

Board of Commissioners Agenda

August 27, 2024

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

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

- 9:00 a.m. Call Board of Commissioners Meeting to Order: Chair**
1. Pledge of Allegiance
 2. Silence Your Cell Phones
 3. Approval of Agenda
 4. Approval of Consent Agenda:
 - a. [August 13, 2024 Board Minutes](#)
 - b. [End of Probations](#)
 - c. [Emergency Assistance and Emergency General Assistance Policy Revision](#)
 - d. [Burial – Cremation Policy Revision](#)
 - e. [Approval of Bills](#)
 5. Public Appearances
- 9:05 a.m. 6. Informational Item**
- a. [Southern Minnesota Initiative Foundation \(SMIF\) Presentation](#)
- 9:15 a.m. 7. Property Services**
- a. [PUBLIC HEARING Continuation: Amendment to the Official Zoning Map](#)
 - b. [August 19, 2024 Planning and Zoning Advisory Commission Meeting](#)
 - [PLN24-11: United Farmers Cooperative](#)
- 9:25 a.m. 8. Public Services**
- a. [Resolution to Establish Absentee Ballot Board and County UOCAVA Ballot Board for the November 5th General Election](#)
 - b. [Resolution Appointing the County Assessor](#)
- 9:35 a.m. 9. Health and Human Services**
- a. [Nicollet County Community Health Board Formation](#)
 - b. [Community Health Board: Appointment of Community Health Services Administrator](#)
 - c. [Set Public Hearing Date for Environmental Health Ordinances](#)
- 9:50 a.m. 10. Administration**
- a. [Resolution to Appoint North Mankato as the Responsible Government Unit for the AUAR Process](#)
 - b. [Public Works Facility Study/Master Planning Phase Agreements](#)
- 10:00 a.m. 11. County Attorney Update**
12. Chair's Report
 13. Commissioner Committee Reports, Meetings & Conferences
 14. Approve Per Diems and Expenses

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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15. Adjourn Board of Commissioners Meeting

10:05 a.m. Call Drainage Authority Meeting to Order: Chair

1. Approval of Agenda
2. Approval of Consent Agenda
 - a. [August 13, 2024 Drainage Authority Minutes](#)
3. Public Appearances

10:10 a.m. 4. Public Works

- a. [County Ditch 86A Cleaning Contract](#)

10:30 a.m. 5. Public Services

- a. [Cleaning Request for CD46A, CD47A, and CD78](#)

6. Adjourn Drainage Authority Meeting

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Notice of Scheduled Meetings

The following is a notice of scheduled meetings. Pursuant to Minnesota Statute 13D.04, this notice of meetings also serves as notice of regular and special meetings of the Nicollet County Board of Commissioners. Questions or comments regarding Nicollet County meetings and requests to participate can be directed to Mandy Landkamer, Nicollet County Administrator, at 507-934-7074 or mandy.landkamer@co.nicollet.mn.us.

Date	Time	Meeting	Location
Aug 26	1:00 p.m. – 4:30 p.m.	Personnel Committee	Gov. Center Board Room – St. Peter
Aug 27	9:00 a.m.	County Board of Commissioners Meeting	Gov. Center Board Room – St. Peter
Aug 27	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room – St. Peter
Aug 29	8:30 a.m. -12:00 p.m.	Budget Workshop #1	Gov. Center Board Room – St. Peter
Aug 29	1:00 p.m. – 4:30 p.m.	Personnel Committee	Gov. Center Board Room – St. Peter
Sept 2	Nicollet County closed in observance of Labor Day		
Sept 5	8:30 a.m. -12:00 p.m.	Budget Workshop #2	Gov. Center Board Room – St. Peter
Sept 5	2: 30 a.m.– 4:00 p.m.	Personnel Committee	Gov. Center Board Room – St. Peter
Sept 9	8:15 a.m. – 3:00 p.m.	Nicollet County Roadway Safety Plan	Gov. Center Board Room – St. Peter
Sept 10	9:00 a.m.	County Board of Commissioners Meeting	Gov. Center Board Room – St. Peter
Sept 10	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room – St. Peter
Sept 10	*following Drainage Authority adjournment	Budget Workshop #3	Gov. Center Board Room – St. Peter
Sept 12-13	All Day	AMC Fall Conference	Arrowwood Conference Center, Alexandria
Sept 17	8:15 a.m.	Individual Department Head Meeting	Gov. Center Board Room – St. Peter
Sept 17	9:30 a.m.	Board Workshop	Gov. Center Board Room – St. Peter
Sept 24	9:00 a.m.	County Board of Commissioners Meeting	Gov. Center Board Room – St. Peter
Sept 24	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room – St. Peter
Sept 27	8:15 a.m.	BNCH Board Meeting	1900 Franklin St, New Ulm

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

NOTICE REGARDING NICOLLET COUNTY BOARD OF COMMISSIONERS MEETING AND DRAINAGE AUTHORITY MEETING AUGUST 27, 2024 9:00 A.M.

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

The Nicollet County Board and Drainage Authority meetings will be conducted under Minnesota Statute 13D.02 – Meetings by Interactive Technology. County Board and Drainage Authority members will participate by means of Interactive Technology. Commissioner Terry Morrow will be participating in the meeting virtually at 39 Walton Heath Way, Mashpee, MA, 02649.

How members of the public can participate in the meeting:

Join Zoom Meeting At:

<https://co-nicollet-mn-us.zoom.us/j/85489413937?pwd=czyjRobzarUC4tNZhkaFXC1wtGRa4i.1>

Meeting ID: 854 8941 3937

One tap mobile

+16469313860,,85489413937#,,, *166754# US

+13017158592,,85489413937#,,, *166754# US (Washington DC)

The meeting can be viewed live at:

www.co.nicollet.mn.us/642/County-Board-Meeting-Videos.

A copy of the meeting agenda and packet is available at:

<https://www.co.nicollet.mn.us/AgendaCenter/Board-of-Commissioners-3>

Questions or comments regarding agenda items and viewing or listening to the meeting can be directed to Mandy Landkamer, County Administrator, at 507-934-7074 or by email at

mandy.landkamer@co.nicollet.mn.us

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August 13, 2024
OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS

The Nicollet County Board of Commissioners met in regular session on Tuesday, August 13, 2024, at 9:00 a.m. Present at the meeting were Commissioners Morrow, Dranttel, Kolars, Zins, and Dehen. Also present were County Administrator Mandy Landkamer and County Attorney Michelle Zehnder Fischer.

Approval of Agenda:

Motion by Commissioner Dehen and seconded by Commissioner Zins to approve the addition of the Disaster Supplemental Nutrition Assistance Program (D-SNAP) to the agenda. Motion carried with all voting in favor.

Consent Agenda:

1. July 23, 2024 Board Meeting Minutes
2. End of Probations
3. Approval of Bills
4. Acknowledgement of the Auditor's Warrants and approval of the Commissioner Warrants as presented for the following amounts:
 - a. General Revenue Fund - \$376,441.52
 - b. Road & Bridge Fund - \$70,544.56
 - c. Human Services Fund - \$188,052.85

Motion by Commissioner Kolars and seconded by Commissioner Dehen to approve the above consent agenda items. Motion carried with all voting in favor.

Public Appearances:

There were no public appearances.

Finance:

Petty Cash Increase for Public Services Department

Director McCormick appeared before the Board to request consideration of the Resolution for additional petty cash for five additional cash drawers for the Public Services Department. The increase in drawers is related to the Property and Public Services remodel.

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

Health and Human Services:

Disaster Supplemental Nutrition Assistance Program (D-SNAP)

Director Sassenberg appeared before the Board to provide information related to the operation of the D-SNAP program. Minnesota's federal disaster declaration was amended on July 29, 2024 to include individual assistance which includes additional

resources for residents within the 19 counties affected by flooding. The County must determine whether to opt-in or opt-out of the operation of the D-SNAP program.

Motion by Commissioner Dehen and seconded by Commissioner Dranttel to opt-in of the operation of the D-SNAP program. Motion failed on a 1-4 vote.

County Attorney Update:

Attorney Zehnder Fischer shared that her office attended the Project Community Connect, Nicollet County Fair, and Night to Unite events. Staff were able to interact with several community members concerning internet safety, frauds, and scams.

Chair's Report:

- Nicollet Township Association
- Personnel Committee
- Brown Nicollet Community Health Board
- Project Community Connect
- Nicollet County Fair

Commissioner Committee Reports

The Commissioners reported on various meetings and activities, including:

Commissioner Mark Dehen

- Nicollet Township Association
- MRCI
- True Transit
- Nicollet County Fair
- ACWA Fair Booth
- Night to Unite
- North Mankato Judson Bottom Road Discussion

Commissioner Marie Dranttel

- Nicollet Township Association
- 1W1P Mankato
- 1W1P Middle Minnesota
- Brown Nicollet Community Health Board – Executive
- Brown Nicollet Community Health Board
- Nicollet County Fair

Commissioner Jack Kolars

- Nicollet Township Association
- Personnel Committee
- Nicollet County Fair
- AMC Leadership
- Brown Nicollet Community Health Board – Executive

- Brown Nicollet Community Health Board
- True Transit
- Personnel Committee

Commissioner Kurt Zins

- Nicollet Township Association
- Brown Nicollet Community Health Board
- Nicollet County Fair

Approve Per Diems and Expenses:

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

Adjourn:

The meeting adjourned at 9:29 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item:	
End of Probations	
Primary Originating Division/Dept.: Human Resources Contact: Kristy Larson Title: HR Director Amount of Time Requested minutes Presenter: Kristy Larson Title: HR Director	Meeting Date: 08/27/2024 Item Type: Consent Agenda (Select One) Attachments: ☐ Yes ☒ No
County Strategy: (Select One) Facilities and Space - preserve, maintain and build our assets	
BACKGROUND/JUSTIFICATION: Health and Human Services Health and Human Services Director Cassie Sassenberg has requested the end of probation for Lindsay Powers, Administrative Support Specialist, effective August 29, 2024, and Anna Guentzel, Case Manager, effective September 18, 2024. Property and Public Services Property and Public Services Director Jaci Kopet has requested the end of probation for Kaylee Macrafic, License Center Specialist, effective September 5, 2024, and Stephanie Ballman, License Center Specialist, effective September 18, 2024. Public Works Public Works Director Seth Greenwood has requested the end of probation for Charles Schrock, Park Maintenance/Heavy Equipment Operator, and Jeffrey Koenig, Heavy Equipment Operator, effective August 21, 2024.	
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: Grant end of probationary status	
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 = Grant (Select One) Total

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item:

Emergency Assistance and Emergency General Assistance Policy Revision

Primary Originating Division/Dept.: Health and Human Services

Meeting Date: 8/27/2024

Contact: Cassie Sassenberg Title: HHS Director

Item Type:
(Select One) Consent Agenda

Amount of Time Requested minutes

Presenter: Title:

Attachments: ☒ Yes ☐ No

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

BACKGROUND/JUSTIFICATION:

Due to a structural change within Health and Human Services, income maintenance programs are now directly supervised by the Deputy Director rather than the Director. A minor revision is requested to the Emergency Assistance and Emergency General Assistance policy allowing for discretionary overrides to be approved by the "Director or their designee" rather than solely by the Director.

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 minor policy change.

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:

Total

Related Financial/FTE Comments:

EMERGENCY ASSISTANCE CONSOLIDATED FUND AND EMERGENCY GENERAL ASSISTANCE POLICY

It is the policy of Nicollet County Health & Human Services to meet the emergency needs of eligible individuals to the extent possible using the designated Emergency Assistance (EA) funds available through the MFIP Consolidated Fund and the Emergency General Assistance (EGA) funds, as established by the county agency. The intention of this policy is to ensure the best use of the limited funds in a fair and equitable manner.

I. LEGAL FOUNDATION

These policies and procedures derive from Minn. Stat. 256J.626 - MFIP Consolidated Fund.

II. DEFINITIONS

A. Family:

1. A minor child (under the age of 18) or a group of minor children related to each other, along with their natural, step or adoptive parent(s) or other caregiver, or
2. A pregnant woman who is not a minor and has no other eligible children and her spouse, if living with her, or
3. A minor caregiver's parent(s) who has no other minor children, or
4. A minor caregiver and child.

B. Household Unit: Any of the individuals listed in II. A. and household unit members living together.

C. Minor Child: Minor child means a child who is living in the same home of a parent or other caregiver, is not the parent of a child in the home, and is either less than 18 years of age or is under the age of 19, and is a full-time student in a secondary school or pursuing a full-time secondary level course of vocational or technical training designed to fit students for gainful employment.

D. Emergency: Is a sudden and unexpected set of circumstances that requires immediate action and if not resolved will result in severe hardship and/or be life threatening to a child and/or child's household unit.

E. Basic Need: The minimum personal requirements of subsistence, restricted

to shelter, utilities, food, clothing, and other items which pose a direct, immediate threat to the physical health or safety of the applicant/participant.

- F. Cost Effective: When the household unit's emergency can be resolved with an EA or EGA payment, and the household unit can be reasonably expected to sustain themselves in the future without additional aid. EA or EGA must resolve the crisis, not postpone it.

III. ELIGIBILITY

To be eligible for Emergency Assistance a household unit must meet **all** of the following conditions:

- A. For Emergency Assistance (EA) at least one adult and one minor child must not have used EA or EGA in Minnesota in the past 18 months. For Emergency General Assistance (EGA), no one in the household unit may have received EGA in the past 12 months.
- B. A household unit member must meet the 30-day state residency requirement (per Minn. Stat. 256J.12, subd1, 1a) without exception and must currently be a resident of Nicollet County.
- C. For EA, a child under the age of 18 must reside with the caregiver at least 50% of the time as of the date of application.
- D. For EA, at least one child or pregnant woman in the household unit must meet the MFIP citizenship requirements in Minn. Stat. 256J.11. For EGA, at least one person in the household unit must meet GA or GRH citizenship or immigration status requirements listed under Citizenship and Immigration Status in the Combined Manual.
- E. For EA, the household unit must have gross income under 200% of Federal Poverty Guidelines (FPG) for the applicable household unit size, for the past 60 days. For EGA, the applicant and household unit, member, if any, must have a current net income under 200% of the FPG for the previous year.
- F. No household unit member is currently in non-cooperation status or disqualification from Employment Services (date of Notice of Intent to Sanction), Child Support (date of notification from child support unit to financial unit), Child Care Assistance (date of notification from child care assistance unit to financial unit), or MFIP. Household unit must not currently be disqualified from any program. Disqualification from any program must not have caused the emergency.
- G. If applicant is found to have intentionally made false statements to attain EA or EGA the application will be denied. Applicant will be ineligible for 60 days and may face possible criminal prosecution.

- H. Any household unit member must not have quit a job, refused employment or refused training for employment without good cause in the past 60 days. Good Cause will be evaluated using Employment Services criteria for quitting suitable employment without Good Cause. Good Cause and Suitable Employment are defined by the definitions outlined in the DHS Combined Manual in 0028.18 (Good Cause for Non-Compliance - MFIP), and 0028.18.03 (Suitable Work/Unsuitable Work).
- I. The household unit is without resources available to meet emergency needs. The County agency will assess the income, assets and current living expenses of each member of the household unit, including anticipated income to determine if there are any available income/assets available to resolve the emergency.
- J. The applicant/household unit must first attempt to resolve the emergency by all available means including:
 - 1. Utilizing the applicant/household unit's liquid assets and any available household unit income.
 - 2. Make application for other program resources available in the community, including but not limited to, fuel assistance and rental assistance.
 - 3. The household unit must attempt to resolve the emergency by establishing a payment plan.
- K. During the 60 days prior to application, the household unit must not have used, without good cause, more than 50% of its income for purposes other than basic needs. In addition to shelter, utilities (including internet and cellular phone), and food, basic needs can include: child care expenses due to employment, car and/or transportation expenses, child support payments and garnishments, medical expenses, and student loans.
- L. Issuance of EA or EGA must be cost effective. This means that issuance of EA or EGA funds must resolve the emergency rather than postpone it, and the household unit will have adequate future income to meet ongoing needs and prevent a future emergency need.
- M. In order for EA or EGA to be approved and issued, the assistance provided must resolve the crisis and enhance the stability of the household unit. No assistance will be issued unless it is confirmed that the assistance, combined with payment by the applicant or funding from any other verified source, will continue or restore the needed service and resolve the crisis.
- N. For EGA, the household unit must not currently be eligible for or receiving MFIP.

- O. The maximum amount of EA or EGA that may be approved and issued for

a household unit is \$2500.

- P. County discretion is available to override the requirements in sections K and O based due to extenuating circumstances with approval from Health and Human Services Director or their designee.

- Q. Aid is subject to the availability of funds.

IV. PROCESSING THE APPLICATION

To apply for EA or EGA, a household unit must complete a DHS Combined Application Form or other form designated by Nicollet County. All adults in the household unit must sign the application. At least one adult is required to attend an interview either in person or over the phone with an Eligibility Worker.

- A. The application will be allowed to remain open or deemed pending for up to 30 days to allow all required information to be provided. Requests will be acted on in a timely manner after all required documentation is provided. A household unit will be notified in writing, whether their application was approved, denied or deemed pending. If the application is deemed pending, the county agency will notify the applicant when the application is approved or denied.
- B. All EA or EGA funds issued will be by vendor payment, unless circumstances of the case warrant payment directly to the applicant.
- C. The Eligibility Worker will review the case with the Financial Assistance Supervisor. The Eligibility Worker and Financial Assistance Supervisor will both sign off on the EA Payment Authorization Form indicating that all program criteria has been met. In the absence of the Financial Assistance Supervisor, the Late Day Eligibility Worker will review the case and sign off on their behalf. The Eligibility Worker will approve EA/EGA and provide a copy of the EA Payment Authorization Form to the Financial Assistance Supervisor. If the Eligibility Worker is requesting an override of eligibility criteria under section III.K, the case will be presented to the Director or their designee for approval and additional signature.

V. VERIFICATIONS

Required verifications for EA or EGA include:

- A. Income for current month and 60 days prior to application for all household unit members
- B. Current liquid assets and depleted liquid assets for 2 months prior to application for all household unit members
- C. Living expenses

- D. Living situation (Landlord Statement listing the tenants and expenses they are responsible for)
- E. Children living in the home 50% of the time or more.
- F. Identity of all adults in the home
- G. Late notice, disconnect notice, eviction notice, or notice of mortgage foreclosure OR documentation indicating that the current living situation threatens health or safety (e.g., report to law enforcement, statement from a medical professional, statement from an environmental abatement contractor).

Note: If the Applicant resides with a parent and asserts a loss of housing, the Applicant must present a written, notarized eviction notice from a parent.

- H. Other documentation may be required as necessary to verify validity of need or payments
- I. Failure to provide requested verifications, within the time period required by the Eligibility Worker, will be valid grounds for a denial.

VI. STANDARD EXPENSES ALLOWED

In the absence of documentation to show costs related to basic needs, the below will be applied:

- A. \$75.00 per household unit member for basic expenses per month.
- B. The amount of the thrifty food plan, as laid out in DHS Combined Manual 22.12.01, will be allowed for a grocery expense. If SNAP benefits were received during the 60 days prior to the application, they will be subtracted off the thrifty food plan.
- C. The costs of a land line phone bill OR cellular phone bills using the below rates:
 - a. For household units who pay a land line phone bill, a monthly cost of \$50 will be allowed as a standard amount. OR
 - b. For household units who pay a cellular phone bill, a monthly cost of \$75 will be allowed as a standard amount for one adult household unit member. A standard amount of \$25 is allowed for additional adult household unit members.
- D. For household units who pay for internet a monthly cost of \$50 will be allowed as a standard amount.

VII. SERVICES COVERED

- A. Shelter, including rent, damage deposits, applications, or mortgage payments.
 - 1. The county agency may issue EA or EGA for rent to assist persons who are homeless, in danger of homelessness, or living in sub-standard housing. This could include individuals who are at risk of an eviction because of back due rent.
 - 2. EA or EGA funds will not be issued when a household unit member is not named as a lessee on the lease, or if the landlord is unaware of the household unit member's presence in the unit. If the applicant intends to stay in the unit and is added to the lease, EA or EGA payment will be considered.
 - 3. EA or EGA funds for foreclosure will not be issued when a household unit member is not named as a borrower on the mortgage.
 - 4. EA or EGA for foreclosure may only be issued when the household unit has been refused financing through a bank or other lending institution.
 - 5. EA or EGA for foreclosure may only be issued if the creditor will accept the assistance payment, combined with any payments made by the household unit, as payment in full of arrears.
 - 6. The county agency may deny EA or EGA when the county agency determines that the household unit's anticipated income will not cover continued payment for the shelter.
 - 7. EA or EGA will not be issued for a damage deposit or the first month's rent after the household unit has already moved into the rented or leased quarters.
 - 8. Moving expenses when evicted, moving to a more cost-effective location, or have good cause.
- B. Home Repairs: Certain emergency home repairs (including but not limited to roof, foundation, wiring, heating system, or water and sewer system repairs, water heater) may be considered under the following circumstances:
 - 1. Household unit member must own and live in the home.
 - 2. Prior authorization is required for all considered repairs.

3. Household unit member must provide at least 2 estimates of repair costs.
 4. Vendor paid only upon completion of entire project.
 5. Cosmetic repairs will not be considered.
- C. Utilities: EA or EGA may be issued for utility costs when an otherwise eligible household unit has had a late notice, termination notice, or is threatened with a termination of municipal water and sewer services, electric, gas, or other heating fuel, including lack of wood when that is the heating source, or refuse removal services.
1. EA or EGA will not be issued unless the county receives confirmation from the utility provider that assistance combined with payment by the applicant and funding from any other verified source will continue or restore the utility.
- D. Employment Related Expenses, including, but not limited to car expenses and child care expenses, if the EA or EGA payment would enable the applicant/household unit member to continue working or continue to search for employment.

VIII. APPEALS RIGHTS

- A. Applicants have the right to appeal all agency denials by contacting either the county agency or DHS Appeals Division. They must request an appeal hearing in writing and state what county agency action they are appealing.

Applicants must request the appeal hearing no more than 30 days after getting the notice of proposed action, unless they show good cause for not making a request within that time. If they show good cause, they may appeal up to 90 days after getting the notice.

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item: Burial - Cremation Policy Revision	
Primary Originating Division/Dept.: Health and Human Services	Meeting Date: 8/27/2024
Contact: Cassie Sassenberg Title: HHS Director	Item Type: (Select One) Consent Agenda
Amount of Time Requested minutes	Attachments: ☒ Yes ☐ No
Presenter: Title:	
County Strategy: (Select One) Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: Due to a structural change within Health and Human Services, income maintenance programs are now directly supervised by the Deputy Director rather than the Director. A minor revision is requested to the Burial-Cremation policy allowing authorization of cremation and exceptions to guidelines to be approved by the "Director or their designee" rather than solely the Director.	
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 minor policy change.	
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

County Burial – Cremation Policy

Purpose

Nicollet County will provide for the cremation or burial of its residents who are financially unable to do so, in accordance with Minnesota Statute §261.035. The County will honor known preferences or practices of the decedent, the decedent's spouse, or the decedent's next of kin, to the best of its ability. If preferences are unknown, the County may authorize cremation or use of County burial plots.

Procedure

- I. Applications must be submitted before an agreement is made with a funeral home.

If any contract is signed or cremation or burial is completed before turning in the application, County assistance cannot be provided.

- II. An application must be submitted by a relative, friend of the deceased, or a funeral home director.

In situations where the County has no information about the existence or location of any next of kin, the Health and Human Services Director or their designee may authorize cremation of the person's remains and interment after receiving a completed, signed Application for County Cremation/Burial Disposition from the funeral director.

- III. An interview is required and may be conducted either in-person or over the phone.
 - A. An eligibility worker will be assigned as follows:
 1. If there is an open case in Nicollet County, the current worker will take the application.
 2. If the deceased was not on County MAXIS programs or Nicollet County has the financial responsibility for an excluded time case being serviced by another County, the MAXIS eligibility worker whose caseload would have included the deceased will be designated to process the application.
 - B. The eligibility worker will request proof of the value for all assets as required, as of the date of death. (See Special Rules section if the value of assets is unable to be obtained as of the date of death.)

IV. The County will determine what assets and other resources are available to pay for disposition, such as social security death benefit.

A. Asset rules vary depending on the family status of the applicant:

Family Status	Asset Limit
Unmarried Individual with no minor children	Cost of burial/disposition (at the County rate)
Married individual with no minor children	\$5,500 or less for cremation/burial to be approved
Individual has a minor child in the household	\$10,000 or less for cremation or burial to be approved
Individual is a minor child	\$10,000 or less for cremation or burial to be approved

B. Vehicles as assets, equity is used when determining value:

1. Vehicles owned at the time of death for a single person will be evaluated and if their value, added to other counted assets, puts assets over the total allowed for the County burial/cremation, the request will be denied.
2. For married persons, if the couple owned more than one vehicle, the value of one vehicle will be excluded. The value(s) of additional vehicle(s) will be evaluated as counted assets.
3. For families, vehicles numbering more than the number of drivers in the household will be evaluated as counted assets. The decedent no longer counts as a licensed driver.

C. County funds will be denied if there is real property with value and/or equity, enough to cover the cost of disposition, unless there is a surviving spouse, child under 21, or disabled child of any age living on the property.

The County Burial application will be denied if the total of counted assets is more than the limit listed above, for the family size.

D. The assigned Eligibility Worker will discuss County payment rates in detail with the funeral director. Once the funeral director has agreed to the County rates for the services requested, the Eligibility Worker will present the case to the Financial Assistance Supervisor for formal approval of the burial/cremation assistance request.

E. The Eligibility Worker will enter a MAXIS case note regarding the status of the

disposition request (approved or denied) and any other applicable information (name of applicant, date of death, funeral home, amount approved for County funded disposition, etc.). The Eligibility Worker will also provide a completed copy of the Eligibility Determination Form to the Financial Assistance Supervisor.

- F. Upon approval, the County will contact the selected funeral home, inform them of the eligible disposition determination, and notify the funeral home where to send a bill.
 - G. Upon receipt of the bill from the funeral home, the County will review the statement for compliance with County-approved disposition maximums. The Financial Assistance Supervisor will create a voucher, sign it, then attach the bill and route to Finance for payment authorization. The Application for County Cremation/Burial Disposition and a copy of the approved voucher will be scanned into Caseworks, if applicable.
- V. Special circumstances:
- A. If a family member or representative is not able to obtain current bank account balances due to circumstances beyond their control, this provision may be waived as follows:
 - 1. [Option A]: If the family is able to pay the funeral home at the County burial/cremation rate, and the funeral home is willing to allow it, this can be done. Once the County has verified the value of all countable assets, the County will pay the funeral home if the client was under the asset limit. The funeral home would then need to reimburse the family. If the client was not under the asset limit, the County will not make payment and the funeral home may seek additional market rate costs to be paid by the family.
 - 2. [Option B, if option A is not doable]: At the discretion of the Financial Assistance Supervisor, the County may approve the County burial or cremation provisionally. The provision is that a Collections officer for the County will be notified to put a hold on the account so the County can recoup whatever is in the account after 30 days, with a death certificate. If it turns out that assets are more than what the County paid for final disposition services, the County may recover additional funds as part of Estate Recovery processes (in cases where Estate Recovery applies.)
 - B. The cultural or religious traditions of some County residents may require burial to occur within 24 hours of death. In these situations, the County will be sensitive to

the religious/cultural needs of the community members, while at the same time adhering to general guidelines. The procedure outlined above may be used if families are unable to verify asset balances at the time of death (the date of application).

- C. Any other exceptions to general guidelines will need to be approved by the Financial Assistance Supervisor in consultation with the Health and Human Services Director or their designee.
- D. The worker approving the disposition request will email the time of death fact sheet to the County Collections unit to pursue reimbursement for County funds paid.
- E. If the deceased was the only household member with active program(s) on the MAXIS case, the Eligibility Worker will transfer the MAXIS case to the Collections officer handling recovery of final disposition funds and/or MA Estate Recovery.

Covered Burial / Cremation Costs

Funeral Home

Direct cremation	\$1,060.00
Traditional burial	\$2,500.00
Transportation outside 60-mile radius of funeral home	\$1.00/loaded mile*
Coroner fee	\$50.00

Crematory Services

Cremation	\$550.00
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Cemetery Services

Grave opening and closing	Actual Cost
Lot	Actual Cost**

*Or price negotiated with funeral home

**Most reasonably priced lot must be used

Payment Considerations

The funeral home must accept the County's payment as payment in full. If family or friends choose to make substitutions or upgrades, they will be obligated to pay for the entire cost.

If a burial/cremation request is approved:

- All assets of the decedent will be subject to recovery by Nicollet County
- Nicollet County will pay the funeral home up to the County maximum upon receipt of the bill.
- Where applicable, the Social Security death benefit must be applied for and will be turned over to the County.
- Where applicable, VA benefits must be applied for and will be turned over to the County.
- If other resources become available to the deceased estate, the County will be notified immediately by the applicant at 507-934-7193.

Extra fees associated with the disposition of the remains may not be paid by Nicollet County, or paid using funds of the decedent. These costs, if incurred, are the responsibility of the family. These costs may include, but are not limited to interment fees, winter burial costs (including snow removal), perpetual care, markers, final dates, visitation, additional transportation, tent and set-up fees, weekend or holiday charges, memorial paper products, obituaries, flowers, clothing, honorariums, etc.

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item: Southern Minnesota Initiative Foundation (SMIF) Presentation	
Primary Originating Division/Dept.: Administration Contact: Mandy Landkamer Title: County Administrator Amount of Time Requested: 15 minutes Presenter: SMIF Title:	Meeting Date: 08/27/2024 Item Type: (Select One) Regular Agenda Attachments: ☐ Yes ☒ No
County Strategy: (Select One) Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: Staff of the SMIF will be presenting information related to regional initiatives.	
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: No action required - informational	
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify:	FUNDING County Dollars = State (Select One) Total:
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:	

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item: August 19, 2024 Planning & Zoning Advisory Committee Meeting	
Primary Originating Division/Dept.: PPSPD -Property Services Contact: John Zehnder Title: Zoning Specialist Amount of Time Requested: 5 minutes Presenter: John Zehnder Title: Zoning Specialist	Meeting Date: 08/27/2024 Item Type: (Select One) Regular Agenda Attachments: ☒ Yes ☐ No
County Strategy: (Select One) Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: PLN24-12, United Farmers Cooperative: Rezone Parcel ID's 06.103.0400 & 06.103.0300 from Rural Townsite to Limited Industry. Rezone Parcel ID 06.103.0210 from Agricultural Preservation to Limited Industry. The Planning Commission recommended approval by a 5-0 vote.	
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: Consideration of the attached rezoning request for approval or denial.	
FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify:	FUNDING County Dollars = State (Select One) Total:
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:	

PLANNING COMMISSION REGULAR MONTHLY MEETING MINUTES

AUGUST 19, 2024	8:00 PM	COUNTY BOARD ROOM
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☒ Lloyd Hoffmann ☒ Justin Laven ☒ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☒ Dave Ubel, <i>Chair</i> ☒ Kurt Zins, <i>Commissioner</i>	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>	☒ Spencer Crawford, Zoning Specialist (ZS) ☒ John Zehnder, Zoning Specialist (ZS) ☒ Justin Hughes, Assistant County Attorney (ACA) ☒ Other Staff: Crystal Madden, Recording Secretary ☒ Other Staff: Michelle Zehnder Fischer, County Attorney (CA)

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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APPROVAL OF JULY 15, 2024 MINUTES	MOTION	SECOND
APPROVE	☐ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>	☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
VOTE TO APPROVE MINUTES	☒ PASS ☐ FAIL	VOTE: 6 - 0

PUBLIC APPEARANCES	None.
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CONDITIONAL USE PUBLIC HEARINGS	
PLN24-11	APPLICANT/LANDOWNER: Darv Turbes / United Farmers Cooperative (continued from 7/15/2024)
DESCRIPTION OF REQUEST	Placement of a thirty-thousand (30,000) - gallon liquid petroleum (propane) bulk storage container in the Limited Industry Zoning District at UFC's Klossner location. PID: 06.541.0020
CONFLICT OF INTEREST	Commissioner Schwab recused himself due to a conflict of interest.
SITE VISIT & PUBLIC CONTACT	Commission members Zins, Hoffmann, Laven, Thoreson & Ubel visited the site. There was no contact with commission members from members of the public.
STAFF REPORT PRESENTED BY	ZS Crawford
APPLICANT TESTIMONY	Present to represent the application was Merle Bohlin with United Farmers Cooperative located at 29566 300 th Street, Sleepy Eye, along with Greg Haupt, Attorney with Sobalvarro & Haupt located at 3601 18th Street South, St. Cloud. Zac Kuehn with United Farmers Cooperative located at 618 23 rd Street North, New Ulm also spoke to the request.
PUBLIC TESTIMONY	Carolyn & John Meyer located at 57653 Fort Road, New Ulm provided testimony opposed to the request, but in favor of UFC planting additional shrubbery to dampen the sound to neighboring homes.
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place. A motion was made by Commissioner Zins and seconded by Member Laven to add Condition #9. A vote on the motion passed 5-0.

COMMISSION ACTION - MOTION	MOTION		SECOND
RECOMMEND APPROVAL with conditions, as amended	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>		☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
COMMISSION ACTION – VOTE ON MOTION			
RECOMMEND APPROVAL with conditions, as amended	☒ PASS	☐ FAIL	VOTE: 5 - 0
COMMISSION ACTION – ADOPT FINDINGS	MOTION		SECOND
ADOPT THE FINDINGS OF THE FACT AS STATED	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>		☒ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
VOTE TO ADOPT THE FINDINGS OF FACT	☒ PASS	☐ FAIL	VOTE: 5 – 0

REZONING PUBLIC HEARING			
PLN24-12	APPLICANT/LANDOWNER: Jason Tews / United Farmers Cooperative (continued from 7/15/24)		
DESCRIPTION OF REQUEST	Rezoning parcel ID(s): 06.103.0400 from Rural Townsite to Limited Industry; 06.103.0300 from Rural Townsite to Limited Industry; 06.103.0210 from Agricultural Preservation to Limited Industry.		
CONFLICT OF INTEREST	Member Schwab recused himself due to a conflict of interest.		
SITE VISIT & PUBLIC CONTACT	Members Laven, Thoreson & Ubel visited the site. There was no contact with commission members from members of the public.		
STAFF REPORT PRESENTED BY	ZS Crawford		
APPLICANT TESTIMONY	Present to represent the application was Jason Tews, Vice President of Grain & Feed with United Farmers Cooperative located at 123 Woods Drive, Le Sueur, along with Greg Hauptert, Attorney with Sobalvarro & Hauptert located at 3601 18th Street South, St. Cloud.		
PUBLIC TESTIMONY	Roger Berenek at 39253 625th Avenue, New Ulm was present to provide public testimony asking for assurances concerning road access via easement to his property. Chair Ubel recommended Mr. Berenek discuss his concerns with the township board before the township road is vacated. No other correspondence was received.		
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.		
COMMISSION ACTION - MOTION	MOTION		SECOND
Recommend approval of the rezoning request from Rural Townsite & Agricultural Preservation to Limited Industry	☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>		☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☒ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
COMMISSION ACTION – VOTE ON MOTION			
Approval to recommend the rezoning request	☒ PASS	☐ FAIL	VOTE: 5 - 0

ADDITIONAL ITEMS	
REVIEW ZONING PERMITS	The Commission had no questions for Staff.

OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
ADJOURN MEETING	MOTION		SECOND
09:40 PM	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☒ Kurt Zins, <i>Commissioner</i>		☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
VOTE TO ADJOURN MEETING	☒ CARRIED	☐ FAILED	VOTE: 6 – 0

JOHN ZEHNDER, ZONING SPECIALIST		DATE	
DAVE UBEL, CHAIR		DATE	

DRAFT

NICOLLET COUNTY BOARD OF COMMISSIONERS APPROVED REZONING

On this 27th of August, 2024, following the public hearing conducted by the Nicollet County Planning and Zoning Advisory Commission held in the Nicollet County Government Center, the Nicollet County Board of Commissioners hereby approved a rezoning in accordance with the provisions of Section 506 of the Nicollet County Zoning Ordinance, and pursuant to the requirements of Minnesota Statutes Chapter 394.25 and 375.51.

The approved rezoning authorizes:

To rezone 4.14 acres as follows:

Parcel ID's 06.103.0400 & 06.103.0300 from the Rural Townsite District to the Limited Industry District.
Parcel ID 06.103.0210 from the Agricultural Preservation District to Limited Industry District.

On the following described parcel (abstract-torrens) of land;

See Attachment "A"

Based on the following findings of fact:

1. That an amendment is needed to the Zoning Map in order to reflect changes to conditions in the County, and;
2. The amendment to the Zoning Map is consistent with the goals and policies of the Nicollet County Comprehensive Plan, and;
3. The rezoning is adjacent to an existing grain processing facility within the Limited Industry District, and would create the opportunity for expansion, and;
4. The proposed use of the rezoned area as an expanded grain processing facility is consistent with the intent and purpose of the Limited Industry District, and;
5. The rezoning is unimpeded by its location within the unincorporated community of Klossner, as the Limited Industry District allows for a limited number of uses that may suitably be located in areas of relatively close proximity to non-industrial development.

The Property Services Deputy Zoning Administrator is herewith directed to issue the appropriate permits pursuant to this Conditional Use Order.

Terry Morrow, Chair
Nicollet County Board of Commissioners

DATE: _____

State of Minnesota
County of Nicollet

Office of Nicollet County Administrator

I, the undersigned Clerk to the Board, in and for said County and State, do hereby certify that I have compared the above information with the original minutes of record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Nicollet County Board of

Commissioners meeting held on 8/27/2024, and on record in the Nicollet County Administrator's Office.

WITNESS my hand this _____ day of _____, 20_____.

Mandy Landkamer,
County Administrator/Clerk to the Board

EXHIBIT A

Part of Lot C of the plat of the East Half of the Northwest Quarter of Section 3, Township 110, Range 30, City of Klossner, Nicollet County, Minnesota, described as follows: Commencing at the northwest corner of said Lot C; thence on an assumed bearing of South 00 degrees 51 minutes 16 seconds West along the West line of said Lot C a distance of 33.00 feet; thence South 89 degrees 27 minutes 27 seconds East 301.13 feet to the point of beginning of the tract to be described; thence South 00 degrees 51 minutes 16 seconds West 670.04 feet to the North line of Lot A of said plat; thence South 80 degrees 09 minutes 12 seconds East along said North line 116.58 feet to the westerly line of 577th Lane; thence northerly along said westerly line along a nontangential curve that is concave to the East, said curve having a central angle of 17 degrees 51 minutes 48 seconds, a radius length of 2264.20 feet, an arc length of 705.92 feet, said curve having a chord bearing of North 12 degrees 04 minutes 23 seconds and a chord length of 703.06 feet; thence North 89 degrees 27 minutes 27 seconds West, not tangent to last described curve, 251.94 feet to the point of beginning. This tract is subject to any and all easements of record.

AND

Beginning at the Northeast corner of Block Three (3) of the Original Plat of Klossner Station, thence North 10°53 minutes East 241 feet to a point thence North 79°15 minutes West 170 feet to a point 4.5 feet beyond the pipe at the Southwest corner of said tract; thence South 10°55 minutes West 241 feet to a point in the north line of said Block 3; thence South 79°15 minutes East 170 feet on the North line of said Block Three (3) to the point of beginning; containing 0.94 acres of land.

This Tract of land is known as "Lot B" on the Plat of Part of J.H. Kottke Estate in the E½ of the NW¼ of Section 3 in Township No. 110 North of Range No. 30 West.

AND

Commencing at a point South 23° East, 11.56 chains of the North West corner of the Northeast Quarter of the Northwest Quarter (NE¼ of NW¼) of Section Number Three (3), Township Number One Hundred Ten (110) North, of Range Number Thirty (30) West; thence running South 80½° East, One Hundred and Sixteen and One-Half (116½) feet to the right of way of the new county road; thence along right of way of said road South one degree East, One Hundred Sixty-Eight (168) feet; thence North 80½° West, One Hundred and Forty-Seven and One-Half (147½) feet; thence North 9½° East One Hundred and Sixty-Five (165) feet to the place of beginning, containing One-Half (½) acre of land, more or less.



REZONING REQUEST

United Farmers Cooperative

PLN24-12

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT	Rezoning Application PLN24-12
APPLICANT	Jason Tews with United Farmers Cooperative
LANDOWNER	United Farmers Cooperative
LOCATION	Northeast ¼ of the Northwest ¼, Section 3-110-30, in Lafayette Township
PARCEL NO	06.103.0400, 06.103.0300, & 06.103.0210
EXISTING ZONING	Rural Townsite & Agricultural Preservation
HEARING DATE	07/15/24
COUNTY BOARD DATE	07/23/24
60 DAYS FROM REQUEST	08/20/24

REQUEST

United Farmers Cooperative (UFC) is requesting to rezone the following properties in the unincorporated community of Klossner:

Parcel ID	Current Zoning District	Requested Zoning District
06.103.0400	Rural Townsite	Limited Industry
06.103.0300	Rural Townsite	Limited Industry
06.103.0210	Agricultural Preservation	Limited Industry

PROJECT DESCRIPTION

The UFC site consists of five separate properties bisected by 577th Lane, a Township Road. The parcels east of the Township Road contain a grain feed processing facility, several grain bins, and sheds, which are currently zoned for the Limited Industry District. The southernmost two parcels west of the road are former residential lots acquired by UFC in the past, and are zoned for the Rural Townsite District. The homes have been removed. The northernmost parcel to the west of Township Road is an open farm field, and is zoned for the Agricultural Preservation District.

The applicant intends to vacate the right of way, combine the properties, and construct the following improvements spanning all of the parcels:

- A 105' diameter grain bin with a truck pit and an underground conveyor to the processing facility.
- A 60' x 40' office/ shed.
- A turn lane on Highway 15 and a drive leading to the road, mostly within the right of way which is intended to be vacated.

The proposed location of the grain bin is within the Rural Townsite District, which prohibits them. The applicant could apply for a Conditional Use Permit for the bins (due to them being over 100 feet in height) if the rezoning is approved. The proposed office/shed would be in the farm field and is not prohibited by its current zoning designation, but approving the request would make the Limited Industry District consistent across the UFC property.

COMPREHENSIVE PLAN COMPATIBILITY

Changes to the official zoning map must be compatible with the Nicollet County Comprehensive Plan. The plan provides the following descriptions for the Zoning Districts associated with the request:

Limited Industry:

The Limited Industry District was intended to provide for compact, limited and highway-oriented industries and industrial uses that may suitably be located in areas of relatively close proximity to non-industrial development. As such, industries that pose problems of air pollution, noise, vibrations, etc., will be restricted from this district.

Rural Townsite:

The Rural Townsite District was established to provide standards for existing unincorporated communities in the county. These standards are applied to those areas of the community which were previously zoned R-1. These standards may be associated with higher-density residential development.

Agricultural Preservation:

The Agricultural Preservation District is established for the purpose of preserving, promoting, maintaining, and enhancing the use of the land for commercial agricultural purposes, to prevent scattered and leap frog non-farm growth, to protect and preserve natural resource areas, and to stabilize increases in public expenditures for public services such as roads and road maintenance, police and fire protection, and schools.

The attached land use goals and policies from the Comprehensive Plan also guide future land use decisions.

MNDOT COMMENT

MNDOT advised they were aware and supportive of the project associated with the rezoning request. The MNDOT Access Committee's support of the project is contingent on the following conditions being met:

- A 400' long full width right turn lane with a 180' long taper at 1:15 will be required at the applicant's expense. Engineering plans developed by a Minnesota licensed civil

engineer will need to be submitted for review along with the permit application for the required turn lane.

- MnDOT strongly recommends that the billboard be removed to help reduce sight impediments.
- The project consultant will need to have the existing road conditions bored and cored to determine material needs for the turn lane. The District 7 Materials Engineer recommends boring both the existing roadway shoulder and in the area of the toe of the existing inslope. He suggested that the toe of slope boring be close to the proposed entrance location, and that the shoulder boring be closer to the northern part of the turn lane construction.
- The project developer needs to make sure the existing drainage patterns are perpetuated and do not cause ponding in the right-of-way. The MnDOT Drainage Manual identifies the minimum entrance culvert pipe diameter as 15 inches.

SURROUNDING LAND USE

The UFC properties are on the northern edge of the unincorporated community of Klossner. There are approximately 16 residential homes within 1000 feet south of the proposal, although many are buffered by roads and a row of empty lots. The properties to the north, east, and west are mostly farm fields, but there are also dwellings about 100 feet northeast and 500 feet east.

STAFF FINDINGS

The following is a list of facts found by staff in relation to the request:

1. The Nicollet County Comprehensive Plan calls for sustainable agricultural practices to ensure the longevity of agriculture as a land use and viable economic activity in the county, and;
2. The rezoning would create the potential for expansion of a facility that provides agronomy products and services to farms in the region, and;
3. The Nicollet County Comprehensive Plan calls for the county to ensure that land is used in the most appropriate manner by minimizing conflicts between land uses, and;
4. The parcels of land requested for rezoning are contiguous to an existing grain processing facility that is currently zoned for the Limited Industry District, and;
5. The parcels of land requested for rezoning are adjacent to and within the unincorporated community of Klossner, which contains several residential homes within 1000 feet, and;

6. The Limited Industry District allows for industrial uses which are suitable to be in close proximity to non-industrial uses, and prohibits industries which may pose problems of air pollution, noise, vibrations, etc.

Applicant: United Farmers Cooperative
Landowner: United Farmers Cooperative

PLN24-12

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Existing Zoning Map
ATTACHMENT D	Proposed Zoning Map
ATTACHMENT E	Location Map
ATTACHMENT F	Site Photographs
ATTACHMENT G	Comprehensive Plan land Use Goals and Policies
ATTACHMENT H	Neighbor Notification List



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

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Parcel#: 06.103.0210, 06.103.0300, 06.103.0400

Permit#: PLN24-12

Date: 6/21/2024

Applicant: Jason Tews- UFC

Telephone: 507-232-1020

Owner: UNITED FARMERS COOPERATIVE

Property Address: N/A

Abbreviated Legal Description: NE NW 3-110-30

Township: Lafayette Township

Zoning District(s): AGRICULTURAL

Hearing Date: **Monday, July 15, 2024**

Record Type: Rezoning

Subtype: New

Category: Commercial

Description: REZONING REQUEST TO LIMITED INDUSTRY

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

Questions regarding the hearing can be directed to:

Spencer Crawford

Phone: 507-934-7071

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

ATTACHMENT A
Application

APPLICANT SIGNATURE

6/21/2024

DATE

PROPERTY SERVICES

06/21/24

DATE



United Farmers Cooperative (“UFC”) hereby formally requests rezoning of its real property legally described on the enclosed Exhibit A which are Parcel ID nos. 06.103.0210, 06.103.0300 and 06.103.0400 (hereinafter referred to as the “Property”) to the Limited Industry District. Parcel nos. 06.103.0300 and 06.103.0400 are currently zoned as Rural Townsite District. These parcels were previously residential properties that were acquired by UFC. The residences have been removed from these parcels. Parcel No. 06.103.0210 is zoned as Agricultural Preservation District and is currently used for crop production. A map of the Property is enclosed as Exhibit B.

UFC is a full-service agricultural cooperative that provides agronomy products and services that include fuel and energy sales. As a cooperative, United Farmers Cooperative is a business that is owned and controlled by the farmers that patrons of the cooperative. Those patrons are called members. Cooperatives differ from other businesses because they are essentially owned by their members and operate for the benefit of members. As a cooperative, United Farmers Cooperative provides benefits to its members with improved bargaining power, reduced costs, expansion opportunities, improved products and services, and increased income.

UFC seeks to expand grain operations at its facility located at 40137 577th Lane, New Ulm, Minnesota (“Facility”). This expansion will include seeking the vacation of a portion of 577th Lane with Lafayette Township and incorporating real property owned by UFC near the Facility into the operations of the Facility. Additionally, UFC is seeking to install a turn lane on Highway 15. UFC seeks rezoning so that it may expand the Facility by installing up to three additional 105’ diameter grain bins, a truck pit and a 60’ by 40’ office and shed. The expansion of the Facility is needed to consolidate UFC’s operations to allow it to continue to operate efficiently with its existing staff levels. The efficiencies created by this expansion will benefit not only UFC but Nicollet County and the Klossner area. Hiring additional employees in the current environment has been challenging. The proposed expansion will allow UFC to continue its operations, and even expand its operations, without the need for additional staffing. Also, the expansion will allow UFC to close its Lafayette elevator and consolidate operations at the Facility. This will reduce the amount of UFC’s truck traffic on the roads of Nicollet County. Furthermore, the addition of a turn lane on Highway 15 will improve road safety in the area by allowing UFC to keep trucks off of Highway 15 during those periods of time in which the highway sees heavy use. Currently, trucks using the Facility must enter and exit Highway 15 amongst high-speed traffic using the highway. The current situation creates dangerous conditions when slow moving trucks must enter Highway 15 while other traffic is travelling at highway speeds. While MNDOT has not given final approval for the installation of a turn lane, they have been very supportive of the proposal.

The current zoning of the Property does not allow UFC to install the proposed grain bins as they are not allowed in the Rural Townsite District. The purpose of the Rural Townsite District was to

ATTACHMENT B
Submitted by Applicant



UFCMN.COM



provide for higher density residential development in unincorporated communities. The portion of the Property located in the Rural Townsite District is no longer used for residential purposes. After UFC acquired the properties, the residences were removed. The Limited Industry District provides for “compact, limited and highway oriented industries and industrial uses that may suitably be located in areas of relatively close proximity to non-industrial development.” Given the current use, the Limited Industry District is the most suitable zoning district for the Property. UFC has been operating the Facility for many years without any issues or problems in the area. The proposed expansion will not change the character of the area and will be beneficial to the immediate community, Nicollet County, and UFC. Road safety in the area will be significantly improved through UFC’s consolidation of operations and traffic in Nicollet County will be reduced. UFC will benefit from not only the improved road safety but by the operational efficiencies created by the proposed expansion. For these reasons, UFC requests rezoning the Property to the Limited Industry District.

Exhibit B

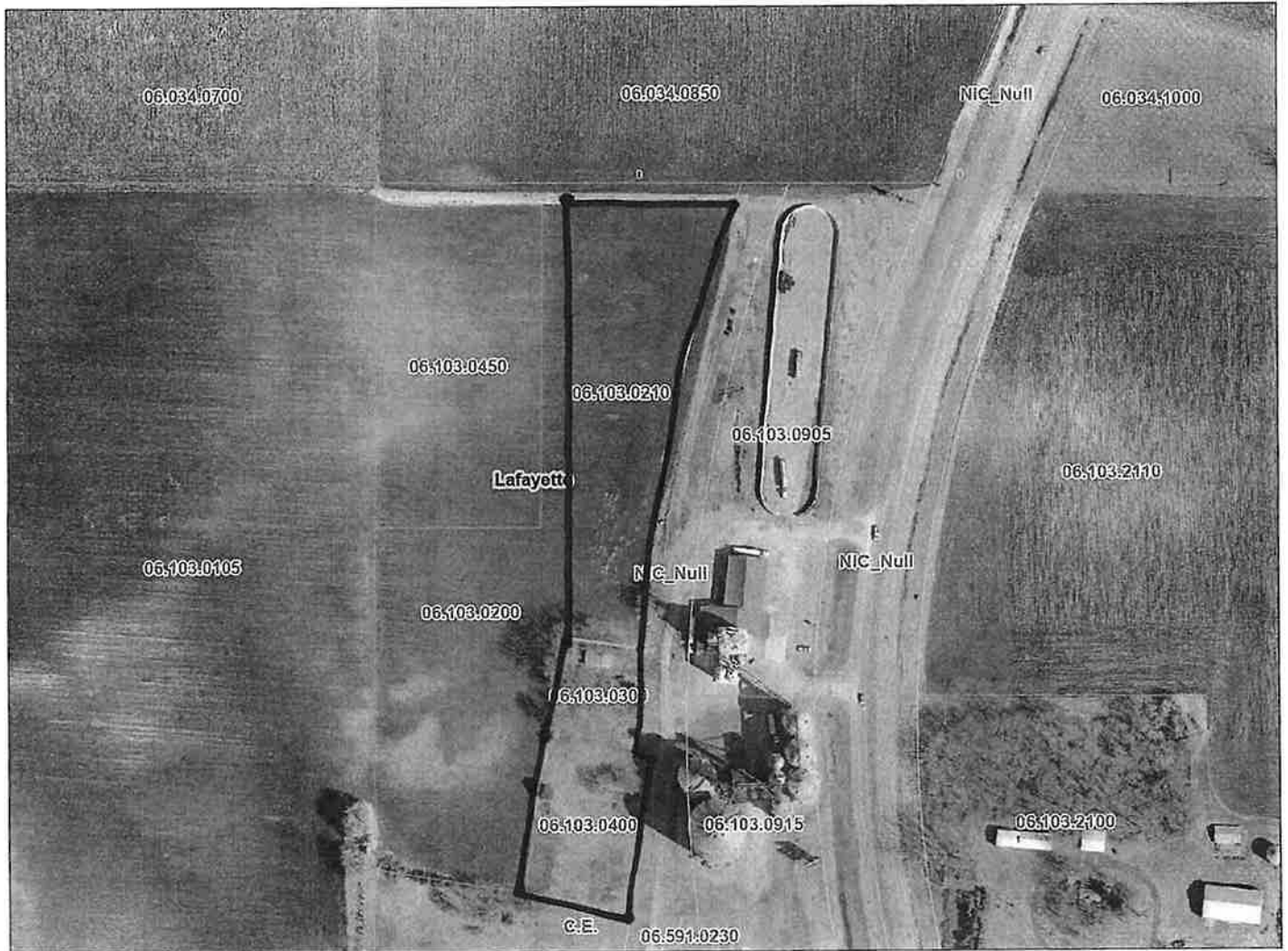




EXHIBIT A

Part of Lot C of the plat of the East Half of the Northwest Quarter of Section 3, Township 110, Range 30, City of Klossner, Nicollet County, Minnesota, described as follows: Commencing at the northwest corner of said Lot C; thence on an assumed bearing of South 00 degrees 51 minutes 16 seconds West along the West line of said Lot C a distance of 33.00 feet; thence South 89 degrees 27 minutes 27 seconds East 301.13 feet to the point of beginning of the tract to be described; thence South 00 degrees 51 minutes 16 seconds West 670.04 feet to the North line of Lot A of said plat; thence South 80 degrees 09 minutes 12 seconds East along said North line 116.58 feet to the westerly line of 577th Lane; thence northerly along said westerly line along a nontangential curve that is concave to the East, said curve having a central angle of 17 degrees 51 minutes 48 seconds, a radius length of 2264.20 feet, an arc length of 705.92 feet, said curve having a chord bearing of North 12 degrees 04 minutes 23 seconds and a chord length of 703.06 feet; thence North 89 degrees 27 minutes 27 seconds West, not tangent to last described curve, 251.94 feet to the point of beginning. This tract is subject to any and all easements of record.

AND

Beginning at the Northeast corner of Block Three (3) of the Original Plat of Klossner Station, thence North 10°53 minutes East 241 feet to a point thence North 79°15 minutes West 170 feet to a point 4.5 feet beyond the pipe at the Southwest corner of said tract; thence South 10°55 minutes West 241 feet to a point in the north line of said Block 3; thence South 79°15 minutes East 170 feet on the North line of said Block Three (3) to the point of beginning; containing 0.94 acres of land.

This Tract of land is known as "Lot B" on the Plat of Part of J.H. Kottke Estate in the E½ of the NW¼ of Section 3 in Township No. 110 North of Range No. 30 West.

AND

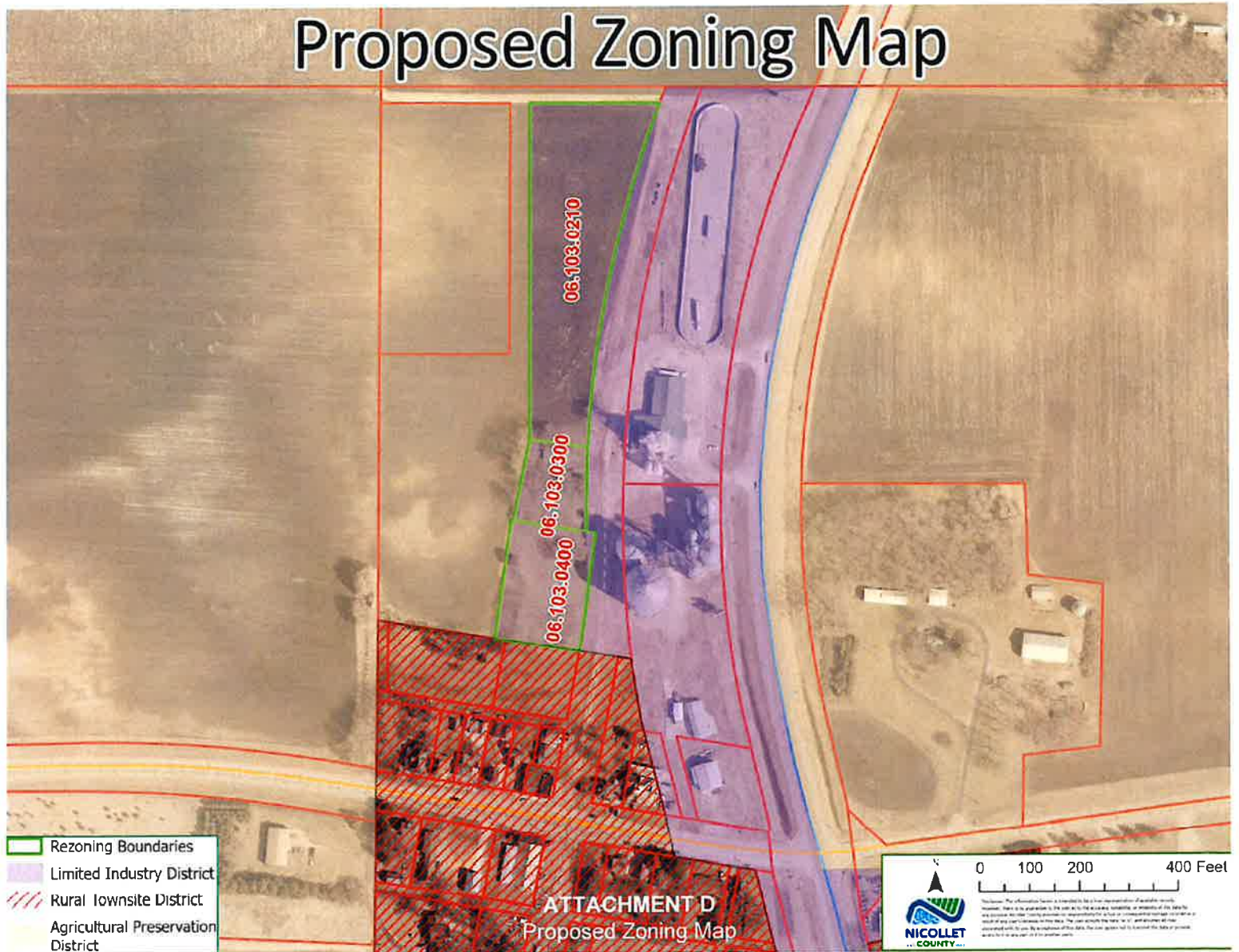
Commencing at a point South 23° East, 11.56 chains of the North West corner of the Northeast Quarter of the Northwest Quarter (NE¼ of NW¼) of Section Number Three (3), Township Number One Hundred Ten (110) North, of Range Number Thirty (30) West; thence running South 80½° East, One Hundred and Sixteen and One-Half (116½) feet to the right of way of the new county road; thence along right of way of said road South one degree East, One Hundred Sixty-Eight (168) feet; thence North 80½° West, One Hundred and Forty-Seven and One-Half (147½) feet; thence North 9½° East One Hundred and Sixty-Five (165) feet to the place of beginning, containing One-Half (½) acre of land, more or less.

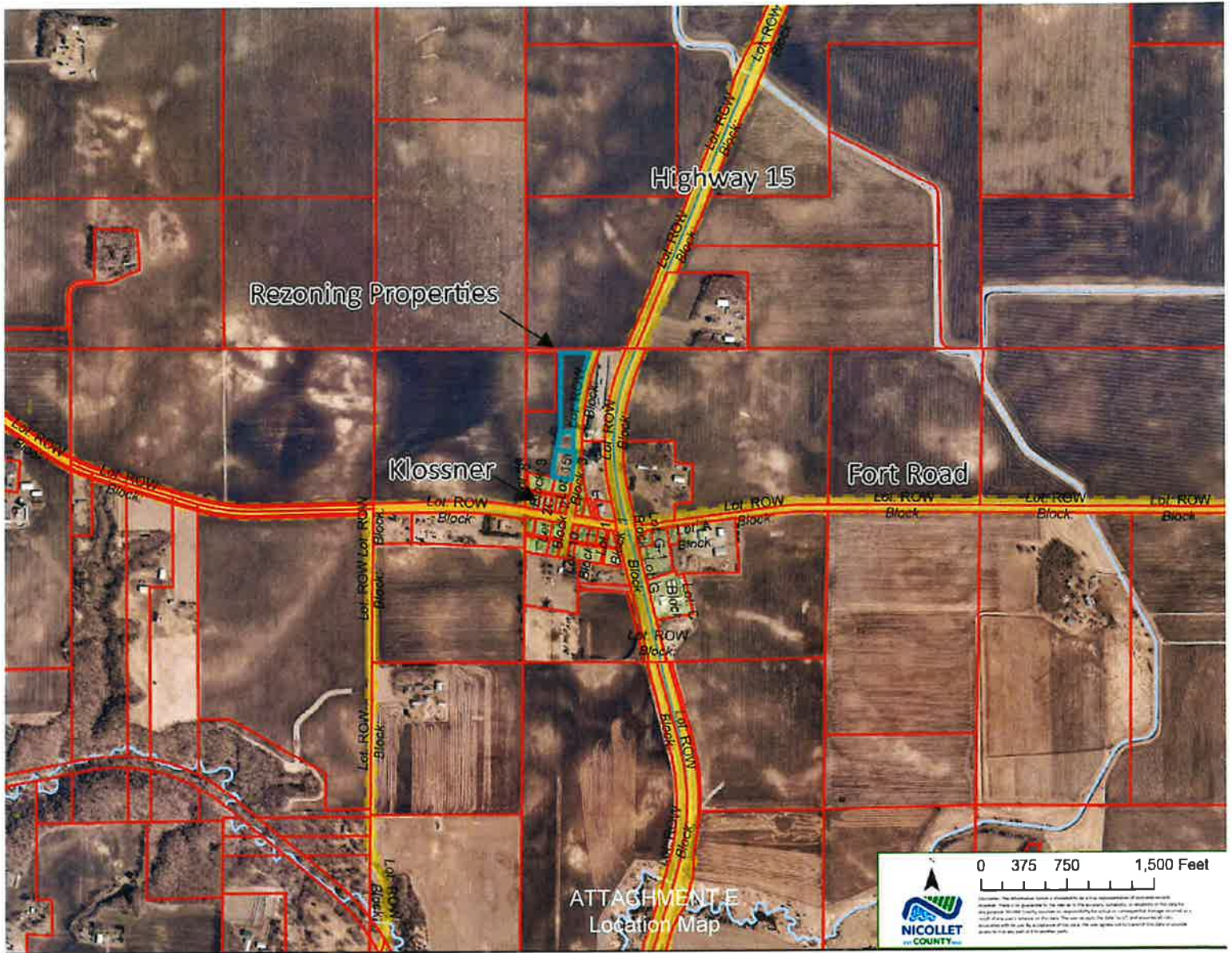
[illegible]

ATTACHMENT C

Existing Zoning Map

Proposed Zoning Map







ATTACHMENT F
Site Photos



06 28 2024



06 28 2024

Land Use Goals and Policies

Goals	A. Support the preservation of agricultural land within the county. B. Encourage sustainable agriculture practices to ensure the longevity of agriculture as a land use and viable economic activity in the county. C. Only allow for development in unincorporated areas that minimize impacts to resources, infrastructure, municipal growth and planning, and overall quality of life. D. Work collaboratively with local jurisdictions to implement future land use planning goals and policies. E. Promote the development of a housing stock that meets the needs of residents and is in areas that support the growth goals of the county and municipalities.
Policies	A. The county will support the preservation of highly productive agricultural land within the rural areas of the county. B. The county will establish and abide by standards that create future development opportunities and encourage high quality development that serves as an asset to the county and its residents. C. The county will consider the character of the land, its suitability for development, and the preservation of natural, cultural, and water resources as part of the development review process. D. The county will ensure that land is used in the most appropriate manner, by minimizing conflicts between land uses, fostering principles of sustainability, and providing for the health, safety, and welfare of residents. E. The county will incorporate the growth planning of each municipality into the county's long-range planning efforts. F. The county recognizes that agriculture will be a permanent use in some areas and a transitional use in others. In the transitioning areas, agricultural and rural uses will be planned in a manner that anticipates future changes to more intense uses. These future uses should be developed in a manner that is orderly and compact, minimizing impacts to surrounding areas. G. The county will guide residential development to areas within the county that can adequately support the proposed density and development types, while providing access to utility and transportation infrastructure and limiting impacts to county and municipal resources.

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
ALBACHTEN CHRISTOPHER J & STACIE J ALBACHTEN	57865 FORT RD	NEW ULM MN 56073
ALTMANN HOWARD M	57743 FORT RD	NEW ULM MN 56073
ASLESON DAVID	57849 FORT RD	NEW ULM MN 56073
BARNEY JEANNE	PO BOX 500	NEVADA IA 50201
BEAN BEVERLY J	57731 FORT RD	NEW ULM MN 56073
BERANEK ROGER & PATRICIA BERANEK	39253 625TH AVE	NEW ULM MN 56073
BERANEK ROGER H & PATRICIA	39253 625TH AVE	NEW ULM MN 56073
EISENBACHER DAVID	57644 FORT RD	NEW ULM MN 56073
FIRST METHODIST CHURCH NEW ULM	123 UNKNOWN	UNKNOWN 00000
FLUEGGE JEREMY	41206 541ST AVE	NEW ULM MN 56073
GIESEKE MELISSA D	47947 370TH ST	NICOLLET MN 56074
GROEBNER MICHAEL TED & DIANE C GROEBNER	57782 FORT RD	NEW ULM MN 56073
GUGGISBERG FRANK H	39917 STATE HWY 15	NEW ULM MN 56073
JOHNSON BRIAN T LIVING TRUST	57842 FORT RD	NEW ULM MN 56073
JOHNSON DYLAN A & CRYSTAL JOHNSON	57783 FORT RD	NEW ULM MN 56073
KLOSSNER WATER ASSOC INC	57832 FORT RD	NEW ULM MN 56073
KOOP COREY T	57613 FORT RD	NEW ULM MN 56073
KUCK HANNAH E	40200 577TH LN	NEW ULM MN 56073
LAFAYETTE TOWNSHIP	60054 398TH ST	NEW ULM MN 56073
LIESENFELD DAVID A	57824 FORT RD	NEW ULM MN 56073
MARTENS MICHAEL G	40247 577TH LN	NEW ULM MN 56073
MARTENS MICHAEL H & JUDITH A MARTENS	48113 232ND ST	NEW ULM MN 56073-5258
MEYER BRUCE H	7420 CHIPPEWA TRL	CHANHASSEN MN 55317
MEYER JOHN F & CAROLYN T MEYER	57653 FORT RD	NEW ULM MN 56073
MOLDAN ANDREW G & KITA S MOLDAN	57759 FORT RD	NEW ULM MN 56073
MUEHLBAUER PAUL L	608 2ND AVE SW	SLEEPY EYE MN 56085
NICOLLET (COUNTY OF)	501 S MINNESOTA AVE	SAINT PETER MN 56082-2507
OLSEN LEON	819 N FRANKLIN ST	NEW ULM MN 56073
PREISINGER NETTIE L - LE	1445 CHERRY ST	NEW ULM MN 56073
REDING JOHN & LUANN REDING	57832 FORT RD	NEW ULM MN 56073
RIES KAREN DISCLAIMER TRUST	15135 COUNTY RD 102	NEW ULM MN 56073
ROBERTS LUANN L & BRIAN T JOHNSON	57837 FORT RD	NEW ULM MN 56073
SCHWERMANN CARL D	40511 581ST AVE	NEW ULM MN 56073
STATE OF MINNESOTA	MAIL STATION 3340	SAINT PAUL MN 55146
SWANSON-CULLEN CARLA	57773 FORT RD	NEW ULM MN 56073
UNITED FARMERS COOPERATIVE	PO BOX 461	WINTHROP MN 55396
UNITED FARMERS COOPERATIVE	705 E 4TH ST PO BOX 461	WINTHROP MN 55396
WAIBEL MARY J	45438 541ST ST	COURTLAND MN 56021
WAYNE WELS- LAFAYETTE TOWNSHIP	60054 398TH ST	NEW ULM MN 56073
WENNINGER LESLIE	57688 412TH ST	NEW ULM MN 56073-9351
WENNINGER LESLIE & JAMI WENNINGER	57688 412TH ST	NEW ULM MN 56073
WETZEL KENNETH H & NANCY J WETZEL	40314 STATE HIGHWAY 15	NEW ULM MN 56073

ATTACHMENT H
Neighbor Notification List



06/01/2024 - 06/30/2024 Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME	PARCEL ID
SPT24-10	SSTS PERMIT	NEW SEPTIC SYSTEM FOR A NEW 5 BEDROOM HOUSE	50297 405TH AVE, N. MANKATO, MN 56003	PETE FORREY	01.011.0300
PLN24-08	CONDITIONAL USE PERMIT	41 KW SOLAR ENERGY SYSTEM	46672 381ST AVE, SAINT PETER, MN 56082	MARK SEAMON	10.301.1300
BLD24-34	STRUCTURE PERMIT	42' X 82' STORAGE SHED	57906 US HWY 14, NEW ULM MN 56073	KEVIN BRIGGS	04.027.0100
BLD24-44	STRUCTURE PERMIT	30' X 50' GARAGE ADDITION TO BARN	55458 CO RD 21, COURTLAND, MN 56021	BRIAN FISCHER	04.024.0605
SPT24-19	SSTS PERMIT	REPLACEMENT SYSTEM FOR A 3 BEDROOM HOUSE	61679 SUNSET LN, NEW ULM, MN 56073	SEARLES WELL	13.551.0100
BLD24-51	STRUCTURE PERMIT	30' X 60' GARAGE/ OFFICE	52605 506TH ST, COURTLAND MN 56021	DARIN DRILL	04.309.0800
BLD24-52	STRUCTURE PERMIT	66'8" X 27'6" REPLACEMENT DWELLING	51731 CO RD 21, COURTLAND MN 56021	NATHANAEAL PHILLIPS	04.134.0910
PLN24-10	VARIANCE	FRONT YARD SETBACK REDUCTION; FORGO BERMING AROUND TANK	40339 STATE HWY 15, NEW ULM, MN 55396	DARV TURBES- UFC	06.541.0020
PLN24-11	CONDITIONAL USE PERMIT	BULK STORAGE CUP	40339 STATE HWY 15, NEW ULM, MN 55396	DARV TURBES- UFC	06.541.0020
PLN24-12	REZONING PERMIT	REZONING REQUEST TO LIMITED INDUSTRY	N/A	JASON TEWS- UFC	06.103.0210, 06.103.0300, 06.103.0400
BLD24-55	STRUCTURE PERMIT	40'X 56' REPLACEMENT STRUCTURE	38511 611ST AVENUE, NEW ULM, 56073	THOMAS BROWN	13.029.0200
PLN24-13	VARIANCE	10' X 16' ADDITION	39803 365TH LN, SAINT PETER MN 56082	ZACHARY MILLER	07.131.0900
BLD24-56	STRUCTURE PERMIT	60' X 128' CATTLE BARN	59570 350TH ST, LAFAYETTE, MN 56054	MICHAEL J HOFFMANN	06.005.0805

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: August 19, 2024 Planning & Zoning Advisory Committee Meeting	
Primary Originating Division/Dept.: PPSP -Property Services Contact: John Zehnder Title: Zoning Specialist Amount of Time Requested: 5 minutes Presenter: John Zehnder Title: Zoning Specialist	Meeting Date: 08/27/2024 Item Type: (Select One) Regular Agenda Attachments: ☒ Yes ☐ No
County Strategy: (Select One) Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: PLN24-11, United Farmers Cooperative: Placement of a 30,000-gallon liquid petroleum bulk storage container. The Planning Commission recommended approval by a 5-0 vote. The Commission recommends the conditions listed by staff but added the following: the applicant shall plant shrubbery along the northern property line to screen the tank from the property to the north as allowed by the Minnesota Department of Transportation.	
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: Consideration of the attached Conditional Use Permit Request for approval or denial.	
FISCAL IMPACT: No fiscal impact (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:	



PLANNING COMMISSION REGULAR MONTHLY MEETING MINUTES

AUGUST 19, 2024		8:00 PM		COUNTY BOARD ROOM	
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☒ Lloyd Hoffmann ☒ Justin Laven ☒ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☒ Dave Ubel, <i>Chair</i> ☒ Kurt Zins, <i>Commissioner</i>	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>	☒ Spencer Crawford, Zoning Specialist (ZS) ☒ John Zehnder, Zoning Specialist (ZS) ☒ Justin Hughes, Assistant County Attorney (ACA) ☒ Other Staff: Crystal Madden, Recording Secretary ☒ Other Staff: Michelle Zehnder Fischer, County Attorney (CA)

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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APPROVAL OF JULY 15, 2024 MINUTES	MOTION	SECOND
APPROVE	☐ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>	☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
VOTE TO APPROVE MINUTES	☒ PASS ☐ FAIL	VOTE: 6 - 0

PUBLIC APPEARANCES	None.
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CONDITIONAL USE PUBLIC HEARINGS	
PLN24-11	APPLICANT/LANDOWNER: Darv Turbes / United Farmers Cooperative (continued from 7/15/2024)
DESCRIPTION OF REQUEST	Placement of a thirty-thousand (30,000) - gallon liquid petroleum (propane) bulk storage container in the Limited Industry Zoning District at UFC's Klossner location. PID: 06.541.0020
CONFLICT OF INTEREST	Commissioner Schwab recused himself due to a conflict of interest.
SITE VISIT & PUBLIC CONTACT	Commission members Zins, Hoffmann, Laven, Thoreson & Ubel visited the site. There was no contact with commission members from members of the public.
STAFF REPORT PRESENTED BY	ZS Crawford
APPLICANT TESTIMONY	Present to represent the application was Merle Bohlin with United Farmers Cooperative located at 29566 300 th Street, Sleepy Eye, along with Greg Haupt, Attorney with Sobalvarro & Haupt located at 3601 18th Street South, St. Cloud. Zac Kuehn with United Farmers Cooperative located at 618 23 rd Street North, New Ulm also spoke to the request.
PUBLIC TESTIMONY	Carolyn & John Meyer located at 57653 Fort Road, New Ulm provided testimony opposed to the request, but in favor of UFC planting additional shrubbery to dampen the sound to neighboring homes.
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place. A motion was made by Commissioner Zins and seconded by Member Laven to add Condition #9. A vote on the motion passed 5-0.

COMMISSION ACTION - MOTION	MOTION		SECOND
RECOMMEND APPROVAL with conditions, as amended	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>		☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
COMMISSION ACTION – VOTE ON MOTION			
RECOMMEND APPROVAL with conditions, as amended	☒ PASS	☐ FAIL	VOTE: 5 - 0
COMMISSION ACTION – ADOPT FINDINGS	MOTION		SECOND
ADOPT THE FINDINGS OF THE FACT AS STATED	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>		☒ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
VOTE TO ADOPT THE FINDINGS OF FACT	☒ PASS	☐ FAIL	VOTE: 5 – 0

REZONING PUBLIC HEARING

PLN24-12	APPLICANT/LANDOWNER: Jason Tews / United Farmers Cooperative (continued from 7/15/24)		
DESCRIPTION OF REQUEST	Rezoning parcel ID(s): 06.103.0400 from Rural Townsite to Limited Industry; 06.103.0300 from Rural Townsite to Limited Industry; 06.103.0210 from Agricultural Preservation to Limited Industry.		
CONFLICT OF INTEREST	Member Schwab recused himself due to a conflict of interest.		
SITE VISIT & PUBLIC CONTACT	Members Laven, Thoreson & Ubel visited the site. There was no contact with commission members from members of the public.		
STAFF REPORT PRESENTED BY	ZS Crawford		
APPLICANT TESTIMONY	Present to represent the application was Jason Tews, Vice President of Grain & Feed with United Farmers Cooperative located at 123 Woods Drive, Le Sueur, along with Greg Hauptert, Attorney with Sobalvarro & Hauptert located at 3601 18th Street South, St. Cloud.		
PUBLIC TESTIMONY	Roger Berenek at 39253 625th Avenue, New Ulm was present to provide public testimony asking for assurances concerning road access via easement to his property. Chair Ubel recommended Mr. Berenek discuss his concerns with the township board before the township road is vacated. No other correspondence was received.		
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.		
COMMISSION ACTION - MOTION	MOTION		SECOND
Recommend approval of the rezoning request from Rural Townsite & Agricultural Preservation to Limited Industry	☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>		☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☒ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
COMMISSION ACTION – VOTE ON MOTION			
Approval to recommend the rezoning request	☒ PASS	☐ FAIL	VOTE: 5 - 0

ADDITIONAL ITEMS

REVIEW ZONING PERMITS	The Commission had no questions for Staff.
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OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
ADJOURN MEETING	MOTION		SECOND
09:40 PM	☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☒ Kurt Zins, <i>Commissioner</i>		☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Dave Ubel, <i>Chair</i> ☐ Kurt Zins, <i>Commissioner</i>
VOTE TO ADJOURN MEETING	☒ CARRIED	☐ FAILED	VOTE: 6 – 0

JOHN ZEHNDER, ZONING SPECIALIST		DATE	
DAVE UBEL, CHAIR		DATE	

DRAFT



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

Name of Applicant	Darv Turbes	Hearing	8/19/2024
Property Owner	United Farmers Cooperative	BOC Meeting	8/27/2024
File	PLN24-11	Parcel ID	06.541.0020
Request	Placement of a thirty-thousand (30,000) gallon liquid petroleum (propane) bulk storage container		

FINDINGS OF FACT

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

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The request was approved by the New Ulm Fire Department, and will follow fire department code. The request is also acceptable to The Minnesota Department of Transportation. This is a conditionally permitted use in the zoning district.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	There will be no excess burden to roads or utilities, and will decrease traffic county-wide with the delivery to this site. There's already existing use on the property along the state highway.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	This site is already used for propane distribution and the use of the property will not change. There is already a thirty-thousand (30,000) tank on site without a berm.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	There are other fuel tanks located on the property and the use of the property will not change. The Applicant has submitted a landscaping plan, and along with the existing trees on the neighboring property, the sights and sounds from the property and its use should be alleviated.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The use is consistent with the Land Use Ordinance, and meets all the conditions except berming and setbacks which have been deemed unnecessary. The site is currently used for propane distribution, and has an existing thirty-thousand (30,000) gallon tank on site.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The request will meet all regulations once a variance is granted. Bulk storage is allowed in the Limited Industry Zoning District, and this industry will provide jobs and revenue to the County and its residents.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The requested use will not create unreasonable adverse effects to nearby property owners. The additional condition, which includes adding additional shrubs and trees to the site, will reduce noise and unsightliness to nearby property owners. The tank is painted to reduce glare.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The property is currently zoned Limited

Justin Laven	☒	☐	☐	☐	Industry. The existing use on this site already includes bulk storage, and the request will only increase the size of the operation.
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The request has been approved by the New Ulm Fire Department and stated to follow NFPA Liquefied Petroleum Gas Code. Health risks to neighbors have been addressed, and there are no apparent unreasonable health risks posed to the public in general.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The Applicant intends to follow all the safety regulations required by the New Ulm Fire Department and the NFPA Liquefied Petroleum Gas Code. Noise will be minimal and mainly occur during the Fall season.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☒	☐	☐	☐	
Dave Ubel	☒	☐	☐	☐	
Kurt Zins	☒	☐	☐	☐	

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION

☒ RECOMMENDS APPROVAL OF REQUEST ☐ RECOMMENDS DENIAL OF REQUEST

THIS DECISION WAS BASED UPON

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

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

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

Date: 8/21/24 Chair: Dave Ubel

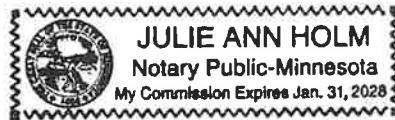
STATE OF MINNESOTA
COUNTY OF NICOLLET

The foregoing instrument was acknowledged before me this 21st day of
August 2024, by Julie Holm.

Julie Holm

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (or other title or rank)



PLANNING & ZONING COMMISSION AGENDA

Date: August 19, 2024

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

Location: County Board Room - Government Center, 501 S. Minnesota Avenue, St. Peter

Copies of the meeting agenda and packet are available on Nicollet County's website: www.co.nicollet.mn.us/Agendas
Questions or comments regarding the meeting can be directed to the Nicollet County Property Services Department by calling 507-934-7070, or by email to niccopermitapps@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Silence Your Cell Phone
4. Review of Cancellations and Additions
5. Approval of Minutes: *July 15, 2024*
6. Public Appearances
7. **PUBLIC HEARING: PLN24-11 (continued from 7/15/2024)**
 - Applicant: Darv Turbes with United Farmers Cooperative
 - Landowner: United Farmers Cooperative
 - Request: Placement of a 30,000-gallon liquid petroleum bulk storage container
 - Location: Southeast ¼ of the Northwest ¼, Section 3-110-30, in Lafayette Township
 - Parcel Number: 06.541.0020
 - Zoning Specialist: Spencer Crawford
8. **PUBLIC HEARING: PLN24-12 (continued from 7/15/2024)**
 - Applicant: Jason Tews with United Farmers Cooperative
 - Landowner: United Farmers Cooperative
 - Request: Rezone Parcel ID's 06.103.0400 & 06.103.0300 from Rural Townsite to Limited Industry. Rezone Parcel ID 06.103.0210 from Agricultural Preservation to Limited Industry.
 - Location: Northeast ¼ of the Northwest ¼, Section 3-110-30, in Lafayette Township
 - Parcel Number: 06.103.0400, 06.103.0300, & 06.103.0210
 - Zoning Specialist: Spencer Crawford
9. Review Permits
10. Old Business
11. Other Business
12. Communications
13. Adjourn

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.



CONDITIONAL USE PERMIT

BULK STORAGE

United Farmers Cooperative

PLN24-11

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT	Conditional Use Permit PLN24-11
APPLICANT	Darv Turbes with United Farmers Cooperative
LANDOWNER	United Farmers Cooperative
LOCATION	Southeast ¼ of the Northwest ¼, Section 3-110-30, in Lafayette Township
PARCEL NO	06.541.0020
EXISTING ZONING	Limited Industry
HEARING DATE	07/15/24
COUNTY BOARD DATE	07/23/24
60 DAYS FROM REQUEST	08/20/24
PREPARED BY	Spencer Crawford

REQUEST

United Farmers Cooperative (UFC) is requesting conditional use approval to place a 30,000-gallon liquid petroleum (propane) tank at their Klossner location.

ORDINANCE

Bulk storage containers for oil, gasoline, liquid fertilizer, chemicals, and similar liquids in excess of 2,500 gallons are required to obtain a Conditional Use Permit. The specific standards for bulk storage are found in Section 708 of the Zoning Ordinance.

PROJECT DESCRIPTION & APPLICATION REVIEW

UFC is seeking to consolidate their operations by moving a 30,000-gallon propane tank from their Lafayette location to Klossner. It would sit alongside an existing tank, bringing the propane capacity at the site up to 60,000 gallons. The propane would be sold locally for both home and agricultural use. Per the Applicant, the additional tank will help to meet increased demand in the area.

Safety:

Zoning Ordinance Section 708 (3) requires assurance that fire, explosion, and contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The applicant has submitted a NFPA 58 form to show compliance with the Liquefied Petroleum Gas Code, but it should be noted that Nicollet County does not regulate the safety of propane tanks. The New Ulm Fire Department has permitting authority over the tank and enforces safety regulations. Paul Macho, New Ulm Fire Chief, has submitted a letter stating that he will allow the installation of the tank provided all fire codes, setbacks, or county variances are followed. The tank would be closer to the nearby shed than what is allowed by fire code, but Mr. Macho states that this is acceptable provided the aforementioned standards are maintained.

Compliance Documentation:

Zoning Ordinance Section 708 (4) requires compliance documentation from the Minnesota State Fire Marshall, Minnesota Department of Agriculture, Minnesota Pollution Control Agency, and United States Environmental Protection Agency. Staff reached out to these agencies who advised they do not have permitting authority.

Berming:

Zoning Ordinance Section 708 (5) requires a berm capable of holding 115% of the tanks capacity. The applicant is requesting a variance to this provision; see PLN24-10.

Setbacks:

The proposal does not meet the 100-foot setback from the right of way. The applicant is requesting a variance to this provision; see PLN24-10. All other setbacks are maintained.

Screening & Landscaping:

The applicant has submitted a landscaping plan that meets the requirements of Zoning Ordinance Section 708 (6). Shrubs would be planted along the road, while existing trees will screen the tank from the property to the north. The Applicant is also required to grass or surface the area around the tank; existing conditions meet this requirement.

MNDOT COMMENT

MNDOT provided the following statement in regard to the landscaping:

The main concern we have about the landscaping for the Cenex station propane tank is keeping it out of MnDOT R/W and the clear zone for this portion of the road. Traffic indicated it would be advisable to plant something that would grow to have a stem/trunk diameter less than 4 inches. That way it should act in more of a breakaway manner if it got hit.

EXISTING LAND USE

The approximately three-acre property contains a variety of structures centered around energy, including: a service station, existing propane tank, fuel storage tanks, and several sheds that hold vehicles and liquid petroleum related equipment. The service station is not manned and the property may be unattended during some parts of the day.

SURROUNDING LAND USE

The property sits on the southern edge of the unincorporated community of Klossner. There are several homes to the north and northwest of the property, with the closest being about 280 feet from the tank. There is farmland to the east and south, and a Nicollet County Public Works Station to the northeast.

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. Staff spoke to several individuals who wanted information about the project but provided no comment. One individual was concerned that the trees to the north of the tanks did not provide adequate screening because they were open at the bottom.

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

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

- The Applicant must obtain approval from the New Ulm Fire Department to place the tank.
- Per the recommend conditions, the applicant will be required to follow the fire code and the NFPA Liquefied Petroleum Gas Code unless an explicit exception is provided by the New Ulm Fire Department or other governing agency.
- The request is a conditionally permitted use in the Limited Industry District, which allows for “industrial uses which are suitable to be in close proximity to non-industrial uses, and prohibits industries which may pose problems of air pollution, noise, vibrations, etc.”.
- There are approximately 8 houses within 1000 feet of the proposed tank.

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

- No excessive burden on the road or utilities is expected. The property is located along a State Highway, and the number of trips will increase at this location but decrease at the former Lafayette location.

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

- The use of the property is not changing. It is already being used to store and sell propane and other petroleum-based products.

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

- The applicant has submitted a landscaping plan compliant with Zoning Ordinance Section 708 (6).
- There are existing trees on the northern property line that screen the proposal.
- There is an existing tank at the facility. The use of the property will not change.

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

- The request appears to meet all Zoning Ordinance standards, with the exception of berming as required by Zoning Ordinance Section 708.5 and the 100-foot front yard setback as required by Section 608.5.
- The Applicant is requesting a variance to the berming requirement and the front yard setback.

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

- The request does not conflict with any of the goals and policies of the Comprehensive Plan.
- The Comprehensive Plan states that existing regulations should be used to identify the appropriate location and siting for new uses. The request is in the Limited Industry District which allows Bulk Storage. It appears to meet all regulations provided the requested variances are granted.

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

- Existing and proposed vegetation would screen the tank from the surrounding residential properties.

- No unreasonable odor or noise is expected from the tank.
- The tank is painted, reducing glare.

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

- The property is currently being used to store various petroleum based products, including liquid propane.

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

- The Applicant must obtain approval from the New Ulm Fire Department to place the tank.
- The applicant must follow all regulations as required by the New Ulm Fire Department.
- Per the recommend conditions, the applicant will be required to follow the fire code and the NFPA Liquefied Petroleum Gas Code unless an explicit exception is provided by the New Ulm Fire Department or other governing agency.
- There are approximately 8 houses within 1000 feet of the proposed tank.

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

1. The Applicant must obtain approval from the New Ulm Fire Department to place the tank.
2. The applicant must follow all regulations as required by the New Ulm Fire Department.
3. Per the recommend conditions, the applicant will be required to follow the Fire Code and the NFPA Liquefied Petroleum Gas Code unless an explicit exception is provided by the New Ulm Fire Department or other governing agency.

STAFF RECOMMENDATIONS

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The zoning permit is invalid if the holder has not substantially completed the building within the period of time allowed on the zoning permit connected with this conditional use permit.
3. The Conditional Use Permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.
4. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. Landscaping and screening that meets the requirements of Zoning Ordinance Section 708 (6) shall be maintained for the lifespan of the tank and any replacement tank.
6. The Applicant shall coordinate with the MnDOT in regard to the placement of any landscaping.
7. The applicant shall obtain all required permits from the New Ulm Fire Department before placing the tank.
8. The property owner shall comply with Fire Code and the NFPA Liquefied Petroleum Gas Code unless an explicit exception is provided by the New Ulm Fire Department or other governing agency. This shall apply to both tanks on the property for their lifespan and any replacement tanks.

Applicant: United Farmers Cooperative
Landowner: United Farmers Cooperative

PLN24-11

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Zoning Ordinance Requirements
ATTACHMENT D	Aerial Map
ATTACHMENT E	Location Map
ATTACHMENT F	Site Photographs
ATTACHMENT G	Neighbor Notification List
ATTACHMENT H	Criteria for Conditional Use Permit



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

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Parcel#: 06.541.0020
Permit#: PLN24-11
Date: 6/21/2024

Applicant: DARV TURBES- UFC
Telephone: 507-647-6606
Owner: UNITED FARMERS COOPERATIVE
Property Address: 40339 STATE HIGHWAY 15, NEW ULM, MN 55396
Abbreviated Legal Description: SENW 3-110-30
Township: Lafayette Township
Zoning District(s): LIMITED INDUSTRY
Hearing Date: **Monday, July 15, 2024**

Record Type: Conditional Use Permit
Subtype: New
Category: Commercial
Description: BULK STORAGE CUP

ATTACHMENT A
Application

Copies of the meeting agenda and packet are available on the Nicollet County website: co.nicollet.mn.us/AgendaCenter
Questions regarding the hearing can be directed to:

Spencer Crawford
Phone: 507-934-7071
Email: Spencer.Crawford@co.nicollet.mn.us

Darv Turbes
Darv Turbes (Jun 21, 2024 09:55 CDT)
APPLICANT SIGNATURE

Jun 21, 2024
DATE

Spencer Crawford
PROPERTY SERVICES

06/21/24
DATE

App (Unsigned)

Final Audit Report

2024-06-21

Created:	2024-06-21
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA4v2S1ngumPCFptLWCmbg16klY2Um-4V

"App (Unsigned)" History

 Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
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 Document emailed to darv.turbes@ufcmn.com for signature
2024-06-21 - 1:49:34 PM GMT

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 Signer darv.turbes@ufcmn.com entered name at signing as Darv Turbes
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 Document e-signed by Darv Turbes (darv.turbes@ufcmn.com)
Signature Date: 2024-06-21 - 2:55:15 PM GMT - Time Source: server- IP address: 140.190.7.4

 Agreement completed.
2024-06-21 - 2:55:15 PM GMT



Adobe Acrobat Sign



**CONDITIONAL USE PERMIT
APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION**

APPLICANT NAME: United Farmers Cooperative

DATE: June 13, 2024

REQUEST: 30,000 gallon LP Tank Installation - Klossner

Please describe the specific details related to your request. If your request is approved, you will be held to the plans and specifications submitted to the County with your application.

United Farmers Cooperative ("UFC") seeks to install a 30,000 gallon liquid petroleum tank ("LP Tank") at its facility located at 40339 State Highway 15, New Ulm Minnesota 56073 ("Location") near its existing 30,000 gallon LP tank as indicated on the site plan submitted in conjunction with this request.

ATTACHMENT B
Submitted by Applicant



CONDITIONAL USE PERMIT APPLICANT QUESTIONNAIRE

APPLICANT NAME: United Farmers Cooperative

DATE: June 13, 2024

REQUEST: 30,000 gallon LP Tank Installation - Klossner

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.

WHY DO YOU FEEL THE REQUESTS MEETS THE FOLLOWING CRITERIA?

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

The requested use is compatible with public health, safety, and general welfare. First, the proposed use is allowed by the County Zoning Ordinance. Also, the Location has already been used as a bulk facility for many years without complaint. The installation of the LP will not increase pollution, noise, vibrations or any other problem. The proposed use will be beneficial in many respects. The proposed project will provide additional access to LP fuel for UFC's members and customers in the area for both home heating and agriculture use, reduce traffic, and improve the appearance of the Location with landscaping.

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

Installing the LP Tank at the Location will streamline UFC's LP sales and deliveries in the area with reduced traffic and increased access to LP gas. It will also allow UFC to use existing facilities at the Location in a more efficient manner by consolidating LP tank operations in a central location. The LP Tank is being moved from UFC's Lafayette location. As a result, there will be fewer total deliveries of LP needed within Nicollet County. Furthermore, the Location is adjacent to Highway 15, which is a major highway in the area that can handle the types of vehicles needed to service and fill the LP Tank. Utilities needed for the new LP Tank is negligible. No new utilities are needed as existing utilities are adequate for the new LP Tank.

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

The proposed project is compatible with the surrounding area and will not significantly depreciate nearby properties. The Location is already used, in part, as a bulk facility. The proposed use will not change that. The LP Tank will provide LP to residences and farms in Nicollet County for use in home heating and in agriculture. Also, the installation of the LP Tank will not be inconsistent with the area or cause any issues with neighbors. The property to the north is screened by a line of trees and the landscaping will be installed to screen the LP Tank from Highway 15 and there are no other properties that will be affected by the installation of another LP Tank.

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

The proposed project is compatible with the surrounding area and will not significantly depreciate nearby properties. The Location is already used, in part, as a bulk facility. The proposed use will not change that. The LP Tank will provide LP to residences and farms in Nicollet County for use in home heating and in agriculture. Also, the installation of the LP Tank will not be inconsistent with the area or cause any issues with neighbors. The property to the north is screened by a line of trees and the landscaping will be installed to screen the LP Tank from Highway 15 and there are no other properties that will be affected by the installation of another LP Tank.

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

The Location is zoned as Limited Industry District. Zoning and land use restrictions allow governmental entities to ensure land gets used in a way that promotes both the best use of the land and the prosperity, health, and welfare of residents. The official controls at issue for the Limited Industry District allows for use of the property for bulk storage as a conditional use. The Location has been used as a bulk storage facility for over forty years without incident. The Limited Industry District is intended to preclude the operation of "industries that pose problems of air pollution, noise, vibrations, etc." The use of the Location for the installation of a second LP Tank is consistent with the County Zoning Ordinance.

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

The Comprehensive Plan recognizes the agricultural heritage of Nicollet County and seeks to preserve agricultural land and encourage sustainable agricultural practices. The proposed installation of the proposed LP Tank will allow UFC to better service its agronomy customers in the area that will in turn assist in preserving agricultural land and encourage sustainable agricultural practices. LP is essential to sustainable agriculture in that it provides farmers with a cost-effective energy source with fewer emissions than other fuels, such as diesel or gasoline. Additionally, the location will have an additional LP Tank and increase the total capacity of the location, traffic will be reduced as the tanks will require fewer deliveries to refill the LP Tanks.

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

The proposed project will not have an unreasonably adverse effect on nearby properties. The Location is already used as a bulk fuel tank facility. The proposed use will not change that. Also, the installation of the LP Tank will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners. The property to the north is screened by a line of trees and the landscaping will be installed to screen the LP Tank from Highway 15. There will be no noise, odor, glare, or general unsightliness created by the installation of the LP Tank.

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

The Location is zoned as Limited Industry District. Zoning and land use restrictions allow governmental entities to ensure land gets used in a way that promotes both the best use of the land and the prosperity, health, and welfare of residents. The official controls at issue for the Limited Industry District allows for use of the property for bulk storage as a conditional use. The Location has been used as a bulk storage facility for over forty years without incident. The Limited Industry District is intended to preclude the operation of "industries that pose problems of air pollution, noise, vibrations, etc." The use of the Location for the installation of a second LP Tank is not contrary to the official control and is in harmony

with the general purpose of the official control. First, the proposed use is allowed by the zoning ordinance. Also, the Location has already been used as a bulk facility for many years without complaint. The installation of the LP will not increase pollution, noise, vibrations or any other problem. The proposed use will be beneficial in many respects. The proposed project will provide additional access to LP fuel for UFC's members and customers in the area, reduce traffic, and improve the appearance of the Location with landscaping. Additionally, the surrounding area is agricultural and LP is essential to sustainable agriculture in that it provides farmers with a cost-effective energy source with fewer emissions than other fuels, such as diesel or gasoline. The installation of the LP Tank will allow farmers in the area greater accessibility to LP for their farm operations.

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

LP is a safe and reliable source of clean energy. There are no apparent unreasonable health risks posed to neighbors or the public in general by the installation of the LP Tank. The nearest resident on the adjacent property is approximately 270 feet away from where the LP Tank will be located and that residence is screened by a line of trees. The Location has been used as a bulk LP facility for many years without incident.

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

The requested use will not have an adverse effect upon public health, safety, and welfare. The Location is already used for the intended purpose. There have been no incidents or problems with use of the Location as bulk LP facility. The proposed project will provide additional access to LP fuel for UFC's members and customers in the area, reduce traffic, and improve the appearance of the Location with landscaping.

A MAJORITY OF THE CUP CRITERIA MUST BE MET IN ORDER FOR THE REQUEST TO BE APPROVED.

CONCEPT PLAN

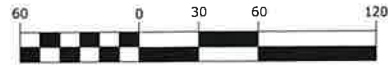
~for~ United Farmers Cooperative
~of~ Lots B, C, & J, of the plat E. KOTTKE
GAREIS SUBD. NO. 3, SEC.3, T.110,
R.30, Lafayette Twp., Nicollet Co., MN

LEGEND

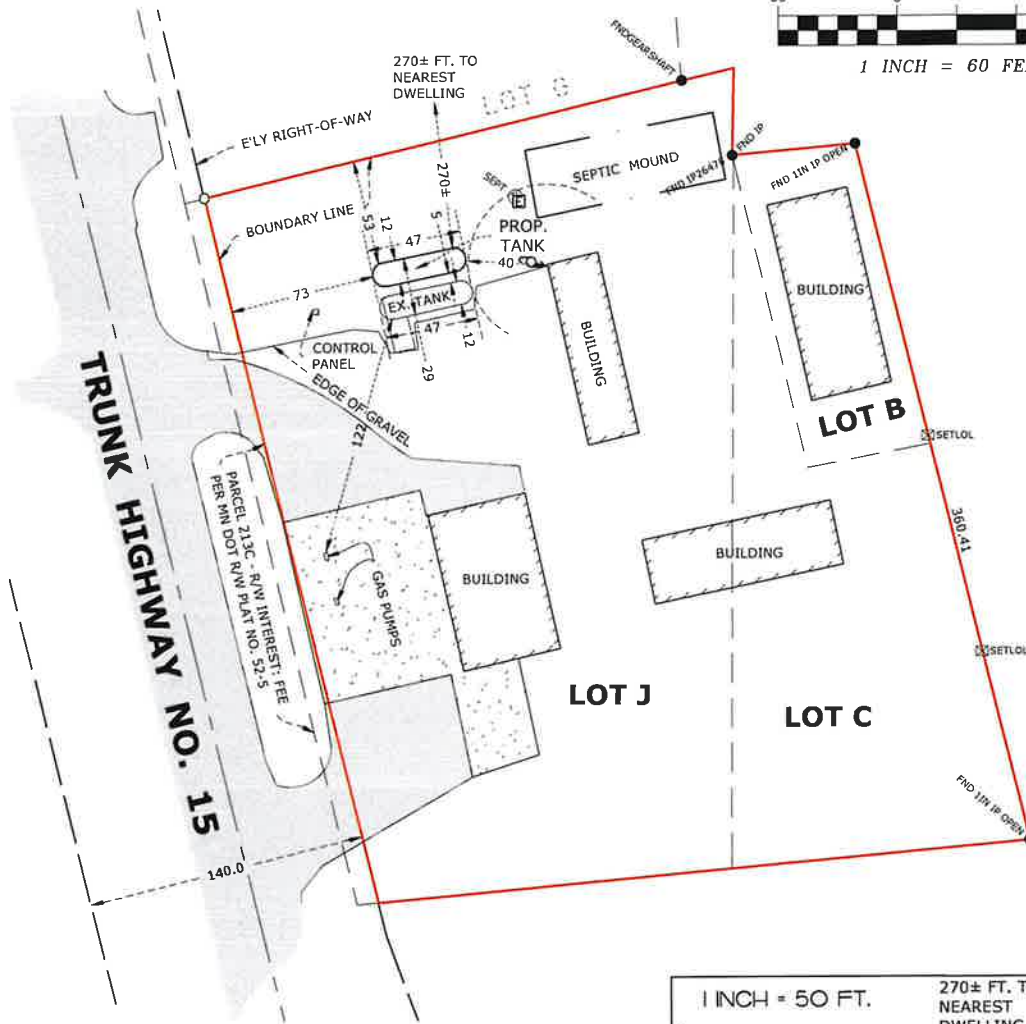
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- DENOTES ELECTRICAL BOX
- ⊕ DENOTES POWER POLE
- DENOTES FENCE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE

NORTH

GRAPHIC SCALE

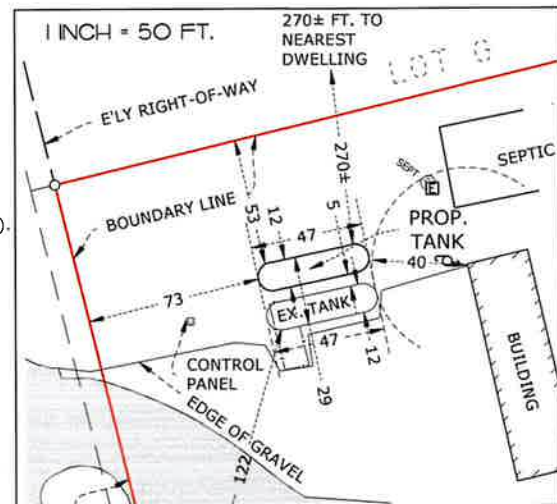


1 INCH = 60 FEET



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 20MAR24.
- Bearings shown are based on the Nicollet Co., Coord. Sys. NAD 83 (96 adj.).
- Parcel ID Number: 06.541.0020.
- Property Address: 40339 State Hwy 15 New Ulm, MN
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.



I hereby certify that this plan, survey or report was prepared by me, or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: [Signature]
Minnesota License No. 45356

Dated 30th day of March, 2024.

DATUM: CO. COORD.

JOB NO. 23.0984

REVISIONS

1	2	3

DATE: 3/30/2024

DRAWN BY: KDN

CREW: JWM



E.G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025
www.egrud.com

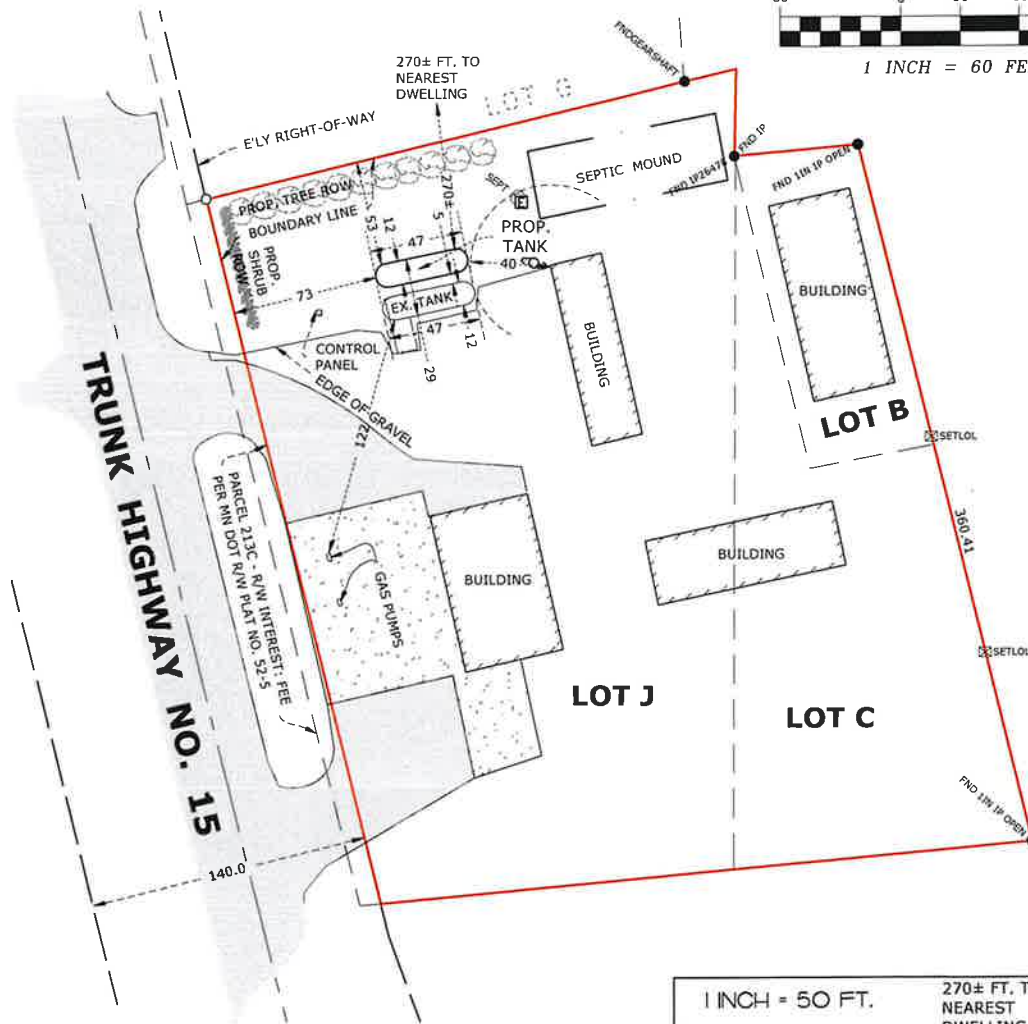
L-B

~for~ United Farmers Cooperative
~of~ Lots B, C, & J, of the plat E. KOTTKE
GAREIS SUBD. NO. 3, SEC.3, T.110,
R.30, Lafayette Twp., Nicollet Co., MN

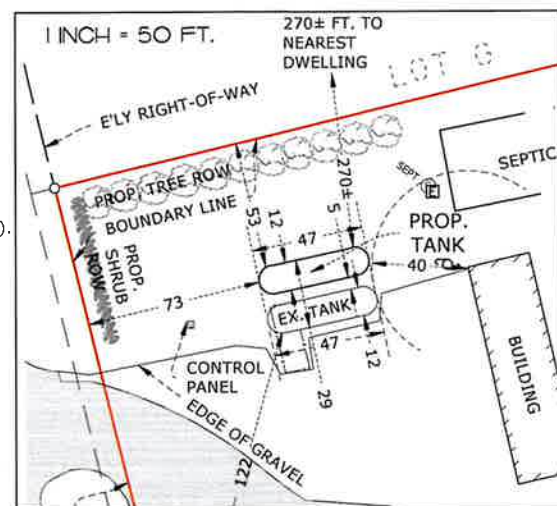
- DENOTES IRON MONUMENT FOUND AS LABELED
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- ⚡ DENOTES POWER POLE
- DENOTES FENCE
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- DENOTES CONCRETE SURFACE



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- Parcel ID Number: 06.541.0020.
- Property Address: 40339 State Hwy 15 New Ulm, MN
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.



DATUM: <u>CO. COORD.</u>		JOB NO. <u>23.0984</u>	
REVISIONS			
1			DATE: <u>3/30/2024</u>
2			DRAWN BY: <u>KDN</u>
3			CREW: <u>JWM</u>
NO.	DATE	DESCRIPTION	BY

 **E.G. RUD & SONS, INC.**
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025
www.egrud.com

L-B

Interactive Appendix A Fill-in Forms (2014 Edition of NFPA 58)

This Appendix contains a set of forms copied from the different chapters in this manual. The form number corresponds to the respective forms in chapters 4 through 9; the first number digit represents the chapter number. Where the forms refer to a figure, it is understood that they refer to the figures shown in the main body of the manual.

How to Use the Forms in this Section

This document contains tables with fill-in blanks, or form fields, in which you enter information. These tables are made of cells, and the ones in which you may enter information contain gray shading.

The following types of form fields are included in this Appendix:

Regular Text: Accepts text, numbers, symbols, or spaces.

Number: Allows a number only. If you enter a letter into this field, it will change to a zero after you leave the field.

Calculation: Uses a formula to calculate numbers, such as the sum of two columns, which automatically appears in another column. Users cannot fill in or change this field, even though it contains gray shading. **Users must click in another number field to activate the calculations.**

Checkbox: Shows the selection state of an item. When the box is empty, or unchecked, click it to make an X appear. When the box is checked and contains an X, click the box to remove it. Examples: Unchecked: ☐ Checked: ☒

The form fields are already set up to accept only a certain type of input (numbers only or numbers and letters) and contain the formulas needed for automatically performing calculations. Users are not permitted to use the other fields in the forms (for example, change Item #s or values already in the form).

Form 4.1
Initial Data on the LP-Gas Facility

A	B	C
Item #	Information Item	Data
1	Name of the LP-Gas Facility Owner or Operator	United Farmers Cooperative
2	Contact Name	Merle Bohlin
3	Contact Telephone & Fax Numbers	507-232-1048
4	Contact Email Address	
5	Mailing Address	Street 1: 705 east 4th st
		Street 2:
		City, State, Zip: Winthrop, MN 55396

Form 4.2
Facility Storage Capacity^{1,2,3,5}

A	B	C	D
Item #	Individual Container Water Capacity (w.c.) (gallons)	Number of containers	Total Water Capacity (w.c.) of each container size (gallons)
1	500		
	1,000		
	2,000		
	4,000		
	10,000		
	18,000		
	30,000	2	60,000
	60,000		
	Other:		
	Other:		
	Other:		
	Other:		
2	Aggregate Water Capacity ⁴		60,000

- Notes:**
- (1) Column D = Column B x Column C.
 - (2) Parked bobtails, transports and tank cars should not be considered for aggregate capacity calculations.
 - (3) Do not consider containers that are not connected for use.
 - (4) For the purpose of this manual, "Aggregate Water Capacity" means any group of single ASME storage containers separated from each other by distances less than those stated in the aboveground containers column of Table 6.3.1.
 - (5) **This form contains formulas that will automatically calculate results based on the values entered in the related cells. To activate the calculations, click in another number field, such as one in Column C.**

If the aggregate water capacity (w.c.) of the LP-Gas facility is less than or equal to 4,000 gallons, no further assessment is required.

YOU CAN STOP HERE.

Form 4.3
Additional Information on the LP-Gas Facility

☒ Existing Facility; Built to NFPA 58 Edition 2020 ☐ Proposed Facility

a) Name of the Facility (if applicable): United Farmers Cooperative

b) Type of LP-Gas Facility: ☐ Commercial ☐ Industrial ☒ Bulk Plant

c) Facility is located in: ☐ City Industrial Zone ☐ Suburban Area ☐ Rural Area
☒ City Commercial Zone

d) Facility neighbors[§]: ☒ Agri Fields ☒ Commercial Bldgs. ☐ Flammable Liquids Storage
(Check all that apply) ☐ Industrial Activity (metal fabrication, cutting and welding, etc.)
☐ Manufacturing ☐ Others (explain) _____

e) Geographic Location of Facility/Address: 40339 State Hwy 15
New Ulm, MN 56073

f) Landmarks, if any: _____

g) LP-Gas liquid supply by: ☐ Bobtail ☒ Truck Transport ☐ Rail Tank Car
(Check all that apply) ☐ Pipeline

h) LP-Gas Distribution by: ☐ Liquid Piping ☐ Truck Transport ☐ Vapor Piping Plant
(Check all that apply): ☒ Bobtail ☐ Dispensing or Vehicle Liquid Fueling

i) Number of Vehicle Entrances: ☐ One ☒ Two ☐ More than two

j) Type of Access Roads to the Facility: ☐ Rural ☐ City or Town ☒ Highway
(One check per line) Entrance 1: ☐ Dirt road ☐ Gravel road ☒ Paved
(One check per line) Entrance 2: ☐ Dirt road ☐ Gravel road ☒ Paved

k) Staff presence: ☐ Not staffed ☒ Only during transfer operations
☐ Staffed always (24/7) ☒ Only during business hours
☐ Other (Explain) _____

l) Location and distances to Assembly, Educational or Institutional Occupancies surrounding the facility, if any, within 250 feet from the facility boundary in the direction of the assets:
None

m) Overview plot plan of the facility attached? ☒ Yes ☐ No

§ All properties either abutting the LP-Gas facility or within 250 feet of the container or transfer point nearest to facility boundary.

Form 5.1
Compliance with Code Requirements for Appurtenances on Containers of
4,000 Gallons Water Capacity or Less

A	B	C	D	E
Container #	Service Configuration Subfigure (in Figure 5-1)	Number of Product Control Appurtenances		NFPA 58 Section Reference (2014 edition)
		Required by NFPA 58 (applicable edition)	Installed on the Container	
1				5.7.4.1, Table 5.7.4.1 (B) and 5.7.4.4
2				
3				
4				
5				
6				
7				

If, in Form 5.1, any one of the numbers in column D is less than the number in Column C of the corresponding row, then these items must be addressed and brought into compliance with the specific edition of NFPA 58 that the facility was constructed to.

Form 5.2
Compliance with Code Requirements for Appurtenances on Containers
Having a Water Capacity Greater Than 4,000 Gallons

A	B	C	D		E	F	G
Container #	LP-Gas inlet to and outlet from the container**		Enter Configuration Number		Total Number of Product Control Appurtenances		NFPA 58 Section Reference (2014 edition)
					Required by NFPA 58 (applicable edition)	Installed on the container	
1	Vapor	Inlet	5-2				5.7.4.2, Table 5.7.4.2 and 5.7.4.3
		Outlet	5-3				
	Liquid	Inlet	5-6				
		Outlet	5-7				
2	Vapor	Inlet	5-2				
		Outlet	5-3				
	Liquid	Inlet	5-6				
		Outlet	5-7				
3	Vapor	Inlet	5-2				
		Outlet	5-3				
	Liquid	Inlet	5-6				
		Outlet	5-7				
4	Vapor	Inlet	5-2				
		Outlet	5-3				
	Liquid	Inlet	5-6				
		Outlet	5-7				

** If the container does not provide an opening for the specific function listed, enter 0 (zero) in columns E and F corresponding to that row.

If in Form 5.2 any one of the numbers in column F is less than the number in Column E of the corresponding row, these items must be addressed and brought into compliance with the specific edition of NFPA 58 that the facility was constructed to.

Form 5.3
Requirements for Transfer Lines of 1½-inch Diameter or Larger,
Liquid-into-Containers

A Item #	B Appurtenance (Either No. 1 or No. 2)**	C Appurtenance Provided with the Feature	D Installed in the facility?		E NFPA 58 Section Reference (2014 edition)
			Yes	No	
1	Emergency shutoff valve (ESV) (Ref § 6.12)	Installed within 20 ft. of lineal pipe from the nearest end of the hose or swivel-type connections.	☒	☐	6.12.2
		Automatic shutoff through thermal (fire) actuation element with maximum melting point of 250 °F.	☒	☐	6.12.6
		Temperature-sensitive element (fusible link) installed within 5 ft. from the nearest end of the hose or swivel-type piping connected to liquid transfer line.	☒	☐	6.12.6
		Manually operated remote shutoff feature provided for ESV.	☒	☐	6.12.12.1
		Manual shutoff device provided at a remote location, not less than 25 ft., and not more than 100 ft. from the ESV in the path of egress.	☒	☐	6.12.12.2
		An ESV is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel-type connection on one side and to a header of 1½ inch in diameter or larger on the other side.	☒	☐	6.12.5 and 6.19.2.6 (1)
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8
2	Backflow check valve (BCK)**	Installed downstream of the hose or swivel-type connection.	☒	☐	6.12.3
		BCK is designed for this specific application.	☒	☐	6.12.4
		A BCK is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel type connection on one side and to a header of 1½ inch in diameter or larger on the other side.	☒	☐	6.12.5
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8
3	Debris protection ++	Liquid inlet piping is designed or equipped to prevent debris and foreign material from entering the system.	☒	☐	6.19.2.5
4	Emergency discharge control	Flow-through facility hose used to transfer LP-Gas from non-metered cargo tank vehicle into containers will stop within 20 seconds of a complete hose separation without human intervention.	☒	☐	6.19.2.6 (3)

** In lieu of an emergency shutoff valve, the backflow check valve (BCK) is only permitted when flow is only into the container and shall have a metal-to-metal seat or a primary resilient seat with metal backup, not hinged with a combustible material (6.12.3, 6.12.4).

++ Retrofit required for existing facilities by July 1, 2011.

Form 5.4
Requirements for Transfer Lines of 1½-inch Diameter or Larger,
Liquid Withdrawal from Containers

A	B	C	D	E	F
Item #	Appurtenance	Appurtenance Provided with the Feature	Installed in the facility?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Emergency shutoff valve (ESV) (Ref § 6.12)	Installed within 20 ft. of lineal pipe from the nearest end of the hose or swivel-type connections.	☒	☐	6.12.2
		Automatic shutoff through thermal (fire) actuation element with maximum melting point of 250 °F.	☒	☐	6.12.6
		Temperature-sensitive element installed within 5 ft. from the nearest end of the hose or swivel-type piping connected to liquid transfer line.	☒	☐	6.12.6
		Manually operated remote shutoff feature provided for ESV.	☒	☐	6.12.12.1
		Manual shutoff device provided at a remote location, not less than 25 ft., and not more than 100 ft. from the ESV in the path of egress.	☒	☐	6.12.12.2
		An ESV is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel-type connection on one side and to a header of 1½ inch in diameter or larger on the other side.	☒	☐	6.12.5 and 6.19.2.6 (1)
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8
		Number of ESV's in liquid withdrawal service			

Note: If more than one ESV is installed in the facility, use one Form 5.4 for each ESV.

Form 5.5

Requirements for Vapor Transfer Lines 1¼-inch Diameter or Larger

A Item #	B Appurtenance	C Appurtenance Provided with the Feature	D Installed in the facility?		F NFPA 58 Section Reference (2014 edition)
			Yes	No	
1	Emergency shutoff valve (ESV) (Ref § 6.12)	Installed within 20 ft. of lineal pipe from the nearest end of the hose or swivel-type connections.	☒	☐	6.12.2
		Automatic shutoff through thermal (fire) actuation element with maximum melting point of 250 °F.	☒	☐	6.12.6
		Temperature-sensitive element installed within 5 ft. from the nearest end of the hose or swivel-type piping connected to liquid transfer line.	☒	☐	6.12.6
		Manually operated remote shutoff feature provided for ESV.	☒	☐	6.12.12.1
		Manual shutoff device provided at a remote location, not less than 25 ft., and not more than 100 ft. from the ESV in the path of egress.	☒	☐	6.12.12.2
		An ESV is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel-type connection on one side and to a header of 1-1/4 inch in diameter or larger on the other side.	☒	☐	6.12.5 and 6.19.2.6 (1)
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8
2	Backflow check valve (BCK)**	Installed downstream of the hose or swivel-type connection.	☒	☐	6.12.3
		BCK is designed for this specific application.	☒	☐	6.12.4
		A BCK is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel-type connection on one side and to a header of 1-1/4 inch in diameter or larger on the other side.	☒	☐	6.12.5
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8

****** In lieu of an emergency shutoff valve, the backflow check valve (BCK) is only permitted when flow is only into the container and it shall have a metal-to-metal seat or a primary resilient seat with metal backup, not hinged with a combustible material (6.12.3, 6.12.4).

If a check mark is made in the "No" column of any one of Form 5.3, Form 5.4 or Form 5.5, then these items must be addressed and brought into compliance with the specific edition of NFPA 58 that the facility was constructed to.

If the LP-Gas facility is designed using ALTERNATE PROVISIONS for the installation of ASME CONTAINERS, then continue the analysis below. Otherwise skip Section 5.3 and go to Chapter 6.

Form 5.6

Evaluation of Redundant Fail-Safe Design

A	B		C	D		E	F
Item #	Description		Features	Installed in the facility?			NFPA 58 Section Reference (2014 edition)
				Yes	No		
1	Container sizes for which the appurtenances are provided		Appurtenances and redundant fail-safe equipment are provided for <u>each</u> container of water capacity 2,001 gal. through 30,000 gal.	☒	☐		6.28.3 and 6.28.4
2	Liquid or vapor withdrawal (1-1/4 in. or larger)		Internal valve having internal excess-flow valve	☒	☐		6.28.3.1 and 6.28.3.2
			Positive shutoff valve installed as close as practical to the internal valve	☒	☐		6.28.3.4
3	Liquid or vapor inlet		Internal valve having internal excess-flow valve or backflow check valve (BCK)	☒	☐		6.28.3.5
			Positive shutoff valve installed as close as possible to the internal valve or the backflow check valve (BCK)	☒	☐		6.28.3.5
4	Railcar transfer	Flow into or out of railroad tank car	Approved emergency shutoff valves installed in the transfer hose or the swivel-type piping at the tank car end	☐	☒		6.19.2.6 (1) and 6.28.4
		Flow only into railroad tank car	Approved emergency shutoff valve or backflow check valve (BCK) installed in the transfer hose or the swivel-type piping at the tank car end	☐	☒		6.19.2.6 (2) and 6.28.4
5	Cargo tank transfer		Protection provided in accordance with 6.12	☐	☒		6.28.4.1
6	Automatic closure of all primary valves (IV & ESV) in an emergency		By thermal (fire) actuation	☒	☐		6.28.4.2
			Actuated by a hose pull-away due to vehicle motion	☒	☐		6.28.4.2
7	Manually operated remote shutdown of IV and ESV		Remote shutdown station within 15 ft. of the point of transfer	☒	☐		6.28.4.3 (A)
			Another remote shutdown station between 25 ft. and 100 ft. of the transfer point	☒	☐		6.28.4.3 (B)
			Shutdown stations will shut down electrical power supply to the transfer equipment and shut down all primary valves (internal & emergency valves).	☐	☒		6.28.4.3
			Signs complying with the requirements of 6.28.4.3 (C) provided	☒	☐		6.28.4.3 (C)

Note: If the facility does not have a rail terminal, write "NA" in both the "Yes" column and the "No" column in item 4 of this Form in the railroad tank car row. Similar option is also available if there is no cargo tank vehicle transfer station.

If the LP-Gas facility is provided with LOW EMISSION TRANSFER EQUIPMENT, then continue the analysis below. Otherwise skip section 5.3.2 and go to Chapter 6.

Form 5.7
Evaluation of Low Emission Transfer Equipment

A	B	C		D	E	F
Item #	Description	Features		Installed in the facility?		NFPA 58 Section Reference (2014 Edition)
				Yes	No	
1	Transfer into permanently mounted ASME containers on vehicles	Delivery nozzle and filler valve - Max. liquid release after transfer of 4 cm ³ (0.24 in ³)	Fixed maximum liquid level gauge not used during transfer operations	☒	☐	6.28.5.3 (A) and (B)
2	Transfer into stationary ASME containers delivery valve and nozzle combination	During product transfer or post transfer uncoupling of the hose, liquid product volume released to the atmosphere	Does not exceed 4 cm ³ (0.24 in ³) from a hose of nominal size 1 inch or smaller	☐	☒	6.28.5.4 (A)
			Does not exceed 15 cm ³ (0.91 in ³) from a hose of nominal size larger than 1 inch	☐	☒	6.28.5.4 (B)
3	Transfer into stationary ASME containers maximum filling limit	Do containers of less than 2,001 gal (w.c.) have an overfilling prevention device or another approved device?		☐	☒	6.28.5.4 (F)
		Do containers 2,001 gal (w.c.) or greater have a float gauge or other non-venting device?		☐	☒	6.28.5.4 (E)
4	Transfer into stationary ASME containers fixed maximum liquid level gauge	Not used during routine transfer operations but used to calibrate other non-venting liquid level gauges in the container		☐	☒	6.28.5.4 (C) and (D)

Note: 1) If the facility does not have a particular feature described in items 2 or 3, write "NA" in both the "Yes" and "No" columns corresponding to its row.

If separation distance reductions are intended, check marks made in the "No" column of either Form 5.6 or Form 5.7 must be addressed and brought into compliance with the specific edition of NFPA 58 that the facility was constructed to.

*T
N/A*
*Don't
Fill
TANKS
ONLY
FULL
ASME
ON
TRUCK*

Form 6.1
Evaluation of Physical Protection and Other Measures

A	B	C	D	E	F
#	Item	Features	Installed in the facility?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Lighting†	Provide lighting for nighttime operations to illuminate storage containers, container being loaded, control valves, and other equipment	☒	☐	6.19.5
2	Vehicle impact protection	Protection against vehicular (traffic) impacts on containers, transfer piping and other appurtenances is designed and provided commensurate with the size of vehicles and type of traffic in the facility. Example protection systems include but not limited to (1) Guard rails, (2) Steel bollards or crash posts, (3) Raised sidewalks.	☒	☐	6.6.1.2 and 6.9.3.10
3	Protection against corrosion	Provide protection against corrosion where piping is in contact with supports or corrosion-causing substances.	☒	☐	6.9.3.11, 6.9.3.14 and 6.17
Complete only 4A or 4B					
4A	Perimeter Fence	Is an industrial type or chain link fence of at least 6 ft. high or equivalent protection provided to enclose (all around) container appurtenances, pumping equipment, loading and unloading and container filling facilities?	☒	☐	6.19.4.2
		Are at least two means of emergency accesses (gates) from the enclosure provided? NOTE: Write "NA" (not applicable) if: (i) The area enclosed is less than 100 ft², or (ii) The point of transfer is within 3 ft. of the gate, or containers are not filled within the enclosure	☒	☐	6.19.4.2 (A)
		Is a clearance of at least 3 ft. all around to allow emergency access to the required means of egress provided?	☒	☐	6.19.4.2 (B)
	Guard Service	If a guard service is provided, does this service cover the LP-Gas plant and are the guard personnel provided with appropriate LP-Gas related training, per section 4.4 of NFPA 58?	☒	☐	6.19.4.3
4B	Lock-in-Place devices	Are Lock-in-Place devices provided to prevent unauthorized use or operation of any container appurtenance, system valves, or equipment in lieu of the fence requirements above?	☐	☒	6.19.4.2 (C)

Note: Fill only items 1, 2, 3, and 4A or 4B. Indicate with "NA" when not filling the "Yes" or "No" column.

† Indicate with "NA" if the facility is not operated at night.

Form 6.2

Assessment of Sources of Ignition and Adjacent Combustible Materials

A	B	C	D	E
#	Sources of Ignition and Requirements Pertaining to Adjacent Combustible Materials	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)
		Yes	No	
1	Are combustible materials not closer than 10 ft. from each container?	☒	☐	6.4.4.3
2	Is a distance at least 20 ft. provided between containers and tanks containing flammable liquids with flash point less than 200 °F (e.g., gasoline, diesel)?	☒	☐	6.4.4.6
3	Are electrical equipment and wiring installed per Code requirements?	☒	☐	6.23.2
4	Is open flame equipment located and used according to Code?	☒	☐	6.23.3.1
5	Are ignition control procedures and requirements during liquid transfer operations complied with?	☒	☐	7.2.3.2
6	Is an approved, portable, dry chemical fire extinguisher of minimum capacity 18 lbs. and having a B:C rating provided in the facility?	☒	☐	6.27.4.2
7	Is an approved, portable, dry chemical fire extinguisher of minimum capacity 18 lbs. and having a B:C rating provided on each truck or trailer used to transport portable containers?	☒	☐	9.3.5 and 9.4.7
8	Is the prohibition on smoking within the facility premises strictly enforced?	☒	☐	7.2.3.2 (B) and 9.4.10

Note: Insert "NA" in both "Yes" and "No" columns of any items that are not applicable.

Form 6.3
Separation Distances from Containers to Buildings, Property Lines that can be
Built upon, Inter-container Distances, and Aboveground Flammable or
Combustible Storage Tanks

A	B	C	D	E	F	G			
#	Container Size Range in gal (W.C.)	Separation between a property line, important building or other property and the <u>nearest</u> container which is	Minimum Distance (ft.)	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)			
				Yes	No				
1	501 through 2,000	Above Ground	25	☐	☐	6.3.1, 6.3.2 and Table 6.3.1.1			
		Underground or Mounded	10	☐	☐				
		Between containers	3	☐	☐				
2	2,001 through 30,000	Above Ground	50	☐	☒		6.3.1, 6.3.2 and Table 6.3.1.1		
		Underground or Mounded	50	☐	☐				
		Between containers	5	☒	☐				
3	30,001 through 70,000	Above Ground	75	☐	☐			6.3.1, 6.3.2 and Table 6.3.1.1	
		Underground or Mounded	50	☐	☐				
		Between containers	¼ sum of diameters of adjacent containers	☐	☐				
4	70,001 through 90,000	Above Ground	100	☐	☐				6.3.1, 6.3.2 and Table 6.3.1.1
		Underground or Mounded	50	☐	☐				
		Between containers	¼ sum of diameters of adjacent containers	☐	☐				
5	All sizes greater than 125 gal	Separation distance between a LP-Gas container and an above ground storage tank containing flammable or combustible liquids of flash points below 200 °F.	20	☒	☐	6.4.4.6 and 6.4.4.7			

Note: If any of the container sizes indicated in the above form are not present in the facility, enter "NA" in both Yes and No columns.

If the LP-Gas plant is provided with every one of the redundant and fail-safe product control-design equipment indicated in Form 5.6, then the minimum distance in column D of Form 6.3 can be reduced to 10 feet for underground and mounded containers of water capacity 2,001 gal to 30,000 gal.

SPACE REQUIRED 2 TANKS

Form 6.4

Separation Distances between Points of Transfer and other Exposures

A	B		C	D	E		F	G
#	Type of Exposure within or outside the facility boundary		Check if exposure is present	Minimum Distance (ft)	Is the Facility compliant?			NFPA 58 Section Reference (2014 Edition)
					Yes	No		
1	Buildings, mobile homes, recreational vehicles, and modular homes with at least 1-hour fire-rated walls		☐	10	☒	☐		6.5.2 and Table 6.5.2.1
2	Buildings with other than at least 1-hour fire-rated walls		☐	25	☒	☐		
3	Building wall openings or pits at or below the level of the point of transfer		☐	25	☒	☐		
4	Line of adjoining property that can be built upon		☐	25	☒	☐		
5	Outdoor places of public assembly, including school yards, athletic fields, and playgrounds		☐	50	☒	☐		
6	Public ways, including public streets, highways, thoroughfares, and sidewalks	From points of transfer in LP-Gas dispensing stations and at vehicle fuel dispensers	☐	10	☒	☐		
		From other points of transfer	☐	25	☒	☐		
7	Driveways		☐	5	☒	☐		
8	Mainline railroad track centerlines		☐	25	☒	☐		
9	Containers other than those being filled		☐	10	☒	☐		
10	Flammable and Class II combustible liquid dispensers and the fill connections of non-stationary containers		☐	10	☒	☐		
11	Flammable and Class II combustible liquid aboveground containers and filling connections of underground containers		☐	20	☒	☐		
12	LP-Gas dispensing device located close to a Class I liquid dispensing device		☐	10	☒	☐		6.25.4.3

NOTE: Place a check mark in column C against an exposure that is present in or around the facility. Fill columns E or F for only those rows for which there is a check mark in column C.

If the facility contains low emission transfer equipment (i.e., all equipment identified in Form 5.7 are installed and are in working order), then the minimum separation distances in column D of Form 6.4 can be reduced to one half of the indicated values.

If the containers in the LP-Gas facility are provided with **SPECIAL PROTECTION MEASURES**, then continue the analysis below. Otherwise skip Forms 6.5 and 6.6 and go to Form 6.7. Also see Chapter 9.

Form 6.5 Special Protection Measures – Passive Systems

A #	B Special Protection Option	C Question	D Is the Facility compliant?		E NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Container Insulation	Insulation provided on each of the containers?	NA	NA	6.27.5.1
		Insulation material complies with the requirements of NFPA 58?	NA	NA	6.27.5.1 and 6.27.5.2
2	Mounding of containers	Each container in the facility is mounded?	NA	NA	6.27.5.3
		Mounding complies with each requirement under section 6.6.6.3 of NFPA 58?	NA	NA	6.6.6.3 and 6.27.5.3
3	Burying of containers	Each container in the facility is buried?	NA	NA	6.27.5.4
		Buried containers comply with each requirement under section 6.6.6.1 of NFPA 58.	NA	NA	6.6.6.1 and 6.27.5.4

Form 6.6 Special Protection Measures – Active Systems

#	Special Protection Option	Question	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Water spray systems	Are fixed water spray systems, complying with NFPA 15 ¹ requirements, used for each container in the facility?	NA	NA	6.27.6.1
		Do fire responsive devices actuate water spray system automatically?	NA	NA	6.27.6.2
		Can the water spray systems be actuated manually also?	NA	NA	6.27.6.2
2	Monitor nozzle systems	Are the monitor nozzles located and arranged so that the water stream can wet the surfaces of all containers exposed to a fire?	NA	NA	6.27.6.3
		Can the water stream from a monitor nozzle reach and wet the entire surface of, at least, one half of a length from one end of each of the containers it is designed to protect?	NA	NA	6.27.6.3
		Do fixed monitor nozzles comply with NFPA 15 ¹ requirements?	NA	NA	6.27.6.1
		Do fire responsive devices actuate the monitor nozzles?	NA	NA	6.27.6.2
		Can the monitor nozzles be actuated manually also?	NA	NA	6.27.6.2

1. See discussion in Section 8.2.

2. Refer to Chapter 8 for a discussion on NFPA 15, *Standard for Water Spray Fixed Systems for Fire Protection*.

Form 6.7
Protection Against Vehicular Impact

#	System Protected	Is physical protection provided?		Type of physical protection installed	NFPA 58 Section Reference (2014 Edition)
		Yes	No		
1	Storage containers	☒	☐		6.6.1.2, 6.6.6.1(B), 6.6.6.1(C), 6.9.3.10 and 6.25.3.13
2	Transfer stations	☒	☐		
3	Entryway into plant	NA	NA		

Table 7.1
Distances to Various Types of Propane Hazards Under Different Release Models**

Model #	Details of the Propane Release Model Releases from or due to		Vapor Dispersion Distance to LFL (ft.)	Explosion Hazard Distance (ft.)	Fire Ball Radiation Distance (ft.)
1a	Bobtail hose failure. Release of the entire inventory in the hose, quickly.	1" ID x 150 ft. hose length	250	110	50
1b		1" ID x 120 ft. hose length	230	103	45
1c		1" ID x 75 ft. hose length	190	90	40
2a	Release of the inventory in a transfer piping 1" x 30 ft. + @ 20 gpm for 10 minutes, due to failed excess flow valve.		135	120	25
2b	Release of the inventory in a transfer piping 2" x 30 ft. + @ 80 gpm for 10 minutes.		230	252	48
2c	Release of the inventory in a transfer piping 2" x 80 ft. + @ 70 gpm for 10 minutes.		328	235	74
2d	Release of the inventory in a transfer piping 2.5" x 30 ft. + @ 80 gpm for 10 minutes.		269	252	59
2e	Release of the inventory in a transfer piping 3" x 30 ft. + @ 100 gpm for 10 mins.		312	287	69
2f	Release of the inventory in a transfer piping 3" x 18 ft. + @ 100 gpm for 10 minutes.		256	284	55
2g	Release of the inventory in a transfer piping 3" x 80 ft. + @ 100 gpm for 10 minutes.		455	284	106
2h	Release of the inventory in a transfer piping 4" x 30 ft. + @ 200 gpm for 10 minutes.		407	410	89
3	Release from the container pressure relief valve.		No ignitable vapor concentration at ground level.		
4	Release from a 1" ID x 150 ft. transfer piping to a vaporizer and reduced flow from a partially open excess flow valve @ 20 gpm for 10 minutes.		250	120	50
5	Leak from a corrosion hole in a transfer pipe at a back pressure of 130 psig (corresponding to 80°F) for 60 minutes. Hole size is 1/4" ID.		110	120	5
6a	Release of the entire inventory in a 2" ID x 20 ft. transfer hose.		195	90	40
6b	Release of the entire inventory in a 2.5" ID x 16 ft. transfer hose.		215	98	45
6c	Release of the entire inventory in a 3" ID x 12 ft. transfer hose.		230	100	46
6d	Release of the entire inventory in a 1.25" ID x 20 ft. transfer hose.		138	66	27
7a	Transport hose blow down: Hose size 2" ID, 20 ft. length release for 3 minutes, from a transport after the tank is filled.		25	30	<5
7b	Transport hose blow down: Hose size 2.5" ID, 16 ft. length release for 3 minutes, from a transport after the tank is filled.		25	29	<5
7c	Transport hose blow down: Hose size 3" ID, 16 ft. length release for 3 minutes, from a transport after the tank is filled.		31	36	<5

** Results from models described in Appendix B.

Form 7.1 **Types of Occupancies⁽¹⁾ Near or Surrounding the LP-Gas Facility**

Type of Occupancies	Model # from Table 7.1	Hazard Distance ⁽²⁾ (feet)	Is Occupancy located within the hazard distance from the Facility?	
			Yes	No
Assembly Occupancies (Places of worship, Libraries, Theaters and Auditoriums, Food or Drink Bars, Sports Stadiums, Amusement Parks, Transportation Centers, etc., with 50 or more people).			☐	☒
Institutional Occupancies (Elderly Persons' Homes or Nursing Homes, Hospitals, Alcohol & Drug Rehabilitation Centers, Prisons).			☐	☒
Educational Occupancies (Elementary Schools, Day Care facilities, etc.).			☐	☒

NOTES: (1) Different types of occupancies are defined in NFPA 5000.

- (2) Table 7.1 provides a number of scenarios that can result in propane release, and the resulting area exposed, for different ignition mechanisms. Determine the scenarios that are applicable to the facility, for the quantities that can be released, and enter the greatest value from Table 7.1. Use the hose diameters and length that will be used at the facility if they differ from the ones in Table 7.1 and recalculate the hazard distances using a spreadsheet method that is available at npga.org. Some scenarios may not be applicable to an installation because of other mitigation measures implemented, such as a hose management procedure to minimize the possibility of hose failure.

Form 7.2

Exposure to LP-Gas Facility from External Hazards

A	B	C	D
Item #	Type of Neighboring Operation	Hazard exists to the LP-Gas Facility	
		Yes	No
1	Petroleum and other hazardous material storage, wholesale dispensing, etc.	☐	☒
2	Metal cutting, welding, and metal fabrication	☐	☒
3	Industrial manufacturing that can pose external hazards	☐	☒
4	Ports, rail yards and trans-shipment terminals handling flammable and explosive materials	☐	☒
5	Other operations that may pose hazards (gasoline and other hazardous material dispensing stations, fertilizer storage, etc.)	☐	☒

Note: If a particular activity indicated in column B does not exist, fill both "Yes" and "No" columns with "NA."

Where a "Yes" has been checked in either Form 7.1 or Form 7.2:

1. For an existing facility, communicate this information to local emergency responders for inclusion in their emergency planning.
2. For a proposed facility, implement the actions indicated in Chapter 9.

Form 8.1
Data on the Responding Fire Department

A Item #	B Data Item	C Data Entry
1	Name of the Fire Department (FD).	New Ulm Fire Department
2A	Name of the person in the FD assisting with the data acquisition.	Paul Macho
2B	Position of the person in the FD assisting with the data acquisition.	Chief
3A	Date on which FD data was collected.	03/07/2024
3B	Name of the person collecting the data.	Merle Bohlin
4	Number of firefighters on duty at any time.	42
5	Average number of firefighters available for response.	32
6A	Number of firefighters qualified to:	"Firefighter I" level.
6B		"Firefighter II" level.
7A	Number of firefighters who would:	Respond on the first alarm to the facility.
7B		Respond on the first alarm and who are qualified to the operations level requirements of NFPA 472 or <u>similar</u> local requirements.
7C		Respond on the first alarm with specific knowledge and training on the properties of LP-Gas and LP-Gas fires.
8A	Number of fire apparatus that have the capability to deploy a 125 gpm hose line supplied by onboard water for at least 4 minutes, and, which:	Are in service in the department.
8B		Would respond on a first alarm.

Form 8.2
Response Time Data for the Fire Departments

A	B	C	D	E
Company or Department	Time in Minutes for			
	Alarm Receipt & Handling	Turnout	Travel	Total Time
New Ulm Fire Department	3	4	6	13

Note: Number in Column E = Sum of numbers from Columns B through D.

Form 8.3
Water Flow Rate and Total Water Volume
Required to Cool Containers Exposed to a Fire

A	B	C	D	E	F	G	H
Item #	ASME Container Size (gallons)	Total Surface Area of each Container ¹ (ft ²)	Surface Area of each container to be Cooled (ft2)	Water flow rate required per container (gpm)	Number of containers of the size indicated‡	Total Water flow rate required (gpm)	Total volume of water required for 10 min (gal)
1	500	86	43	10.8		0.0	
	1,000	172	86	21.5		0.0	
	2,000	290	145	36.3		0.0	
	4,000	374	187	46.8		0.0	
	6,500	570	285	71.3		0.0	
	9,200	790	395	98.8		0.0	
	12,000	990	495	123.8		0.0	
	18,000	1,160	580	145		0.0	
	30,000	1,610	805	201.3		0.0	
	45,000	2,366	1,183	295.8		0.0	
	60,000	3,090	1,545	386.3		0.0	
	90,000	4,600	2,300	575		0.0	
	Other Size		0	0.0		0.0	
2a	Calculated water flow rate for container protection					0.0	
2b	Water flow rate rounded up to nearest multiple of 125					0	
3	Water for firefighter protection, if required ☐					0	
4	Total water flow rate and volume					0.0	

Note: Column D = (1/2) x Column C
Column E = 0.25 (gpm/ft²) x Column D;
Column G = Column F x Column E
Column H = 10 x Column G
Line 2a, Column G and Column H are the sum of numbers in each row above line 2 of each column.
Line 4, Column G and Column H are the sum of numbers in rows 2b and 3.

[‡] Consider only three containers for water supply evaluations even if the number of containers in a group is more than three. See Section 8.2.

¹ ASME container approximate dimensions.

The total water requirement for the facility is indicated in item 4, column G (water flow rate) and column H (total water volume or quantity) of Form 8.3. If multiple groups of containers are present in the facility, repeat the calculations in Form 8.3 for each group of containers. The total water requirement for the facility is the largest value for any single group of containers.

Form 8.4
Evaluation of Water Availability in or Near the LP-Gas Facility

A	B	C	D		
Item #	Water from...	Available?	Quantitative information		
1	Public supply or from another piped-in supply through one or more fire hydrants in or near the facility.	☐ Yes ☒ No	Hydrant data	Distance from Container(s) on which water will be applied (feet)	Available water flow rate from all hydrants ¹ (gpm)
			Hydrant 1		
			Hydrant 2		
			Hydrant 3		
2	A nearby static water source (stream, pond, lake, etc.).	☐ Yes ☒ No	Distance to water source = _____ feet Time to set up relay = _____ minutes Rate of delivery = _____ gpm		
3	Only through mobile water tanker shuttle.	☒ Yes ☐ No	Time to set up shuttle = _____ minutes Sustainable flow rate = _____ gpm		

¹ Obtain the available flow rate from the local municipal water authority or the entity that supplies water to the hydrant or conduct a test to determine total available flow rate.

- 1. For an existing facility, communicate this information to local responders for inclusion in their emergency planning.**
 - 2. For a proposed new facility, refer to Chapter 9.**

Form 9.1

Analysis Summary on Product Control and Local Conditions of Hazard

A	B	C	D	E
Item #	Chapter Title	Section & Title	Reference Form #	Number of "No" checked
1	Product Control Measures in Containers & Transfer Piping	5.1 Product Control in Containers	5.1 or 5.2 [§]	0
		5.2 Product Control in Transfer Piping	5.3	0
			5.4	0
			5.5	0
			5.6	4
			5.7	5
2	Analysis of Local Conditions of Hazard	6.1 Physical Protection Measures	6.1	1
		6.2 Ignition Source Control	6.2	0
		6.3.1 Separation distances; Container and outside exposures	6.3	1
		6.3.2 Separation distances; Transfer points and outside exposures	6.4	0
		6.4 Special Protection Measures	6.5	0
			6.6	0

§ The number of "No" for Forms from Chapter 5 is the difference between the required number of appurtenances according to NFPA 58-2011, and a lesser number found to be actually installed on the container or the transfer piping.

If, in any row of column E ("No") of Form 9.1, the entry number is greater than zero, the proposed LP-Gas facility is not in compliance with the requirements of NFPA 58-2014 for product control appurtenances or other safety measures. The design of the proposed facility must be modified to conform to the code requirements. In addition, the following items should be noted.

- If there are any "No" checks in Form 6.3, then the separation distance requirements for containers are not satisfied. An option that may be considered is the reduction in separation distance to 10 feet for underground and mounded containers by providing "Redundant and Fail-Safe Product Control Measures." In this case, complete Form 9.4 below to ensure that each requirement of "Redundant and Fail-Safe Product Control Measures" is provided.
- If there are any "No" checks in Form 6.4, then the separation distance requirements for transfer points are not satisfied. In this case, relocate the transfer points so that the separation distances conform to the code requirements or provide the Low Emission Transfer Equipment. Complete Form 9.5 below and ensure that all requirements for Low Emission Transfer Equipment are fulfilled.

Form 9.2
Analysis Summary on Exposure from and to the LP-Gas Facility

A	B	C	D	E
Item #	Chapter Title	Section & Title	Reference Form #	Number of "Yes" checked
1	Exposure to and from Other Properties	7.1 Exposure to off-site properties and persons from in-plant propane releases	7.1	0
		7.2 Exposure to propane facility from external events	7.2	0

If the entry number in column E ("Yes"), Form 9.2 corresponding to Form 7.1 is greater than zero, consider one or more of the following design alternatives:

- 1. Consider moving the container or the transfer point to a different location, if possible and space exists, so that the property or the person is beyond the hazard distance.**
- 2. Provide "Redundant and Fail-safe Product Control Measures." Complete Form 9.4 to ensure compliance.**
- 3. Institute other technical measures such as installing gas and flame detectors (connected to facility shutdown systems), sounding alarm outside facility premises, etc.**
- 4. Institute administrative controls such as additional training for personnel, more frequent inspections of hoses and transfer piping, etc.**

If the entry number in column E ("Yes"), Form 9.2 corresponding to Form 7.2 is greater than zero, consider one or more of the following design alternatives:

- 1. Implement procedures to monitor neighboring activity.**
- 2. Install means in the adjacent plant to shut down the LP-Gas plant in case of an emergency in that plant.**

Form 9.3
Analysis Summary on Fire Department Evaluations

A	B	C	D	E	F
Item #	Chapter Title	Section & Title	Reference Form #	Number "zeros" entered in Column C, Lines 6 through 8 of Form 8.1	Number of "Yes" checked in Column C of Form 8.4
1	Fire department capability, adequacy of water supply and Emergency Planning	8.1 Data on the Fire Department	8.1	0	
2		8.2 Fire response water needs and availability	8.4		1

If the entry number in row 1, Column E of Form 9.3 is greater than zero, consider one or more of the following design alternatives:

- 1. Discuss with the local Fire Department the needs of the LP-Gas facility and the evaluation results on the capability and training inadequacies of the Department.**
- 2. Consider developing a cadre of personnel within the LP-Gas facility to respond to emergencies.**
- 3. Institute container special protection system based on active protection approaches or passive approaches. Complete Form 9.6 and Form 9.7 below.**

If the entry number in row 2, Column F of Form 9.3 is equal to zero, consider one or more of the following design alternatives:

- 1. Provide special protection (other than water spray or monitor systems) to containers, satisfying the requirements of section 6.27.5 of NFPA 58, 2014 edition. Complete Form 9.6 to ensure compliance.**
- 2. Consider implementing the various options indicated in Table 9.1.**

Form 9.4

Redundant and Fail-Safe Design for Containers

A	B		C	D	E	F
Item #	Description		Features	Proposed for the facility?		NFPA 58 Section Reference (2014 Edition)
				Yes	No	
1	Container sizes for which the appurtenances are provided		Appurtenances, redundant fail-safe equipment and low emission transfer lines are provided for <u>each</u> container of water capacity 2,001 gal to 30,000 gal.	☒	☐	6.28.3 and 6.28.4
2	Liquid or vapor withdrawal (1-1/4 in. or larger)		Internal valve with internal excess-flow valve.	☒	☐	6.28.3.1 and 6.28.3.2
			Positive shutoff valve installed as close as possible to the internal valve.	☒	☐	6.28.3.4
3	Liquid or vapor inlet		Internal valve with internal excess flow valve or backflow check valve (BCK).	☒	☐	6.28.3.5
			Positive shutoff valve installed as close as possible to the internal valve or the backflow check valve (BCK).	☒	☐	6.28.3.5
4	Railcar transfer	Flow into or out of railroad tank car	Emergency shutoff valve installed in the transfer hose or the swivel-type piping at the tank car end.	NA	NA	6.19.2.6 (1) and 6.28.4.1
		Flow only into railroad tank car	Emergency shutoff valve or backflow check valve (BCK) installed in the transfer hose or the swivel-type piping at the tank car end.	NA	NA	6.19.2.6 (2) and 6.28.4.1
5	Cargo tank transfer		Protection provided in accordance with 6.28.4.1.	☒	☐	6.28.4.1
6	Automatic closure of all primary valves (IV & ESV) in an emergency		By thermal (fire) actuation.	☒	☐	6.28.4.2
			Actuated by a hose pull-away due to vehicle motion.	☒	☐	6.28.4.2
7	Manually operated remote shutdown of IV and ESV		Remote shutdown station within 15 ft. of the point of transfer?	☒	☐	6.28.4.3 (A)
			Another remote shutdown station between 25 ft. and 100 ft. of the transfer point?	☒	☐	6.28.4.3 (B)
			Shutdown stations will shut down electrical power supply to the transfer equipment and all primary valves (Internal and Emergency Valves).	☒	☐	6.28.4.3
			Signs complying with the requirements of 6.28.4.3 (C) provided?	☒	☐	6.28.4.3 (C)

Note: If your facility does not have a rail terminal, write "NA" in both the "Yes" column and the "No" column in item 4 of the form in the railroad tank car row. Similar option is also available if there is no cargo tank vehicle transfer station.

Form 9.5

Evaluation of Low Emission Transfer Equipment

A	B	C		D	E	F
Item #	Description	Features		Proposed for the facility?		NFPA 58 Section Reference (2014 Edition)
				Yes	No	
1	Transfer into permanently mounted ASME containers on vehicles	Delivery nozzle and filler valve - Max. liquid release after transfer of 4 cm ³ (0.24 in ³)	Fixed maximum liquid level gauge not used during transfer operations	☒	☐	6.28.5.3 (A) and (B)
2	Transfer into stationary ASME containers delivery valve and nozzle combination	During product transfer or post transfer uncoupling of the hose, liquid product volume released to the atmosphere	Does not exceed 4 cm ³ (0.24 in ³) from a hose of nominal size 1 inch or smaller	NA	NA	6.28.5.4 (A)
			Does not exceed 15 cm ³ (0.91 in ³) from a hose of nominal size larger than 1 inch	NA	NA	6.28.5.4 (B)
3	Transfer into stationary ASME containers maximum filling limit	Do containers less than 2,001 gal (w.c.) have an overfilling prevention device or another approved device?		NA	NA	6.28.5.4 (F)
		Do containers greater than 2,000 gal (w.c.) have a float gauge or other non-venting device?		NA	NA	6.28.5.4 (E)
4	Transfer into stationary ASME containers fixed maximum liquid level gauge	Not used during routine transfer operations but may be used in calibrating other non-venting liquid level gauges in the container		NA	NA	6.28.5.4 (C) and (D)

Note: If the facility does not have a particular feature described in items 2 or 3, write "NA" in both the "Yes" and "No" columns corresponding to its row.

Form 9.6
Special Protection Measures – Passive Systems

A Item #	B Special Protection Option	C Question	D Proposed for the facility?		E NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Container insulation	Insulation provided on each of the containers?	NA	NA	6.27.5.1
		Insulation material complies with the requirements of NFPA 58?	NA	NA	6.27.5.1 and 6.27.5.2
2	Mounding of containers	Each container in the facility is mounded?	NA	NA	6.27.5.3
		Mounding complies with each requirement under section 6.6.6.3 of NFPA 58?	NA	NA	6.6.6.3 and 6.27.5.3
3	Burying of containers	Each container in the facility is buried?	NA	NA	6.27.5.4
		Buried containers comply with each requirement under section 6.6.6.1 of NFPA 58.	NA	NA	6.6.6.1 and 6.27.5.4

Form 9.7
Special Protection Measures – Active Systems

Item #	Special Protection Option	Question	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Water spray systems	Are fixed water spray systems, complying with NFPA 15 requirements, used for each container in the facility?	NA	NA	6.27.6.1
		Do fire responsive devices actuate water spray system automatically?	NA	NA	6.27.6.2
		Can the water spray systems be actuated manually also?	NA	NA	6.27.6.2
2	Monitor nozzle systems	Are the monitor nozzles located and arranged so that the water stream can wet the surfaces of all containers exposed to a fire?	NA	NA	6.27.6.3
		Can the water stream from a monitor nozzle reach and wet the entire surface of, at least, one half of a length from one end of each of the containers it is designed to protect?	NA	NA	6.27.6.3
		Do fixed monitor nozzles comply with NFPA 15 requirements?	NA	NA	6.27.6.1
		Do fire responsive devices actuate the monitor nozzles?	NA	NA	6.27.6.2
		Can the monitor nozzles be actuated manually also?	NA	NA	6.27.6.2

Equivalent Protection to a Water Supply for Industrial and Bulk Facilities

In the case where water supply is not available in or near the LP-Gas facility, or is inadequate, or it is prohibitively expensive to connect to a public or private water supply hydrant, alternative methods for providing protection should be considered. In lieu of providing a water supply, several alternatives are indicated in Table 9.1, which can offer an equivalency to a water supply system.

The intent of the controls identified in Table 9.1 is to maintain the entire system as a gas-tight entity. These methods include reducing the service life of equipment, increasing the design pressure rating of the system beyond the requirements of NFPA 58, or providing early detection and isolation of the system to ensure product control. This list is not exhaustive and is not ranked in an order of priority.

Table 9.1
Suggested Alternative Methods for Industrial and Bulk Plants
That Do Not Pose a Hazard But Lack a Water Supply

Item #	Possible options to implement when adequate water supply is not available
1	Reduce the service life of hoses.
2	Increase frequency of equipment inspection.
3	Establish a service life program for the maintenance of the container pressure relief devices. This could include the installation of a listed multiple port valve and certifying that the relief devices are properly set and maintained every 5 to 10 years.
4	Increase the design strength of the piping and fitting systems.
5	Install emergency shutoff valves in conjunction with container internal valves.
6	Install emergency shutoff valves downstream of transfer pump outlets and upstream of the vapor and liquid valves at the bulkhead.
7	Install pneumatic tubing along the facility boundary to serve as a perimeter fire detection system. This would provide protection of the facility against exposure fires.
8	Provide optical flame detection or linear heat detection, or a gas detection system connected to an isolation valve installed downstream of every liquid and vapor nozzle on the container. This system could also be monitored to send a signal to an alarm company that notifies the fire department of an event.
9	Increase the separation distances of internal facility exposures to the container. These exposures would include a site dumpster, idle or waste pallets and combustibles, and increasing the parking distances between the bobtails and transports in relation to the container.
10	Relocate overhead power lines away from all container and cylinder storage areas to protect against ignition in the event of a line dropping due to wind or power pole impact.
11	Eliminate all combustible vegetation within 30 feet of the LP-Gas container. This can be accomplished using gravel, or paving the site yard.
12	Install tanks using the mounding or burial method.

FORM U-1A MANUFACTURERS' DATA REPORT FOR UNFIRED PRESSURE VESSELS

Alternate Form for Single Chamber Completely Shop-Fabricated Vessels Only

1. Manufactured by THE J. B. BEARD COMPANY, INC., SHREVEPORT, LOUISIANA
(Name and address of Manufacturer)

2. Manufactured for CITIES SERVICE OIL COMPANY, PARTLESVILLE, OKLAHOMA
(Name and address of Purchaser)

3. Type Horizontal Vessel No. (80587-18) (Mfrs. Serial) (State & State No.) Natl. Bd. No. 66287 Yr. Built 1959

4. SHELL: Matl. A-212-B-Flg. T.S. 70,000# Nom. 987 Corr. 0 In. Allow. 0 In. Diam. 10 Fr. 10 In. Lgth. 36 Fr. 12 In.

5. SEAMS: Long Dbl. Butt S.R. Yes X.R. Complete Sectioned No Efficiency 95 %
(Welded, Dbl., Single, Lap, Butt) (Yes or No) (Spot or Complete) (Yes or No)
Girth Dbl. Butt S.R. Yes X.R. Complete Sectioned No No. of Courses 5

6. HEADS: (a) Material ASME Case 1056 T.S. 73,000# (b) Material T.S. See Note

Location (Top, bottom, ends)	Thickness	Crown Radius	Knuckle Radius	Elliptical Ratio	Conical Apex angle	Hemispherical Radius	Flat Diameter	Side to Pressure (Convex or Concave)
(a) <u>Ends</u>	<u>.529"</u>					<u>65.458"</u>		<u>Concave</u>
(b)								

If removable, bolts used _____ Other fastening _____
(Material, Spec. No., T.S., Size, Number) (Describe or Attach Sketch)

7. Constructed for (Int.) pressure of 250 psi. Max. Temp. 100 °F. Subzero _____ °F. Hydrostatic Test 375 psi.

8. SAFETY OR RELIEF VALVE OUTLETS: Number 2 Size 4" Location Top of Tank

9. NOZZLES:

Purpose (Inlet, Outlet, Drain)	Number	Diam. or Size	Type	Material	Thickness	Reinforcement Material	How Attached
<u>(1) 1 1/4" 6000# Cplg. W/Plug F.S.</u>	<u>(1)</u>	<u>1"</u>	<u>Sch. 80 Pipe</u>	<u>A-106-B</u>	<u>Thermowell</u>	<u>Welded</u>	
<u>(1) 2 1/2" Special Adaptor</u>	<u>(2)</u>	<u>4"</u>	<u>300# Lg. Weld Neck Flg.</u>	<u>A-181-1</u>		<u>Welded</u>	
<u>(5) 2"</u>	<u>(1)</u>	<u>6"</u>	<u>300# Slip-on Flg.</u>	<u>A-181-1</u>	<u>(1) 1/2" Tapped Opening in Manway Cover</u>	<u>Welded</u>	

10. INSPECTION Manholes, No. 1 Size 18" 300# A-181-1 Location Bottom of Tank

OPENINGS Handholes, No. _____ Size _____ Location _____

Threaded, No. _____ Size _____ Location _____

11. SUPPORTS: Skirt _____ Lugs _____ Legs _____ Other _____ Attached _____
(Yes or No) (Number) (Number) (Describe) (Where & How)

12. REMARKS: This report covers one 130" I.D. x 47' 1 1/2" G.A. Length Propane Storage Tank, Construction ASME Code 1956 Edition, Per Beard Inv. Order 80587.

* Head & Head to Shell Seams Spot X-Rayed Joint Eff. 85%

(Brief description of purpose of the vessel, as Air Tank, Water Tank, L.P.G., Etc.—State Contents.)

We certify that the statements made in this report are correct and that all details of material, construction, and workmanship of this vessel conform to the ASME Code for Unfired Pressure Vessels.

Date 3-25 19 59 Signed THE J. B. BEARD COMPANY, INC. By L. S. Storer
(Manufacturer)

Certificate of Authorization Expires DECEMBER 31, 1961

CERTIFICATE OF SHOP INSPECTION

Inspection Agency's Serial No. OCEAN 80587-18

VESSEL MADE BY THE J. B. BEARD COMPANY, INC. at SHREVEPORT, LOUISIANA

I, the undersigned, holding a Certificate of Competency as an Inspector of Boilers and Unfired Pressure Vessels in THE STATE OF LA. and employed by THE OCEAN ACCIDENT & GUARANTEE CORP. LTD. of NEW YORK, inspected internally and externally, the vessel described in this report on 3-25 19 59, and certify that the statements made in this report are correct corresponding with mill test reports of materials furnished by the builders, and measurements made of the vessel and that this vessel is constructed in accordance with the ASME Code for Unfired Pressure Vessels.

Date 3-25 19 59

A. R. Prince
Inspector's Signature
A. R. PRINCE

Commissions N. B. COMM. 4278
State or Natl. Bd. & Number



New Ulm Fire Department

526 8th North Street, New Ulm, MN 56073

Phone: (507) 359-8225 Fax: (507) 359-8345 Email: paulm@newulmmn.gov

June 11, 2024

UFC / Klossner Facility
Merle Bohlin
Darv Turbes
40339 State Highway 15
Klossner, MN 56073

Merle & Darv,

In reference to our conversation on January 23, 2024 regarding placement of an additional propane tank at the Klossner UFC facility, please adhere to the following instructions. I will allow the installation of a second propane tank closer to the building than code allows, as long as all fire codes, setbacks or county variances are followed.

If you have further questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Macho".

Paul Macho
Fire Chief

Prepared For:

United Farmers Coop

Darv Turbes

705 E 4th Street

Winthrop, MN 55396

866-998-3266



Date:

4/28/2024

To Whom it may concern:

Topic in Question:

Township requires any "bulk storage to have containment area / berm to capture spills"

Liquefied Petroleum Gas (LPG) or more commonly called Propane is stored in a closed loop system consisting of a Storage tank and interconnecting piping with manual and auto -shutoffs.

The reason Propane is in a closed loop system is because the boiling point is negative 44°F and below.

Any temperature **above** -44°F, Propane naturally vaporizes.

When disconnecting after loading operations, the industry standard is to vent the connection space to atmosphere.

This happens instantly and the vapor are directed upward similar to the PRV's installed on the storage tank.

If, in the unlikely event a Propane tank were to "spill", the Propane would vaporize and naturally disburse into the atmosphere.

Therefore a berm or any containment area would be useless and not an industry practice

Sincerely

Dylan Sumner

Arrow Tank & Engineering

8950 Evergreen Blvd

Minneapolis, MN 55433

C 715-558-6397

dylans@arrowtank.com

708 BULK STORAGE (LIQUID)

The bulk storage of oil, liquid propane, gasoline, liquid fertilizer, chemicals, and similar liquids in excess of two thousand five hundred (2,500) gallons shall meet the following standards:

1. All uses associated with bulk storage shall require a conditional use permit.
2. All containers shall be certified to store the liquid intended for bulk storage.
3. In considering conditional uses associated with bulk storage the County Board shall have assurance that fire, explosion, or water/soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare.
4. All uses associated with bulk storage shall be in accordance with the rules and regulations of the Minnesota State Fire Marshall, Minnesota Department of Agriculture, Minnesota Pollution Control Agency, and United States Environmental Protection Agency, as amended, and shall have documents from those offices stating that the use is in compliance.
5. The County Board shall require the development of berming around bulk storage containers. Berming shall be suitably sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the largest container capacity.
6. Screening
 - A. Landscaping shall be required to screen bulk storage containers from public roads and neighboring properties.
 - B. Screening shall consist of trees, shrubbery, and other suitable vegetation. Berms and fencing may be used as screening, but shall only be used to supplement adequate vegetative screening. All screening shall meet appropriate setback standards.
 - C. Prior to the issuance of any conditional use permit for bulk storage, a landscaping plan shall be submitted to the Zoning Administrator for review and approval.
7. The storage area shall be grassed or surfaced to control dust.
8. All existing, above ground liquid bulk storage containers having a combined capacity in excess of ten thousand (10,000) gallons shall secure a conditional use permit within twenty-four (24) months following enactment of this Ordinance.
9. Any existing bulk storage container that, in the opinion of the County Board, constitutes a hazard to public safety shall discontinue operations within five (5) years following enactment of this Ordinance.



ATTACHMENT D
Aerial Map

0 50 100 200 Feet

 **NICOLLET**
COUNTY

Disclaimer: The information herein is presented in the form of a true representation of available records. However, there is no guarantee to the user as to the accuracy, timeliness, or reliability of the data for any purpose. Nicollet County assumes no responsibility for actual or consequential damage resulting in a result of the user's reliance on this data. The user accepts the data "as is" and assumes all risks associated with its use. No warranties of the data, data user agrees not to represent this data as precise or correct in any way. © 2014 by Nicollet County.



ATTACHMENT E
Location Map

Klossner

Proposed Tank

MN-15

0 250 500 1,000 Feet

 NICOLLET COUNTY

Disclaimer: The information herein is intended to be a representation of available records. There is no guarantee to the user as to the accuracy, reliability, or timeliness of this data for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of use of this data. The user accepts the data "as is" and waives all rights associated with its use. In acknowledgment of this disclaimer, the user agrees not to demand this data or provide access to it on any part of it to another party.



ATTACHMENT F
Site Photographs



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
ALBACHTEN CHRISTOPHER J & STACIE J ALBACHTEN	57865 FORT RD	NEW ULM MN 56073
ALTMANN HOWARD M	57743 FORT RD	NEW ULM MN 56073
ASLESON DAVID	57849 FORT RD	NEW ULM MN 56073
BARNEY JEANNE	PO BOX 500	NEVADA IA 50201
BEAN BEVERLY J	57731 FORT RD	NEW ULM MN 56073
EISENBACHER DAVID	57644 FORT RD	NEW ULM MN 56073
GROEBNER MICHAEL TED & DIANE C GROEBNER	57782 FORT RD	NEW ULM MN 56073
JOHNSON BRIAN T LIVING TRUST	57842 FORT RD	NEW ULM MN 56073
JOHNSON DYLAN A & CRYSTAL JOHNSON	57783 FORT RD	NEW ULM MN 56073
KLOSSNER WATER ASSOC INC	57832 FORT RD	NEW ULM MN 56073
KOOP COREY T	57613 FORT RD	NEW ULM MN 56073
KUCK HANNAH E	40200 577TH LN	NEW ULM MN 56073
LAFAYETTE TOWNSHIP	60054 398TH ST	NEW ULM MN 56073
LIESENFELD DAVID A	57824 FORT RD	NEW ULM MN 56073
MARTENS MICHAEL G	40247 577TH LN	NEW ULM MN 56073
MARTENS MICHAEL H & JUDITH A MARTENS	48113 232ND ST	NEW ULM MN 56073-5258
MEYER BRUCE H	7420 CHIPPEWA TRL	CHANHASSEN MN 55317
MEYER JOHN F & CAROLYN T MEYER	57653 FORT RD	NEW ULM MN 56073
MOLDAN ANDREW G & KITA S MOLDAN	57759 FORT RD	NEW ULM MN 56073
MUEHLBAUER PAUL L	608 2ND AVE SW	SLEEPY EYE MN 56085
NICOLLET (COUNTY OF)	501 S MINNESOTA AVE	SAINT PETER MN 56082-2507
OLSEN LEON	819 N FRANKLIN ST	NEW ULM MN 56073
REDING JOHN & LUANN REDING	57832 FORT RD	NEW ULM MN 56073
ROBERTS LUANN L & BRIAN T JOHNSON	57837 FORT RD	NEW ULM MN 56073
SCHWERMANN CARL D	40511 581ST AVE	NEW ULM MN 56073
STATE OF MINNESOTA	MAIL STATION 3340	SAINT PAUL MN 55146
SWANSON-CULLEN CARLA	57773 FORT RD	NEW ULM MN 56073
UNITED FARMERS COOPERATIVE	PO BOX 461	WINTHROP MN 55396
WAIBEL MARY J	45438 541ST ST	COURTLAND MN 56021
WAYNE WELS- LAFAYETTE TOWNSHIP	60054 398TH ST	NEW ULM MN 56073
WENNINGER LESLIE	57688 412TH ST	NEW ULM MN 56073-9351
WENNINGER LESLIE & JAMI WENNINGER	57688 412TH ST	NEW ULM MN 56073
WETZEL KENNETH H & NANCY J WETZEL	40314 STATE HIGHWAY 15	NEW ULM MN 56073

ATTACHMENT G
Neighbor Notification List

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item: Resolution to Establish Absentee Ballot Board and County UOCAVA Ballot Board For the November 5th General Election +		
Primary Originating Division/Dept.: Public Services		Meeting Date: 08/27/2024
Contact: Jaci Kopet	Title: PPSD 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: Minnesota Election Law directs the governing body (county, municipality, or school district) responsible for accepting and rejecting absentee ballots to establish an Absentee Ballot Board. The ballot board completes important work associated with reviewing, accepting, and rejecting absentee ballots submitted by voters. The ballot board can be comprised of trained election judges and trained deputy county auditors. Similarly, Minnesota Election Law directs the County Auditor as the County's Election Official to establish a County UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) Ballot Board to complete important work associated with the review, acceptance, and rejection of absentee ballots submitted by voters who live overseas or are in active military duty status. The ballot board can be comprised of trained election judges and trained deputy county auditors. Public Services works within the election laws to appropriately staff these ballot boards with trained, qualified, and impartial ballot board members to complete the work of the ballot board. I am requesting that the Board adopt the resolution attached establishing a Ballot Board for Absentee Ballots and a County Ballot Board for UOCAVA Ballots and authorize the PPSD Director to implement the boards as provided in Minnesota Election Law. +		
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 resolution		
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:		



**RESOLUTION TO ESTABLISH
ABSENTEE BALLOT BOARD
AND COUNTY UOCAVA BALLOT BOARD FOR THE
STATE GENERAL ELECTION
HELD ON November 5, 2024**



WHEREAS, Nicollet County is required by Minnesota Statutes 203B.121, Subd. 1 to establish an Absentee Ballot Board effective upon approval; and

WHEREAS, the Nicollet County Auditor as the County's Election Official is required by Minnesota Statutes 203B.23 to establish a County UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) Ballot Board effective upon approval; and

WHEREAS, these boards will bring uniformity in the processing of accepting or rejecting returned absentee and UOCAVA ballots to Nicollet County;

THEREFORE, BE IT RESOLVED THAT the Nicollet County Board of Commissioners hereby authorizes the Nicollet County Property and Public Services Director to implement an Absentee Ballot Board that would consist of a sufficient number of trained and qualified election judges and trained deputy county auditor staff to perform the required tasks as provided in Minnesota Election Law for the November 5, 2024, State General Election.

THEREFORE, BE IT FURTHER RESOLVED THAT the Nicollet County Board of Commissioners hereby directs the Nicollet County Property and Public Services Director as the County's Election Official to establish a County UOCAVA Ballot Board that would consist of a sufficient number of trained and qualified election judges and trained deputy county auditor staff to perform the required tasks as provided in Minnesota Election Law for the November 5, 2024, State General Election.

Dated this 27th day of August, 2024

Marie Dranttel, Vice Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator/Clerk to the Board

NICOLLET
COUNTY EST. 1853

Agenda Item:		
Resolution Appointing the County Assessor		
Primary Originating Division/Dept.: Public Services		Meeting Date: 08/27/2024
Contact: Jaci Kopet	Title: PPSD Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested: 5 minutes		
Presenter: Jaci Kopet	Title: PPSD Director	Attachments: ☒ Yes ☐ No
County Strategy: Programs and Services - deliver value-added quality services (Select One)		
BACKGROUND/JUSTIFICATION:		
The purpose of the resolution is to re-appoint Shana Jackson as the County Assessor, effective January 1, 2025 and extend through December 31, 2028.		
Minnesota Statute 273.061 states that every county in Minnesota shall have a County Assessor. The County Assessor is to be appointed by the Board of County Commissioners and then must be submitted to the Department of Revenue for their approval prior to being effective.		
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 Resolution		
FISCAL IMPACT: Other (Select One)	FUNDING	
If "Other", specify:	County Dollars =	
	State (Select One)	
FTE IMPACT: No FTE change (Select One)	Total:	
If "Increase or "Decrease," specify:		
Related Financial/FTE Comments:		



RESOLUTION TO APPOINT A COUNTY ASSESSOR



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

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

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

WHEREAS, the current term for the Office of Nicollet County Assessor ends after December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Nicollet County Board of Commissioners appoints Shana Jackson as the Nicollet County Assessor with her term to start on January 1, 2025 and extend through December 31, 2028.

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

Dated

Marie Dranttel, Vice 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: Nicollet County Community Health Board Formation	
Primary Originating Division/Dept.: Health and Human Services	Meeting Date: 8/27/2024
Contact: Cassie Sassenberg Title: HHS Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested 5 minutes	
Presenter: Cassie Sassenberg Title: HHS Director	Attachments: ☒ Yes ☐ No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: In September of 2023, after evaluating the opportunities and challenges associated with the formation of a single county Community Health Board and evaluating governance structure options, Nicollet County's Board of Commissioners voted to dissolve the Brown-Nicollet Community Health Board. The County determined that a dissolution would allow for improved efficiency, collaborative opportunities for environmental health and public health, and increased focus on Nicollet County's licensed establishments. Additionally, in October of 2023, the Brown-Nicollet Community Health Board acted to dissolve the Community Health Board and provide notice of one calendar year to the Minnesota Department of Health. Nicollet County's next step in the process is to pass a resolution allowing the formation of Nicollet County's Community Health Board effective January 1, 2025.	
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 Resolution of the Formation of the Nicollet County Community Health Board	
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify	FUNDING County Dollars = 0 State (Select One)
FTE IMPACT: Increase FTE (Select One) If "Increase or "Decrease" specify: Environmental Health Manager and SHIP Coordinator become	Total
Related Financial/FTE Comments:	



RESOLUTION OF THE FORMATION OF THE NICOLLET COUNTY COMMUNITY HEALTH BOARD

WHEREAS, the Nicollet County Board of Commissioners desires to maintain a strong public health infrastructure now and into the future to achieve community health needs as well as department's vision, mission, and goals; and

WHEREAS, the Nicollet County Board, through participation with the Nicollet County Public Health and Human Services Department and Brown-Nicollet Community Health Board, has evaluated the opportunities and challenges associated with formation of a single county Community Health Board; and

WHEREAS, the Nicollet County Board of Commissioners has evaluated governance structure options allowed under Minnesota Statute 145A (Local Public Health Act).

THEREFORE, BE IT RESOLVED, the Nicollet County Board of Commissioners approves the formation of the Nicollet County Community Health Board, effective January 1, 2025;

BE IT FURTHER RESOLVED, the Nicollet County Board of Commissioners approves the replacement of the Brown-Nicollet Community Health Board, along with its roles, responsibilities and authorities, with the newly established Nicollet County Community Health Board, effective January 1, 2025.

Dated: August 27th, 2024

Marie Dranttel, Vice 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:		
Community Health Board: Appointment of Community Health Services Administrator		
Primary Originating Division/Dept.: Health and Human Services	Meeting Date: 8/27/2024	
Contact: Cassie Sassenberg Title: HHS Director	Item Type: Regular Agenda (Select One)	
Amount of Time Requested 5 minutes		
Presenter: Cassie Sassenberg Title: HHS Director	Attachments: ☒ Yes ☐ No	
County Strategy: Programs and Services - deliver value-added quality services (Select One)		
BACKGROUND/JUSTIFICATION: Nicollet County's Community Health Board, when effective on January 1, 2025, requires the appointment of a Community Health Services (CHS) Administrator who will: - Serve as the Board's agent according to Minnesota Statute 145A.04, Subd. 2, in communicating with the Commissioner of Health between Board meetings - Sign and submit to the Commissioner the required components of the Local Public Health Act including identification of local priorities, progress reports and budgets according to Minnesota Statute 145A.04, Subd.1a - Submit grant applications, sign and execute contracts on behalf of the Board for funding opportunities administered by the Minnesota Department of Health and other entities - Review, approve and submit invoices on behalf of the Board for activities for funding opportunities administered by the Minnesota Department of Health and other entities		
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 Resolution Appointing Cassandra Sassenberg as Nicollet County's CHS Administrator effective January 1, 2025		
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify	FUNDING County Dollars = 0 State (Select One) Total	
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:		



RESOLUTION AUTHORIZING COMMUNITY HEALTH SERVICES ADMINISTRATOR

The Nicollet County Community Health Board, hereafter referred to as the Board, by virtue of its authority under Minnesota Statutes 145A and by this Resolution of the Board adopted at a scheduled meeting of the Nicollet County Board on August 27th, 2024, hereby appoints and authorizes the following person(s) to act on the Board's behalf effective January 01, 2025, and bind the Board for the following purpose(s):

- A. To serve as the Community Health Services Administrator and the Board's agent according to Minnesota Statute 145A.04, Subd. 2, in communicating with the Commissioner of Health between Board meetings, including receiving information from the Commissioner and disseminating that information to the Board, as well as providing information to the Commissioner on the Board's behalf.
 - Name: Cassandra Sassenberg
 - Address: 622 South Front Street
St. Peter, MN 56082
 - Phone: (507) 934-8573
- B. To sign and submit to the Commissioner the required components of the Local Public Health Act including identification of local priorities, progress reports and budgets according to Minnesota Statute 145A.04, Subd. 1a.
 - Name: Breanna Allen
 - Address: 622 South Front Street
St. Peter, MN 56082
 - Phone: (507) 934-7177
- C. To submit grant applications, sign and execute contracts on behalf of the Board for funding opportunities administered by the Minnesota Department of Health and other entities.
 - Name: Cassandra Sassenberg
 - Address: 622 South Front Street
St. Peter, MN 56082
 - Phone: (507) 934-8573
- D. To review, approve and submit invoices on behalf of the Board for activities for funding opportunities administered by the Minnesota Department of Health and other entities.
 - Name: Cassandra Sassenberg
 - Address: 622 South Front Street
St. Peter, MN 56082
 - Phone: (507) 934-8573

This resolution authorizes the above referenced appointees to act on behalf of and bind the Board to the extent and for the purposes indicated in this resolution.

Dated: August 27th, 2024

Marie Dranttel, Vice 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:	
Set Public Hearing Date for Environmental Health Ordinances	
Primary Originating Division/Dept.: Health and Human Services	Meeting Date: 8/27/2024
Contact: Cassie Sassenberg Title: HHS Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested 5 minutes	
Presenter: Cassie Sassenberg Title: HHS Director	Attachments: ☐ Yes ☒ No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: Nicollet County will become a single county Community Health Board on January 1, 2025. Nicollet County is in the process of applying for a delegation agreement with the Minnesota Department of Health allowing the establishment of a single county Environmental Health Program within its Health and Human Services Department. As part of that process, Nicollet County will be making revisions to its related food and beverage, lodging, swimming pool, manufactured home parks, and public health nuisance ordinances. Health and Human Services is requesting consideration of September 24, 2024 at 9:15 a.m. for a public hearing concerning the ordinances to support a proposed Environmental Health delegation agreement that would be effective January 01, 2025.	
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:	
Set public hearing for September 24, 2024 at 9:15 a.m.	
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: Consider Resolution to Appoint North Mankato as the Responsible Government Unit for the AUAR process	
Primary Originating Division/Dept.: Administration Contact: Mandy Landkamer Title: County Administrator Amount of Time Requested: 5 minutes Presenter: Mandy Landkamer Title: County Administrator	Meeting Date: 08/27/2024 Item Type: (Select One) Regular Agenda Attachments: ☒ Yes ☐ No
County Strategy: (Select One) Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: Consider the Resolution to appoint the City of North Mankato as the Responsible Government Unit (RGU) for the Alternative Urban Areawide (AUAR) environmental review process. The City of North Mankato anticipates future annexation of the Northwest Growth development area and is interested in completing an AUAR for future development opportunities. Since the area is located outside the city limits, Nicollet County is considered the RGU. However, Minnesota Rules 4410 allow for the transfer of the RGU role per a resolution.	
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 Resolution to appoint the City of North Mankato as the RGU for the AUAR environmental review process.	
FISCAL IMPACT: No fiscal impact (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:	



**RESOLUTION TO APPOINT NORTH MANKATO AS THE RESPONSIBLE
GOVERNMENT UNIT FOR THE ALTERNATIVE URBAN AREAWIDE
REVIEW FOR THE NORTHWEST DEVELOPMENT AREA**



WHEREAS, Nicollet County recognizes the importance of a comprehensive environmental review process for future development opportunities; and

WHEREAS, the proposed development area is presently situated within both the City of North Mankato and Nicollet County jurisdiction; and

WHEREAS, the City of North Mankato anticipates future annexation of the proposed development area per its approved comprehensive plan; and

WHEREAS, Nicollet County agrees to cooperate and coordinate with the City of North Mankato throughout the AUAR process; and

NOW THEREFORE BE IT RESOLVED, that Nicollet County does hereby approve the City of North Mankato to serve as the Responsible Government Unit for the environmental review process in compliance with the State of Minnesota's Environmental Review Program; and

BE IT ALSO RESOLVED that Nicollet County does hereby agree that the Alternative Urban Areawide Review developed for the aforementioned proposed development area will be correct and accurate according to the best available information and will be submitted to the governing authority Minnesota Environmental Quality Board and other state and local agencies for review and approval, in compliance with Minnesota Rules 4410.

Dated this 27th day of August, 2024

Marie Dranttel, Vice Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator/Clerk to the Board

Legend

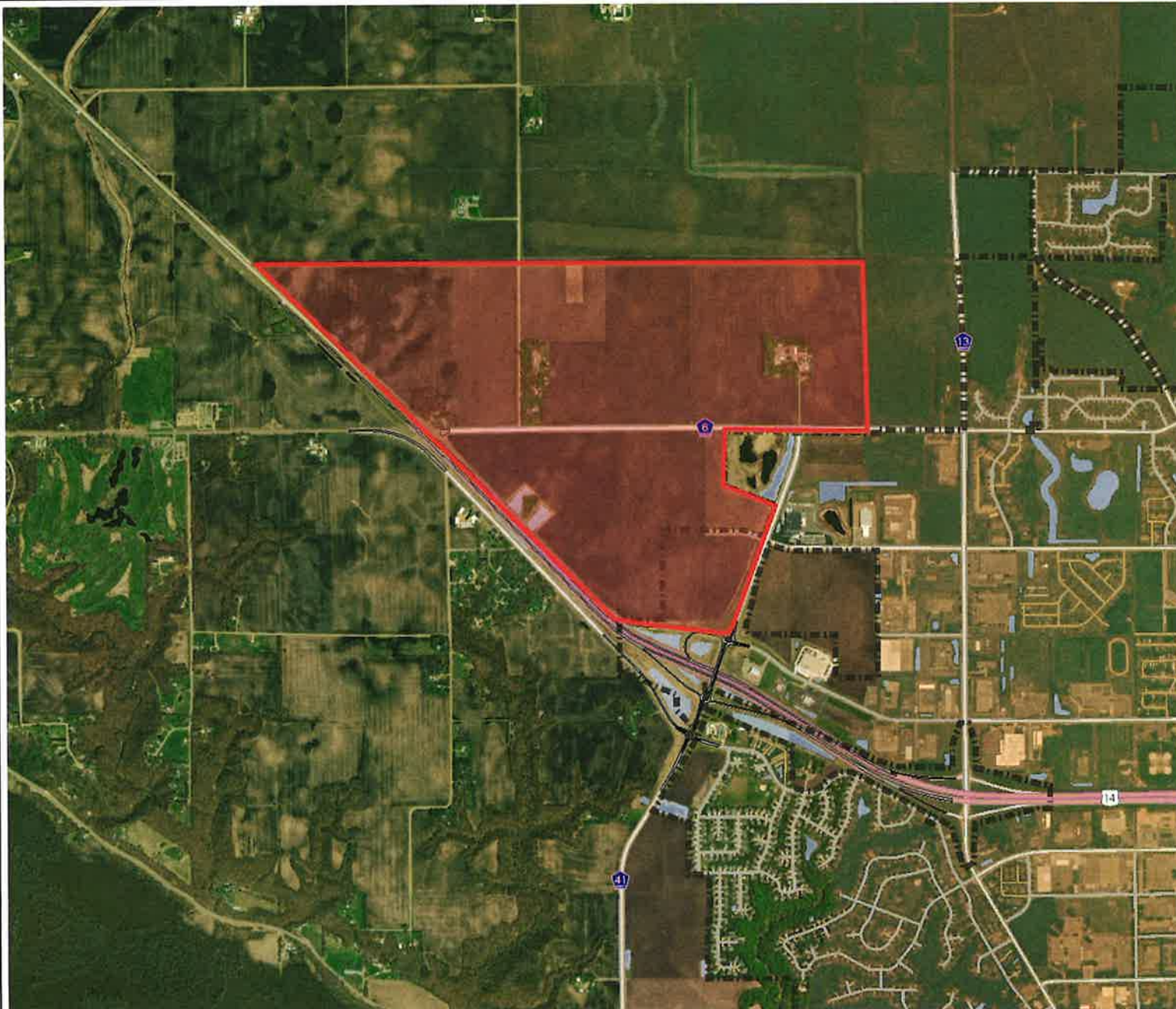
-  City Limits
-  Medians
-  Roadways
- Roads**
 -  US TRUNK HWY
 -  COUNTY STATE AID HWY
 -  MUNICIPAL STATE AID STREET
 -  LOCAL STREET
 -  PRIVATE STREET
 -  RAMP
 -  ALLEY
-  Lakes & Ponds
-  Minnesota River

Map Name



Disclaimer:

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 records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of North Mankato is not responsible for any inaccuracies herein contained.



0 2,107 Feet

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item: Public Works Facility Study/Master Planning Phase Agreements	
Primary Originating Division/Dept.: Administration	Meeting Date: 08/27/2024
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: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: Consideration of the attached agreements with C&M Construction Consultants, Inc. and BR Construction & Consulting to assist with the Public Works Feasibility Study/Master Planning Phase.	
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 Agreements with CMCC and BRCC for the Public Works Feasibility Study/Master Planning Phase.	
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify:	FUNDING County Dollars = 50,000 State (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:	Total:



**Nicollet County
Revised Proposal Phase 1
Services
New Public Work Campus**

**Original Submitted December 12, 2013
Revised Date January 22, 2024**

By



**pwallerus@cmconstructionauditl.com
P 763.416.2293
C 612.618.3447
13793 89th Place North
Maple Grove, MN
www.cmconstructionaudit.com**



3793 89th Place North
Maple Grove, MN 55369
Office 763.416.2293
Mobile 612.618.3447

CMconstructionaudit.com
pwallerus@CMconstructionaudit.com

Original Proposal Date December 12, 2023

Revised Proposal Date January 22, 2024

Mandy Landkamer, Administrator
Seth Greenwood, P.E., Public Works Director
Nicollet County
501 S Minnesota Avenue
St Peter, MN 56082

Mandy.Landkamer@co.nicollet.mn.us
sgreenwood@co.nicollet.mn.us

Re: Revised Proposal for Phase 1 Work on Proposed New Nicollet County Public Works Campus

Dear Mandy and Seth:

C&M Construction Consultants (CMCC) is pleased to provide a proposal for Phase 1 Master Planning and Contract review services for the proposed new Public Work Campus for Nicollet County.

Our construction experience as accountants, project managers, and controllers for both owners and contractors gives us the unique ability to move quickly which will help in Phase 1 of the Master Planning process.

Our proposal is divided into four sections:

1. Scope of work
2. Fee
3. Schedule
4. Closing

1. Scope of Work

The main objective for the Master planning process is to determine the needs of facility, location, size, estimated schedule, budget, and general concept for the project. The goal of the Master Planning selection process is to select the best qualified firm-based experience, team fit, and costs.

Our Phase 1 Scope of Work follows below:

A. Assistance in Creation of RFP for project Master Planning services

We will work with Nicollet County Staff and BRCC. in the creation of the RFP for selecting a firm to complete Master Planning Services. This will include determining what scope of services will be required, schedule, delivery method, deliverables, and response format for responding firms.

We will review and respond to any questions the responding firms may have about the project or RFP.

Additionally, prior to issuing the RFP, we will review the proposed County contract that the selected firm will be under for Master planning services. We will recommend any adjustments/changes that may be needed (note that the RFP should be issued with copy of proposed contract).

B. Review and Scoring RFP Responses

We will assist in the review and scoring of RFP responses to help determine a list of short-listed firms to interview.

C. Interview and Selection

We assist with establishing the format and questions for the interview process of prospective firms. This will include interview duration, number of people to attend and other items or information that may be needed. Once a firm is selected, we will work with Nicollet County staff to get them under contract, so they can begin work.

Please note that any recommendations we make to contract adjustments for contractors, architects and other professional services who may work on the project, should not be considered legal advice. We are not attorneys. We recommend that you consult with county attorney if you want to move forward with any of the recommendations provided in this proposal.

D. Master Planning

We will work with the selected firm, Nicollet County, and BRCC to complete the Master Planning process including the following:

- Conducting site visits to other public works facilities to get an idea of what other counties and communities use in their facilities and how it may help Nicollet County
- Creating roles and responsibilities for team members
- Touring prospective sites for the project
- Other items as needed

E. After Completion of the Master Plan

After the master planning process is completed, we will meet with project team to determine the next steps/phases of the project. If it is decided to move forward with the project, we will issue and updated proposal to complete work through the end of the project.

2. Fee

Our hourly not-to-exceed fee for Phase 1 of this project would be \$43,890. All work would be billed at \$190.00 per hour and include all reimbursable costs. Our fee is based on the assumed schedule listed in Section 3 and is subject to change depending on the timeline proposed by the selected firm.

Number	Scope of Work	Hours	Dollars
1	RFP Creation/Contract Review	65	\$12,350
2	RFP Scoring/Interview	36	\$6,840
3	Master Planning	130	\$24,700
4	Total	231	\$43,890

The team members working on the project will be Paul Wallerus, Eric Stern and Doug McCoy. Resumes and qualification for each team member are available upon request. Eric Stern and Doug McCoy are independent contractors to CMCC and not employees.

If the scope of our work is significantly expanded by Nicollet County, or the time schedule for the project changes, we request having the option to adjust our fees based on mutually agreed upon terms, conditions and amounts.

Terms & Conditions:

- All Invoices submitted for payment must be paid within 30 days of receipt.
- CMCC will assess a late payment fee of 3% if payments are not made within 30 days.
- CMCC and Nicollet County have the right to terminate the project with a 30-day written notice to the other party; and any unbilled fees/expenses will be allowed to be billed up to the date of cancellation.
- CMCC and Nicollet County have no authority to enter into contracts or agreements on behalf of the other party or to otherwise legally bind each other with any other parties.
- Agreement may only be modified or amended by a written document signed by both parties.
- Agreement is executed and signed by parties who are duly authorized to enter into this Agreement and legally bind their representative party.
- Fee Includes General Liability
- Workers Compensation and Professional Liability Insurance have been waived as a requirement for this project.
- This proposal is in effective for 30 days from the date listed above
- CMCC, 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 implementation regulations (HIPAA). For clarification and not limitation. County hereby notifies CMCC that the requirements of Minnesota Statutes section 13.05, subd. 11, apply to this Agreement. CMCC shall promptly notify County if CMCC 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.

3. Schedule

The schedule for phase 1 work is estimated to take 4-5 months once a firm is selected to complete the Master Planning work. It will be finalized once agreements with CMCC and BRCC are finalized and the creation of the RFP is started and completed.

4. Closing

We appreciate your time reviewing this proposal and look forward to the opportunity working on your project. If you would like to contract our services, please sign below (on page 4) and return a copy to us for signature.

If you have questions or need further information, please give me a call at 763-416-2293.

Sincerely,

A handwritten signature in black ink that reads "Paul Waller". The signature is written in a cursive, flowing style.

Paul Waller, CCA
C&M Construction Consultants, Inc

(Acceptance and Approval signatures on next page)

Acceptance and Approval:

FOR CONSULTANT:

By: _____

Paul Wallerus, CCA
C&M Construction Consultants,

Date

FOR COUNTY OF NICOLLET:

By: _____

Terry Morrow,
Nicollet County Board Chair

Date

ATTEST:

By: _____

Mandy Landkamer
Clerk to the Board

Date

By: _____

Michelle Zehnder- Fischer
Nicollet County Attorney

Date

July 29, 2024

Proposal for Consulting Services for a new Public Works Facility – Main Office, Shop Building, and Auxiliary Buildings/Structures located in Nicollet County, MN. Consulting services include but are not limited to the following as needed and as requested by Nicollet County for 2025.

1. Scope of Work

The main objective for the Feasibility Study/Master Planning Phase is to determine the need for the facility, the location, size, estimated schedule, budget, and general concept for the project. The anticipated list of tasks for the Feasibility Study/Master Planning Phase will include but is not limited to the following and does not include tasks beyond the Feasibility Study/Master Planning Phase.

- Provide owners representation and consulting services on an on call as needed basis.
- Assist with County Board of Commissioners updates as needed
- Assist ownership with design team selection and service agreements.
- Assist design team with design, project planning and management as needed.
- Assist with Development/Site Evaluation.
- Assist with assessing FF&E (Furniture, Fixtures, & Equipment), as needed.

2. Timing

- Due to delays in execution of the agreement for services, BRCC is not able to start work on this project until January of 2025.

3. Fee

Consulting services are on a time and materials (T&M) basis as needed at \$135 per hour for the Feasibility Study/Master Planning Phase, invoiced monthly with detailed billing.

Labor rate includes providing usual required software, phone, and electronic communications for scope. Labor rate does not include consumables such as copies, printing plan sets, shipping, project specific software requirements, mileage to and from meetings, or the jobsite. These items are to be reimbursed at cost or per standard rates, mileage to be reimbursed at current IRS published rate.

If the scope of work is significantly expanded by Nicollet County or the time schedule for the project changes, BRCC and Nicollet County may enter into discussions to adjust the fees based on mutually agreed upon terms, conditions, and amounts.

For Owner to obtain the benefit of a competitive fee which includes a reasonable allowance for risks, Owner agrees that BRCC's aggregate liability for all claims will not exceed the fee paid for Services.

4. Terms & Conditions:

- All invoices submitted for payment must be paid within 30 days of receipt.
- BRCC and Nicollet County have the right to terminate this agreement with a 30-day written notice to the other party, unless the parties mutually agree in writing to alternate termination terms. BRCC is entitled to payment of all fees earned and expenses incurred to the effective termination date and will invoice those amounts owed within 30 days after the termination date.

- BRCC and Nicollet County have no authority to enter into contracts or agreements on behalf of the other party or to otherwise legally bind each other with any other parties.
- The Agreement may only be modified or amended only by written agreement signed by both parties.
- The Agreement is executed and signed by parties who are duly authorized to enter into this Agreement and legally bind their representative party.
- This Agreement requires BRCC to maintain proof of General Liability Insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate.
- BRCC is the sole proprietor as a single owner LLC, it is exempted from Workers' Compensation requirements to the extent provided by Minnesota law. If BRCC should hire employees or subcontract this work, BRCC shall obtain and maintain Worker's Compensation Insurance as required by Minnesota Statutes.

5. Indemnification

BRCC will indemnify and hold Nicollet County harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by BRCC's negligent acts or omissions or those negligent acts or omissions of persons for whom BRCC is legally responsible. Nicollet County will indemnify and hold BRCC harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by Nicollet County's negligent acts or omissions or those negligent acts or omissions of persons for whom Nicollet County is legally responsible.

6. Data Privacy and Security

BRCC, 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 implementation regulations (HIPAA). For clarification and not limitation. County hereby notifies BRCC that the requirements of Minnesota Statutes Section 13.05, subd. 11, apply to this Agreement. BRCC shall promptly notify County if BRCC 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.

7. Completion of the Feasibility Study/Master Plan

Following the completion of the Feasibility Study/Master Planning, the Nicollet County Board of Commissioners must approve a separate agreement to commence to the Final Design and Pre-Construction Phase.

Acceptance and Approval:

FOR CONSULTANT:

By: _____
Brian Ruschy,
BR Construction & Consulting LLC

Date

FOR COUNTY OF NICOLLET:

By: _____
Terry Morrow,
Nicollet County Board Chair

Date

ATTEST:

By: _____
Mandy Landkamer
Clerk to the Board

Date

APPROVED AS TO FORM:

By: _____
Michelle Zehnder Fischer,
Nicollet County Attorney

Date



August 13, 2024
OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY

The Nicollet County Drainage Authority met in regular session on Tuesday, August 13, 2024, following the adjournment of the regular Board of Commissioners meeting. Present at the meeting were Commissioners Morrow, Dranttel, Kolars, Zins, and Dehen. Also present were County Administrator Mandy Landkamer and County Attorney Zehnder Fischer.

Approval of Agenda:

Motion by Commissioner Dranttel and seconded by Commissioner Dehen to approve the agenda. Carried unanimously.

Consent Agenda:

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

- a. July 23, 2024 Drainage Authority Minutes
- b. Consider Ditch Repair Reports 24-017 through 24-023

Carried unanimously.

Public Appearances:

There were no public appearances.

Adjourn:

The meeting was adjourned at 9:31 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

Nicollet County Drainage Authority Meeting Agenda Item

**Agenda Item:**

County Ditch 86A Grate Cleaning Contract

Primary Originating Division/Dept.: Public Works

Contact: Nathan Henry

Title: Drainage Inspector

Amount of Time Requested: 5 minutes

Presenter: Michelle Zehnder Fischer

Title: County Attorney

Meeting Date: 08/27/2024

Item Type:
(Select One) Regular AgendaAttachments: ☐ Yes ☒ NoCounty Strategy:
(Select One)

Facilities and Space - preserve, maintain and build our assets

BACKGROUND/JUSTIFICATION:

The Board directed staff to investigate contract options to clean the grate on County Ditch 86A. A contract was developed with Tim Waibel and Mary Waibel for the cleaning to the grate.

Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ NonePrior Drainage Authority 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:**

Consider approval of the Contract Between Nicollet County and Tim Waibel and Mary Waibel for Grate Cleaning on County Ditch 86A.

FISCAL IMPACT: Other
(Select One)

If "Other", specify: Drainage System Expense

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease," specify:

Related Financial/FTE Comments:

FUNDING

County Dollars =

Other

(Select One)

Total:

**Nicollet County Drainage
Authority Meeting
Agenda Item**



Agenda Item: Cleaning Request CD46A, CD47A, and CD78	
Primary Originating Division/Dept.: Public Services Contact: Jaci Kopet Title: PPSP Director Amount of Time Requested 25 minutes Presenter: Nathan Henry Title: Ditch Inspector	Meeting Date: 08/27/2024 Item Type: (Select One) Regular Agenda Attachments: ☒ Yes ☐ No
County Strategy: (Select One) Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: Three repair requests have been submitted by landowners to clean a section of the open ditch on CD46A, CD47A, and CD78. Nathan Henry, the Ditch Inspector for Nicollet County, will present the repair requests. Landowners have been informed that these repair requests will be brought before the Drainage Authority at 10:30 am. While not mandated by drainage law, I am requesting the Drainage Authority to consider any public input regarding these cleanings because of the potential financial impact on 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 requests	
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: 7-12-24

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 45A

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 [Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

I hereby recommend to the Nicollet County Board of Commissioners that a Ditch hauling
be set.

Date: 8-7-24

Signed: [Signature]

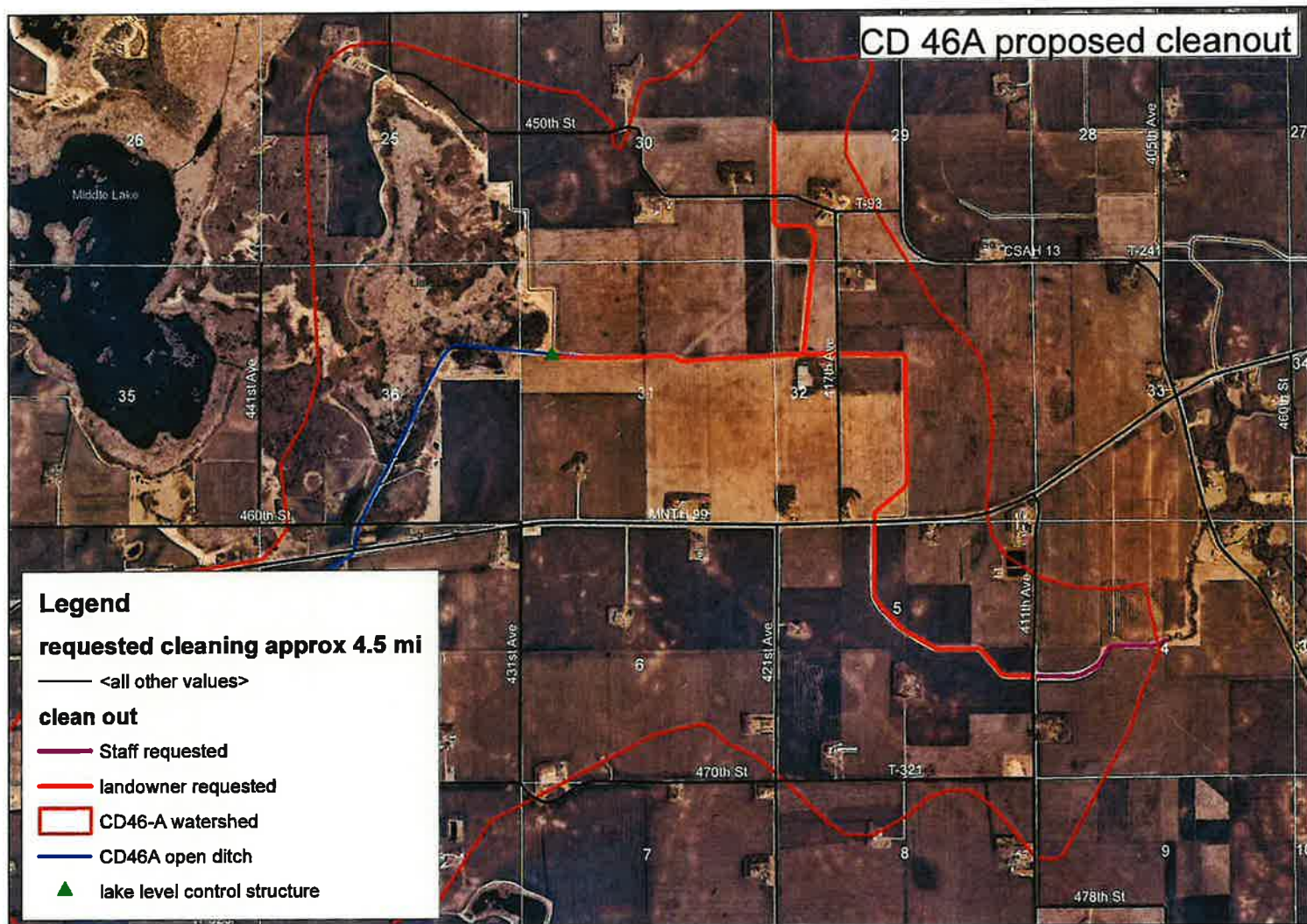
Nicollet County Ditch Inspector

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 0.225 0.45 0.9 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 507 931-1769.



Author: Nathan A. Henry
 Date: 8/9/2024



Date: 7-10-24

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 47-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 Grant Amersted Ricky Thompson
Brett Amersted Brandon Hoyer
Lee Thompson

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

Date: 7-31-24

Signed: [Signature]

Nicollet County Ditch Inspector

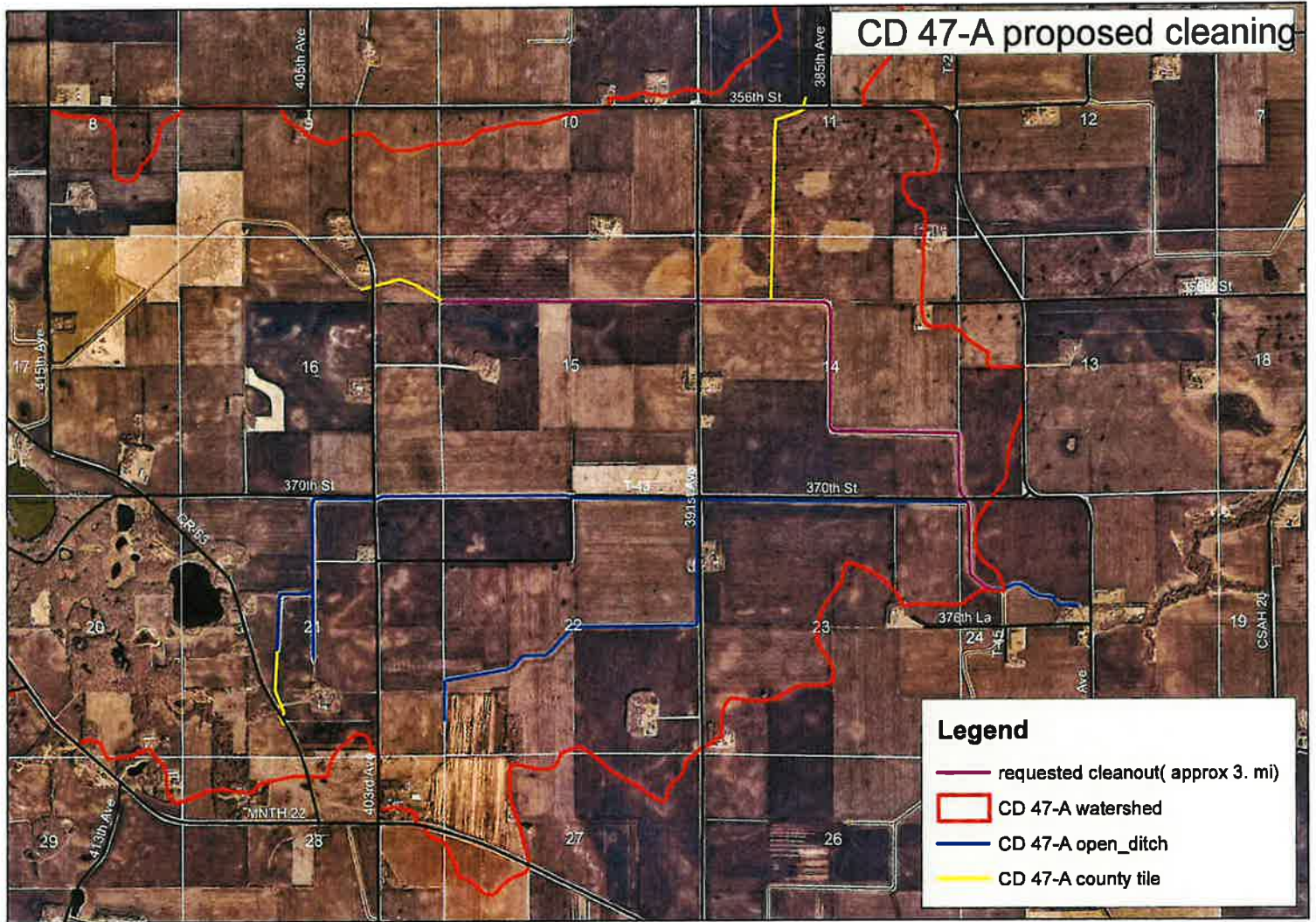
Approved for Repairs by Nicollet County Drainage Authority:

Date _____

Signed Authority Chair _____

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

Providing efficient services with innovation and accountability.



0 0.225 0.45 0.9 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 - Office Department is not responsible for any inaccuracies herein contained.
If discrepancies are found please contact Nicollet County Public Works Dept. at 507 931-1766

Nicollet County
Minnesota

Author: Nathan A. Henry
Date: 8/1/2024



Date: 7-3-2024

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 78

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 [Signature]
Loanne Hohenstein
Jerry R Payne

Shirley A Payne
[Signature]
Jeff Leonard

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

Date: 7-31-24

Signed: [Signature]

Nicollet County Ditch Inspector

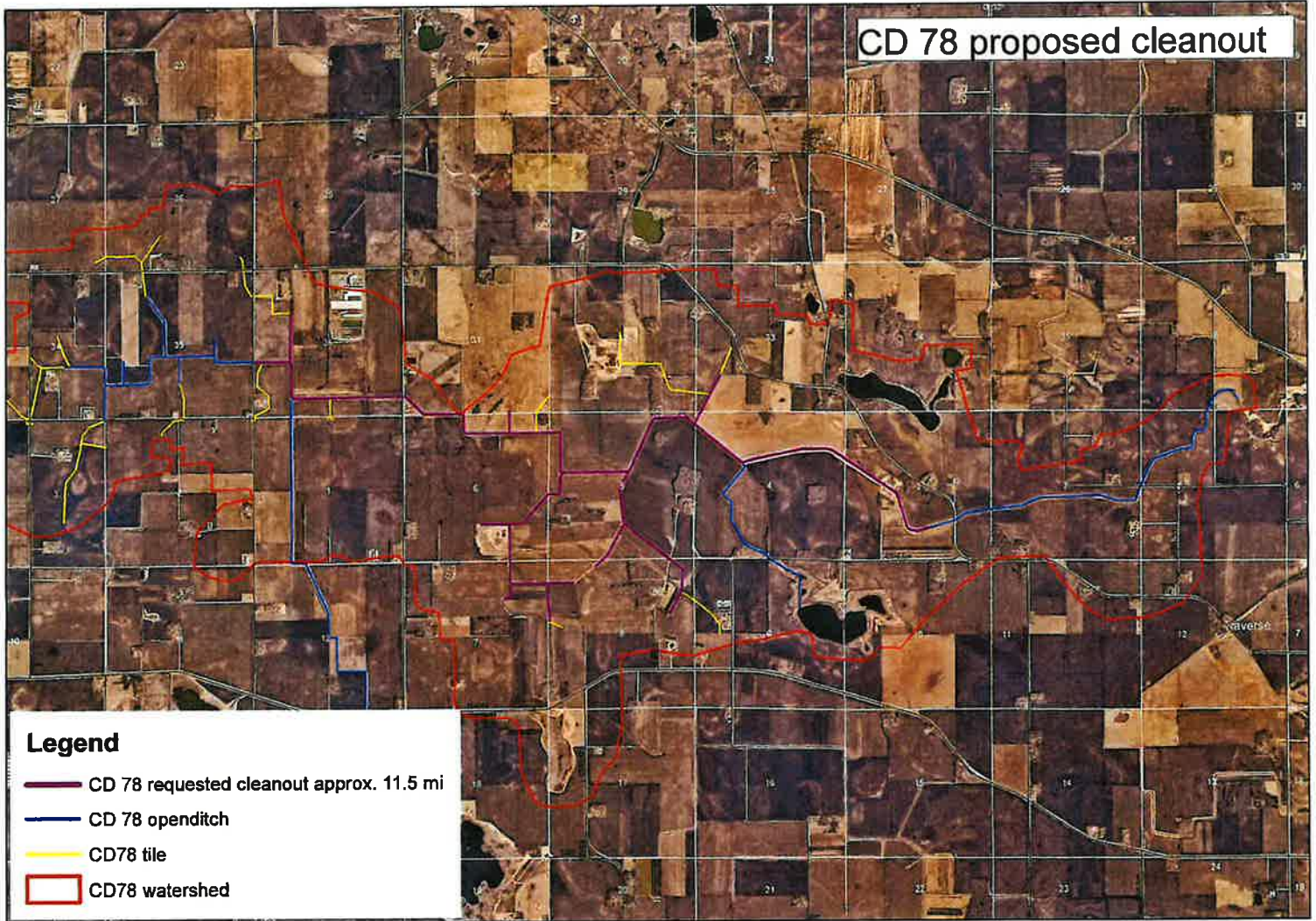
Approved for Repairs by Nicollet County Drainage Authority:

Date: _____

Signed Authority Chair _____

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

CD 78 proposed cleanout



0 0.4 0.8 1.6 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



Author: Nathan A. Henry
Date: 8/12/2024