planning and zoning activities;
and

WHEREAS, Minnesota Statute §394.25 authorizes the Forms of Control including the adoption of
ordinances, zoning districts, and official zoning maps; and

WHEREAS, Nicollet County held public hearings on September 19, 2022, during the Planning and
Zoning Advisory Commission meeting and on September 27, 2022, during the Nicollet County Board of
Commissioners board meeting to discuss the proposed amendments; and

THEREFORE BE IT RESOLVED, the Nicollet County Board of Commissioners adopted the amendments to
the Zoning ordinance and the Official Zoning Map on September 27, 2022; and

BE IT FUTHER RESOLVED, the summary of the adopted Ordinance and the Official Zoning Map will be
published on October 6, 2022 in the St. Peter Herald and the Lafayette Nicollet Ledger pursuant to
Minnesota Statutes §§ 331A.01 and 375.51.

Dated: September 27, 2022

Marie Dranttel, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer, County Administrator
Clerk to the Board



**SEPTEMBER 13, 2022
OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY**

The Nicollet County Drainage Authority met in regular session on Tuesday, September 13, 2022 after the adjournment of the regular Board of Commissioners meeting. Commissioners Marie Dranttel, Jack Kolars, Terry Morrow, John Luepke and David Haack were present. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer and Recording Secretary Sarah Frahm.

Approval of Agenda

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

Consent Agenda

Motion by Commissioner Morrow and seconded by Commissioner Luepke to approve the consent agenda items as follows:

1. August 23, 2022 Drainage Authority Minutes
2. Consider Ditch Repair Report 22-008

Motion carried with all voting in favor.

Public Appearances

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

Adjourn

Motion by Commissioner Morrow and seconded by Commissioner Luepke to adjourn the Drainage Authority Meeting. Motion carried with all voting in favor.

Commissioner Dranttel adjourned the meeting at 9:58 a.m.

MARIE DRANTTEL, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item:

Set the Date of Public Hearing for Various County Ditch Redeterminations - November 22, 2022

Primary Originating Division/Dept.: Public Services

Meeting Date: 09/27/2022

Contact: Jaci Kopet

Title: PPSP Director

Item Type:
(Select One) Regular Agenda

Amount of Time Requested 5 minutes

Presenter: Jaci Kopet

Title: PPSD Director

Attachments: ☐ Yes ☒ No

County Strategy:
(Select One)

Programs and Services - deliver value-added quality services

BACKGROUND/JUSTIFICATION:

I would like to set the date for the final public hearing for the purpose of the redetermination of benefits for the following county ditches for November 22, 2022 at 10:00 am.

CD35A
CD52
CD65
CD71
CD75

Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None

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

If yes, when? (provide year; mm/dd/yy if known)

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

ACTION REQUESTED:

Approval of said date for the public hearing for redetermination of benefits

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FUNDING

Drainage Authority Dollars =

Grant

(Select One)

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease" specify:

Total

Related Financial/FTE Comments:

Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item:

Set the Date of Public Hearing for Various County Ditch Redeterminations - December 13, 2022

Primary Originating Division/Dept.: Public Services

Meeting Date: 09/27/2022

Contact: Jaci Kopet

Title: PPSP Director

Item Type:
(Select One) Regular Agenda

Amount of Time Requested 5 minutes

Presenter: Jaci Kopet

Title: PPSP Director

Attachments: ☐ Yes ☒ No

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

BACKGROUND/JUSTIFICATION:

I would like to set the date for the final public hearing for the purpose of the redetermination of benefits for the following county ditches for December 13, 2022 at 10:30 am.

CD8A
CD39
CD47A
CD78
CD78 Lateral 2 Branch 4
CD82
CD84

Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None

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

If yes, when? (provide year; mm/dd/yy if known)

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

ACTION REQUESTED:

Approval of said date for the public hearing for redetermination of benefits

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FUNDING
Drainage Authority Dollars =

Grant
(Select One)

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease" specify:

Total

Related Financial/FTE Comments:

Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item: CD23A Repair Request		
Primary Originating Division/Dept.: Public Services Contact: Jaci Kopet Title: PPSP Director Amount of Time Requested 15 minutes Presenter: Nathan Henry Title: Ditch Inspector	Meeting Date: 09/27/2022 Item Type: Regular Agenda (Select One)	
Attachments: ☒ Yes ☐ No		
County Strategy: (Select One) Programs and Services - deliver value-added quality services		
BACKGROUND/JUSTIFICATION: Attached is a repair request from landowners to clean a portion of the open ditch on CD23A. Nathan Henry will present the repair request. Landowners have been notified that this repair request is coming before the Drainage Authority at approximately 10:15 today. This is a larger cleaning and will have a potential financial impact to the landowners. Although not required by drainage law, I am asking the Drainage Authority hear any public input pertaining to this cleaning due to the potential financial impact to the landowners.		
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None		
Prior Drainage Authority Action Taken on this Item: ☐ Yes ☒ No If yes, when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A		
ACTION REQUESTED: The Drainage Authority will be asked to approve or deny the repair request		
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 Drainage Authority Dollars = Grant (Select One) Total	



Date: 8-11-2022

Repair Request

TO: Nicollet County Board of Commissioners

The undersigned represent and state:

1. That they are the owners of lands within the watershed of, and affected by Judicial/County

Ditch No. CD 23-A.

2. That said ditch is in need of repairs as follows:

Clean the open ditch as shown on the
attached map.

3. This request is not intended to be a formal petition under Chapter 103E of Minnesota Statutes, but merely to furnish information as to repairs we believe to be needed.
4. We the undersigned do hereby consent to having the requested repairs done at any time convenient to the Nicollet County Drainage Authority.

WHEREFORE, your petitioners request that the said County Drainage Authority will investigate this matter and take such measures as they deem necessary to repair said ditch.

X Paul Zimmerman
Paul Zimmerman
Paul Zimmerman

I hereby recommend to the Nicollet County Board of Commissioners that a ditch
hearing be set

Date: 9-7-22

Signed: Nathan Green

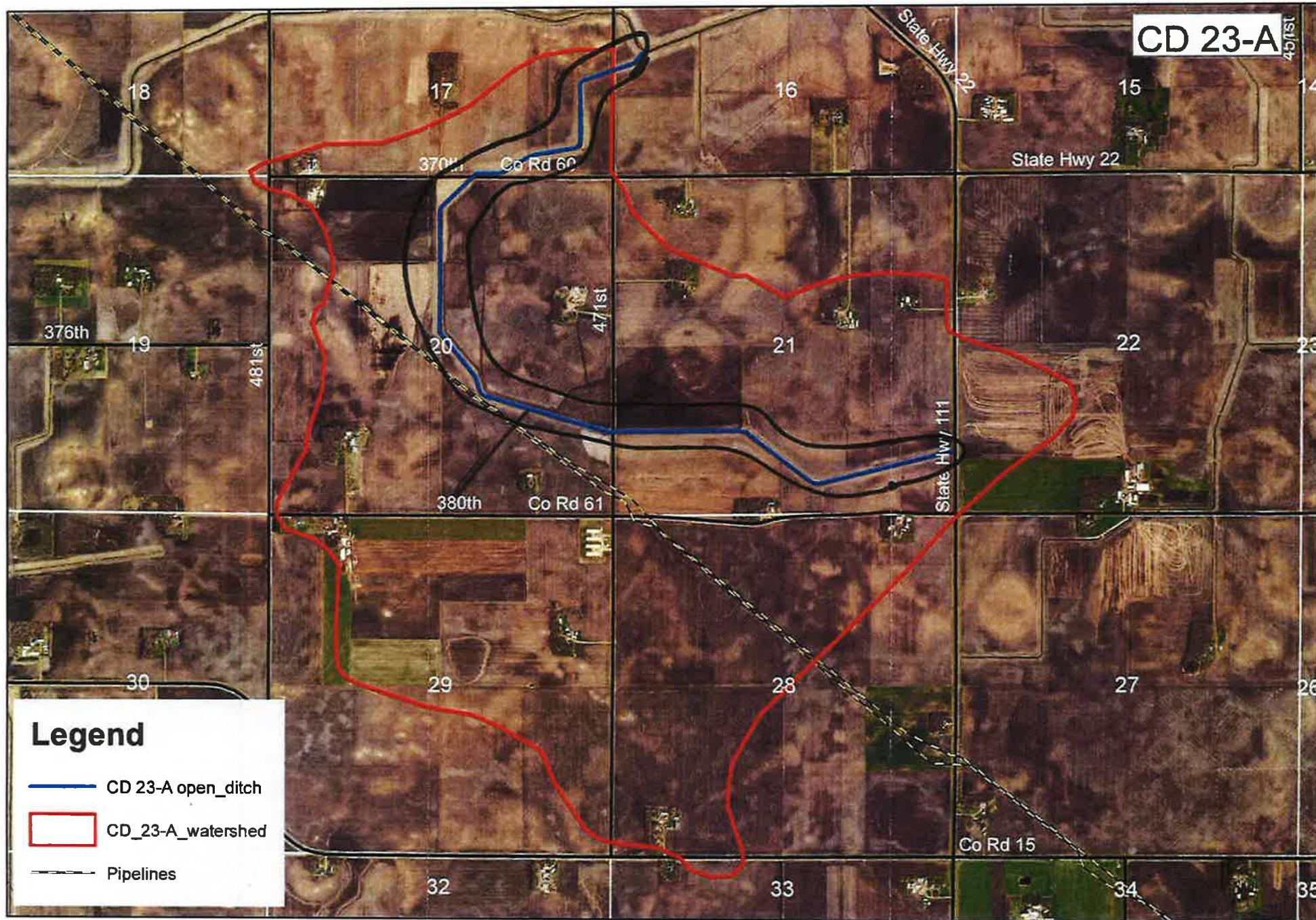
Nicollet County Ditch Inspector

Approved for Repairs by Nicollet County Drainage Authority:

Date _____

Signed Authority Chair _____

Public Works Department
1700 Sunrise Drive, St. Peter, MN 56082
Telephone 507-931-1760
seth.greenwood@co.nicollet.mn.us



0 0.175 0.35 0.7 Miles

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one.
This drawing is a compilation of information from various sources and is to be used for reference purposes only.
Nicollet County Public Works - Ditch Department is not responsible for any inaccuracies herein contained.
If discrepancies are found please contact Nicollet County Public Works Dept. at 507 931-1760

Nicollet County
Minnesota

Author: Nathan A. Henry
Date: 2/6/2014