

Board of Commissioners Agenda

September 24, 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. [September 10, 2024 Board Minutes](#)
 - b. [End of Probations](#)
 - c. [Juvenile Work Crew Contract with Blue Earth County](#)
 - d. [Delegation Agreement Related to Cannabis Zoning and Land use](#)
 - e. [Approval of Bills](#)
5. Public Appearances

9:05 a.m.

6. Administration
 - a. [Set Public Hearing Date for the Fee Schedule Amendment](#)
 - b. [Consider Resolution Adopting the 2025 Preliminary Property Tax Levy and Setting the 2025 Levy and Budget Public Comment Meeting](#)

9:15 a.m.

7. Health and Humans Services
 - a. PUBLIC HEARING –
 - i. [Nicollet County Lodging Ordinance](#)
 - ii. [Nicollet County Food and Beverage Ordinance](#)
 - iii. [Nicollet County Manufactured Home Parks, Recreational Camping Areas, and Youth Camps Ordinance](#)
 - iv. [Nicollet County Swimming Pool Ordinance](#)

9:25 a.m.

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

9:30 a.m.

Call Drainage Authority Meeting to Order: Chair

1. Approval of Agenda
2. Approval of Consent Agenda
 - a. [September 10, 2024 Drainage Authority Minutes](#)
3. Public Appearances

9:35 a.m.

4. Public Works
 - a. [Consideration of the CD86A Engineering Report](#)

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

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

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.

Board of Commissioners Agenda

September 24, 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

5. Adjourn Drainage Authority Meeting

Notice of Scheduled Meetings

The following is a notice of scheduled meetings. Pursuant to Minnesota Statute 13D.04, this notice of meetings also serves as notice of regular and special meetings of the Nicollet County Board of Commissioners. Questions or comments regarding 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
Sept 24	8:00 a.m.	CD86A Informational Meeting	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 25	6:00 p.m. – 8:30 p.m.	Emergency Management Public Officials Training	SCC – North Mankato
Sept 26	8:30 a.m. – 11 a.m. 12 p.m. – 2:30 p.m.	Allyship 101 Training	St Peter Community Center
Sept 27	9:00 a.m.	BNCH Full Board Meeting	15 South Washington St - New Ulm
Oct. 8	9:00 a.m.	County Board of Commissioners Meeting	Gov. Center Board Room – St. Peter
Oct. 8	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room – St. Peter
Oct. 8	5:00 p.m. – 8:00 p.m.	REDA Annual Meeting	Sky One Eleven, Mankato
Oct. 15	8:15 a.m.	Individual Department Head Meeting (Public Works Road Tour)	Various Locations
Oct. 22	9:00 a.m.	County Board of Commissioners Meeting	Gov. Center Board Room – St. Peter
Oct. 22	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room – St. Peter
Oct. 23	8:00 a.m. to 1 p.m.	AMC District 7 Meeting	Waseca County

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SEPTEMBER 10, 2024
OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS

The Nicollet County Board of Commissioners met in regular session on Tuesday, September 10, 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 agenda. Motion carried with all voting in favor.

Consent Agenda:

1. August 27, 2024 Board Meeting Minutes
2. Victim/Witness Coordinator Grant Agreement Amendment
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 - \$76,825.93
 - b. Road & Bridge Fund - \$16,390.47
 - c. Human Services Fund - \$70,598.09

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.

Office of Technologies:

MnCCC/Trimin Integrated Financial System Contract Addendum Ratification

Director Dragvold requested consideration of the ratification of the Addendum to the Contract for the maintenance and support of the Integrated Financial System utilized by the Nicollet County Finance Department.

Motion by Commissioner Dehen and seconded by Commissioner Dranttel to approve the ratification of the Addendum to the Contract. Motion carried with all voting in favor.

County Attorney:

Delegation Agreement related to Cannabis Zoning and Land Use

County Attorney Zehnder Fischer requested authorization to offer a delegation agreement to towns (townships) that wish to enter into an agreement with Nicollet County to regulate and enforce cannabis laws and rules under Minnesota Statutes Chapter 342.

Motion by Commissioner Kolars and seconded by Commissioner Dehen to authorize a delegation agreement between Nicollet County and towns related to cannabis, registration, regulation, and enforcement. Motion carried with all voting in favor.

County Attorney Update:

County Attorney Zehnder Fischer shared that her office continues to be busy with various activities.

Chair's Report:

- Budget Workshop
- Personnel Committee
- Highway Safety Plan Workshop

Commissioner Committee Reports

The Commissioners reported on various meetings and activities, including:

Commissioner Marie Dranttel

- Budget Workshops
- TdS Library
- Highway Safety Plan Workshop
- 1W1P

Commissioner Mark Dehen

- Budget Workshops
- MRCI Finance Committee

Commissioner Jack Kolars

- Personnel Committee
- MAPO
- Budget Workshops
- Highway Safety Plan Workshop

Commissioner Kurt Zins

- Budget Workshops
- Personnel Committee

Approve Per Diems and Expenses:

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

Adjourn:

Motion by Commissioner Dehen and seconded by Commissioner Kolars to adjourn the meeting 9:11 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	Meeting Date: 09/24/2024
Contact: Kristy Larson Title: HR Director	Item Type: (Select One) Consent Agenda
Amount of Time Requested minutes	
Presenter: Kristy Larson Title: HR Director	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 Christine Schneider, Eligibility Worker, effective September 12, 2024, and Marisa Arndt, Eligibility Worker, effective October 22, 2024. Property and Public Services Property and Public Services Director Jaci Kopet has requested the end of probation for Oluwaseun (Kenny) Famakinwa, Environmental Specialist, effective September 27, 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	FUNDING County Dollars = Grant (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: Juvenile Work Crew Contract with Blue Earth County	
Primary Originating Division/Dept.: Community Corrections Contact: Rich Molitor Title: Director Amount of Time Requested: minutes Presenter: Rich Molitor Title: Director	Meeting Date: 09/24/2024 Item Type: (Select One) Consent Agenda Attachments: ☒ Yes ☐ No
County Strategy: (Select One) Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: Renewing juvenile work crew contract with Blue Earth County for a period of one year.	
Supporting Documents: ☒ 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) October 2023	
Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A	
ACTION REQUESTED: Signature of Contract	
FISCAL IMPACT: Other (Select One) If "Other", specify: FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = State (Select One) Total:

NICOLLET COUNTY COMMUNITY CORRECTIONS AGREEMENT

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

Recitals

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

Contract

1 Term of Contract

- 1.1 **Effective date:** January 1, 2025, or the date Nicollet County Community Corrections obtains all required signatures, whichever is later.
- 1.2 **Expiration date:** December 31, 2025, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

2 Nicollet County Community Corrections Duties

Nicollet County Community Corrections will:

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

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

3 Payment

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

- 3.1 The total obligation of the Purchaser for all compensation and reimbursements to the Nicollet County Community Corrections under this contract is not to exceed \$3,000.00 per year as its share of the cost of providing a crew leader and placing the work crews into service on the Community Work Service Program during the term of this agreement.
- 3.2 Terms of payment: Payment shall be made by the Purchaser to the Nicollet County Community Corrections as follows:

Payment	Pay on or before. . .
\$750.00	March 1, 2025
\$750.00	June 1, 2025
\$750.00	September 1, 2025
\$750.00	December 1, 2025

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

The total obligation of the Purchaser for all compensation and reimbursements to Nicollet County Community Corrections under this agreement is not to exceed \$3,000.00 per year, unless agreed upon by both Nicollet County Community Corrections Director and Blue Earth County Community Corrections Director, and affirmed by the County Commissioners.

4 Authorized Representatives

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

5 Amendments, Waiver, and Contract Complete

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

6 Liability

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

7 Government Data Practices

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

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

8 Publicity

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

9 Audit

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

10 Governing Law, Jurisdiction, and Venue

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

11 Termination

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

Rich Molitor, Nicollet County
Community Corrections Director

Date

Nicollet County Chair

Date

Nicollet County Board Clerk

Date

John Marsolek, Blue Earth County
Community Corrections Director

Date

Blue Earth County Chair

Date

Blue Earth County Board Clerk

Date

Approved as to Form and Execution

Michelle Zehnder Fischer, Nicollet County
Attorney

Date

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item: Delegation agreement related to cannabis zoning and land use	
Primary Originating Division/Dept.: County Attorney's Office Contact: Michelle Zehnder Fischer Title: County Attorney Amount of Time Requested: minutes Presenter: Michelle Zehnder Fischer Title: County Attorney	Meeting Date: 09/24/2024 Item Type: (Select One) Consent Agenda Attachments: ☒ Yes ☐ No
County Strategy: (Select One) Programs and Services - deliver value-added quality services ▼	
BACKGROUND/JUSTIFICATION: On September 3, 2024, the Board approved a Delegation Agreement being extended pursuant to Minn. Stat. § 342.22, subd. 1. This statute permits counties and towns (as used herein refers to townships) to enter into a delegation agreement to allow the County to regulate and enforce cannabis statutes and rules on behalf of the towns. The attached delegation agreement reflects a revision to delete reference to the town retaining zoning authority. This revision removes question that the County's cannabis ordinance, when passed, will apply to towns. The revision results after further discussion and dialogue related to cannabis management and enforcement as the statewide interpretation and rule making process continues.	
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) 9-3-2024	
Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A	
ACTION REQUESTED: Board authorization of an amended delegation agreement between Nicollet County and towns related to cannabis registration, regulation, and enforcement.	
FISCAL IMPACT: Other (Select One) If "Other", specify: FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = State (Select One) Total:

**JOINT POWERS AGREEMENT BETWEEN THE
COUNTY OF NICOLLET AND [XXX TOWNSHIP]
FOR THE ENFORCEMENT AND REGULATION OF CANNABIS**

This agreement is made between the County of Nicollet and the [XXX Township] for administration and regulation of cannabis as regulated under Minnesota Chapter 342 and the rules and regulations promulgated thereunder.

This agreement is authorized by Minnesota Statutes § 342.22, subdivision 1 and Minnesota Statutes § 471.59.

The County of Nicollet and [XXX Township] agree that:

1. The County of Nicollet will act in place of [XXX Township] as the local government unit for the regulation and enforcement of cannabis under Minnesota Statutes Chapter 342 and any rules or regulations adopted under Minnesota Statutes Chapter 342 by the State of Minnesota or the Office of Cannabis Management.
2. The County of Nicollet is authorized to adopt, administer, and enforce within the jurisdictional limits of [XXX Township] any ordinances, laws, regulations, or registration requirements concerning cannabis including, but not limited to, the adoption of a moratorium and the adoption of a limit on the number of retailer registrations issued as allowed under Minnesota Statutes Chapter 342.
3. The County of Nicollet is authorized and has the consent of the [XXX Township] to review and certify to the Office of Cannabis Management if the business applying for a license in [XXX Township] complies with local zoning ordinances and, if applicable, state fire and building codes. The [XXX Township] shall provide the County of Nicollet, within 30 days of receipt of the license application, with any additional information it believes is relevant to the license review and the County of Nicollet shall attach such information to the certification materials submitted to the Office of Cannabis Management.
4. The County of Nicollet is authorized and has the consent of the [XXX Township] to register and enforce all registration requirements, including but not limited to compliance checks and registration suspension related actions, under Minnesota Statute §342.22. Any fees or penalties collected for registration and enforcement will remain entirely with the County of Nicollet. The parties will retain any Local Government Cannabis Aid allocated to them by the State of Minnesota.
5. The County of Nicollet will annually provide sufficient funding for the administration, enforcement and registration of the possession, sale and use of cannabis within the jurisdiction limits of [XXX Township]. Source of funds shall be through State grant

funds, County cannabis aid funds, general revenue funds, and the collection of fees and penalties as established by the County of Nicollet.

6. Any ordinance adopted by the County of Nicollet with regards to cannabis shall be construed to supersede any local municipal regulation or ordinance to the extent the local municipal regulation is less restrictive. Where the conditions imposed by any ordinance provision are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

Deleted: <#> [XXX Township] shall retain all authority granted to it under Minnesota Statutes Chapter 462 ¶

Deleted: ; except for those municipalities which are expressly omitted from any ordinance adopted by the County of Nicollet

7. The parties to this agreement will be subject to and follow the terms of the Minnesota Government Data Practice Act as provided under Minnesota Statutes Chapter 13 for all requests for access to data. The County of Nicollet shall maintain all records, accounts and reports for the regulation and registration of cannabis.
8. The County of Nicollet shall account for any funds and the County of Nicollet shall provide a report of all receipts and disbursements upon request. If any surplus property or funds are obtained through this joint powers agreement they shall be distributed to the County of Nicollet in the event this agreement is terminated.
9. Nicollet County shall be solely responsible for the compensation of its employees and elected members, including specifically but not exclusively worker's compensation insurance and all taxes, while performing their duties under this agreement. [XXX Township] shall be solely responsible for the compensation of its employees and elected members, including specifically but not exclusively worker's compensation insurance and all taxes, while performing their duties under this agreement. No employee of Nicollet County shall become an employee of [XXX Township], and no employee of [XXX Township] shall become an employee of Nicollet County, by virtue of this agreement.
10. All responsibilities not specifically set out to be jointly exercised by the Parties under this Agreement are hereby reserved to the Parties individually. Nothing in this Agreement shall act as a waiver by a participating Party of its individual power and legal authority to provide services.

11. Indemnification and Hold Harmless:

To the full extent permitted by law, actions by the Parties pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the Parties that they shall be deemed a "single governmental unit" for the purpose of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a(a); provided further that for purposes of that statute, each Party to this Agreement expressly declines responsibility for the acts or omissions of the other Party.

The Parties of this Agreement are not liable for the acts or omissions of the other participants to this Agreement except to the extent to which they have agreed in writing to be responsible for acts or omissions of the other Parties.

This agreement may be amended by mutual agreement of the County of Nicollet and the [XXX Township] by resolutions of their respective boards.

This agreement shall become effective upon signature of all duly authorized signatures, and shall remain in effect until terminated by agreement of the parties or thirty days after written notice of termination by either party.

County of Nicollet
Board Chair

Date

[XXX Township]
[Town Board Chair]

Date

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Set Public Hearing Date for the Fee Schedule Amendment																
Primary Originating Division/Dept.: Administration		Meeting Date: 09/24/2024														
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: Financial Security - prudent use of taxpayer resources (Select One) 																
BACKGROUND/JUSTIFICATION: Consideration of December 17, 2024, at 9:30 a.m. for a public hearing concerning the amendment to the County Fee Schedule.																
Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None																
Prior Board Action Taken on this Agenda Item: ☒ Yes ☐ No																
If "yes", when? (provide year; mm/dd/yy if known) December 12, 2023																
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A																
ACTION REQUESTED: Set the fee schedule public hearing date of December 17, 2024 at 9:30 a.m.																
<table border="0"><tr><td>FISCAL IMPACT: No fiscal impact (Select One)</td><td>☒ FUNDING</td></tr><tr><td>If "Other", specify</td><td>County Dollars =</td></tr><tr><td></td><td>Other</td></tr><tr><td></td><td>(Select One)</td></tr><tr><td>FTE IMPACT: No FTE change (Select One)</td><td>Total</td></tr><tr><td>If "Increase or "Decrease" specify:</td><td></td></tr><tr><td>Related Financial/FTE Comments:</td><td></td></tr></table>			FISCAL IMPACT: No fiscal impact (Select One)	☒ FUNDING	If "Other", specify	County Dollars =		Other		(Select One)	FTE IMPACT: No FTE change (Select One)	Total	If "Increase or "Decrease" specify:		Related Financial/FTE Comments:	
FISCAL IMPACT: No fiscal impact (Select One)	☒ FUNDING															
If "Other", specify	County Dollars =															
	Other															
	(Select One)															
FTE IMPACT: No FTE change (Select One)	Total															
If "Increase or "Decrease" specify:																
Related Financial/FTE Comments:																

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Approval of the 2025 Preliminary Property Tax Levy and Setting the 2025 Levy and Budget	
Primary Originating Division/Dept.: Administration	Meeting Date: 09/24/2024
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: Financial Security - prudent use of taxpayer resources (Select One)	
BACKGROUND/JUSTIFICATION: Attached for your consideration is a resolution that requests the following actions: - Setting the 2025 preliminary tax levy - Setting Thursday, December 5, 2024 at 6:30 p.m. at the Nicollet County Board Room as the 2025 Tax Levy and Budget Public comment meeting date, time, and location.	
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None	
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A	
ACTION REQUESTED: Approve the attached resolution adopting the 2025 preliminary property tax levy and setting the budget and levy public hearing meeting for Nicollet County.	
FISCAL IMPACT: Other (Select One) If "Other", specify	FUNDING County Dollars = Other (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total



**RESOLUTION ADOPTING THE
2025 PRELIMINARY PROPERTY TAX LEVY AND SETTING THE BUDGET AND
LEVY PUBLIC COMMENT MEETING FOR NICOLLET COUNTY**



WHEREAS, the Nicollet County Budget Committee met on several occasions to review the 2025 Nicollet County preliminary property tax levy and budget; and

WHEREAS, pursuant to Minn. Stat. §375A.06, the 2025 Nicollet County preliminary property tax levy and budget was prepared by the County Administrator and Finance Director with the input of all Nicollet County Board Members and County Department Heads; and

WHEREAS, to be in compliance with Minn. Stat. §275.065, the 2025 preliminary levy must be adopted and certified on or before September 30, 2024; and

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

WHEREAS, said meeting must occur after November 24, must not be held before 6:00 p. m. and must occur before the final 2025 levy and budget are approved.

NOW THEREFORE, BE IT RESOLVED, that the Nicollet County Board of Commissioners does hereby adopt the 2025 initial property tax levy for Nicollet County in the amount of \$27,335,294 (3.5% increase).

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Nicollet County Board of Commissioners does hereby establish Thursday, December 5, 2024 at 6:30 p.m. in the Nicollet County Board Room, Nicollet County Government Center, St. Peter, MN, as the designated meeting to discuss the 2025 proposed County levy and budget and to allow public input regarding these items. The 2025 final County levy and budget will be adopted at the Tuesday, December 17, 2024 regular County Board meeting.

Dated this 24th day of September, 2024

Terry Morrow, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator/Clerk to the Board

2025 Preliminary Draft Net Levy and Budget

		Property Tax Levy			
		2024	2025	Difference	% (+/-)
Revenue Fund:					
Administrative Services		\$3,851,988	\$3,382,447	-\$469,541	-12.19%
Property & Public Services		\$2,998,180	\$2,976,552	-\$21,628	-0.72%
Criminal Justice Services		\$8,421,478	\$8,971,151	\$549,673	6.53%
Economic Development/Service Appropriations		\$261,370	\$270,410	\$9,040	3.46%
Special Levy: HRA		\$117,740	\$0	-\$117,740	-100.00%
Special Levy: Library		\$120,088	\$120,088	\$0	0.00%
Total Revenue Fund		\$15,770,844	\$15,720,648	-\$50,196	-0.32%
Road & Bridge Fund		\$2,330,992	\$2,617,857	\$286,865	12.31%
Health & Human Services Fund		\$6,310,664	\$6,895,987	\$585,323	9.28%
Building Fund		\$0	\$1,000,000	\$1,000,000	N/A
Bonded Debt Fund		\$1,998,473	\$1,100,802	-\$897,671	-44.92%
TOTAL		\$26,410,973	\$27,335,294	\$924,321	3.50%

Estimated 1% Levy increase = \$264,110

2025 Preliminary Draft Net Levy and Budget

	2024	<u>Budget</u> 2025	Difference	% (+/-)
Revenue Fund	\$26,902,835	\$24,444,198	-\$2,458,637	-9.14%
Road & Bridge Fund	\$11,618,853	\$12,157,272	\$538,419	4.63%
Health & Human Services Fund	\$16,408,944	\$17,761,863	\$1,352,919	8.25%
Building Fund	\$0	\$1,000,000	\$1,000,000	N/A
Bonded Debt	\$1,998,473	\$1,100,802	-\$897,671	-44.92%
TOTAL	\$56,929,105	\$56,464,135	-\$464,970	-0.82%

Nicollet County Board of Commissioners Board Meeting Agenda Item



Agenda Item:	
Public Hearing for Proposed Revisions to Environmental Health Ordinances	
Primary Originating Division/Dept.: Health and Human Services	Meeting Date: 09/24/2024
Contact: Cassie Sassenberg Title: HHS Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested 10 minutes	
Presenter: C.Sassenberg/J.Harm Title: HHS Director/EH	Attachments: ☒ Yes ☐ No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: Public hearing for consideration of proposed revisions to the following Environmental Health ordinances: -Nicollet County Lodging Ordinance -Nicollet County Food and Beverage Ordinance -Nicollet County Manufactured Home Parks, Recreational Camping Areas, and Youth Camps Ordinance -Nicollet County Swimming Pool Ordinance Nicollet County will become a single-county Community Health Board on January 1, 2025. Nicollet County is 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. Nicollet County has proposed revisions to its related ordinances as part of that process. The following is a summary of the proposed changes: • The Lodging ordinance was updated to reflect the transition to a single county Community Health Board, removal of Environmental Health staff from the Appeals Board definition, incorporation of Minnesota State Statute §157 providing for	
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: Adoption of the proposed revisions to Environmental Health Ordinances with an effective date of January 01, 2025.	
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



Ordinance Providing for the Regulation of Lodging Establishments, Boarding Establishments, Hotels, Motels, and Resorts

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Statutes and Rules referenced in this Ordinance can be accessed to read or download at this website: <https://www.revisor.mn.gov/pubs/>

BE IT AND IT IS HEREBY RESOLVED by the Nicollet County Board of Commissioners, State of Minnesota, under authority provided in Minnesota Statutes, Chapters 145A, 157, and 375 that:

An Ordinance providing for the inspection and licensing of hotels, motels, Lodging Establishments, and resorts; regulating their design, construction, operation, and maintenance; and providing for the administration and enforcement thereof, be and herby is established as follows:

Section 1: Purpose and Authority

- 1.1 The purpose of this Ordinance is to establish standards for all Lodging Establishments, Boarding Establishments, Hotels, Motels, and Resorts and to protect the health, safety, and general welfare of the people of Nicollet County, pursuant to the powers granted under Minnesota Statutes Chapters 145A, 157, and 375, including the following general objectives:
 - a. To provide a minimum standard for the design, construction, operation, and maintenance of Lodging Establishments, Boarding Establishments, Hotels, Motels, and Resorts;
 - b. To correct and prevent conditions that may adversely affect persons utilizing Lodging Establishments; and
 - c. To meet consumer expectations for the quality and safety of Lodging Establishment, Boarding Establishment, Hotel, Motel and Resorts.
- 1.2 This Ordinance establishes the minimum standards, as defined in Minnesota Statutes Sections 327.10 to 327.13; Minnesota Rules 4625.0100 to 4625.2200; and this Ordinance; for the design, construction, operation and maintenance of Lodging Establishments, Boarding Establishments, Hotels, Motels, and Resorts located in Nicollet County, so that health and safety hazards are minimized. Whenever, and if, this Ordinance conflicts with other applicable laws, regulations and ordinances, the most restrictive shall prevail.
- 1.3 Minnesota Statutes Chapter 157, 327 and Minnesota Rules 4625, in effect on the effective date of this Ordinance, and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.

Section 2: Scope

This Ordinance shall be applicable to all Lodging Establishments, Boarding Establishments, Hotels, Motels and Resorts defined in Minnesota Statutes Chapter 157.15; Minnesota Rules 4625.0100; and this Ordinance which are located in Nicollet County, Minnesota.

Section 3: Administration

This Ordinance shall be administered by Nicollet County Environmental Health (hereinafter "Regulatory Authority").

Section 4: Definitions

Words, phrases and terms used in this Ordinance shall be given the same meaning as those set forth in Minnesota Statutes Section 157.15; Minnesota Rules 4625.0100; and this Ordinance. The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

- 4.1 **Appeals Board** shall consist of the Chairperson and Vice Chairperson of the Nicollet County Community Health Board or their designated appointees.
- 4.2 **Approved** shall mean acceptable to the Regulatory Authority based on determination of conformity with principles, practices, and generally recognized standards that protect public health.
- 4.3 **Bed and Breakfast** shall mean an owner-occupied establishment that offers lodging and breakfast, without a limitation on the number of rooms offered.
- 4.4 **Board** shall mean the Nicollet County Community Health Board acting under the provisions of Minnesota Statutes Section 145A, as the Board of Health.
- 4.5 **Boarding Establishment** shall mean a food and beverage establishment where food or beverages, or both, are furnished to five (5) or more regular boarders, with or without sleeping accommodations, for periods of one (1) week or more.
- 4.6 **Clean** shall mean free from insects, vermin, and debris; and free from physical, chemical and microbial substances discernible by ordinary sight or touch, by ultraviolet light, or by artificial light; absence of dirt, grease, rubbish, garbage and other offensive, unsightly, or extraneous matter.
- 4.7 **Commissioner of Health** shall mean the Minnesota Commissioner of Health.
- 4.8 **County** shall mean Nicollet County.
- 4.9 **Environmental Health Manager** shall mean the Board's Environmental Health Manager and any related staff acting under the Board's authority.
- 4.10 **High Risk Establishment** shall mean any Hotel, Motel, Lodging Establishment, Boarding Establishment, or Resort that has a Public Swimming Pool, as provided for in the Nicollet County Regulation of Public Swimming Pools Ordinance, or draws its drinking water from a surface water supply.
- 4.11 **Hotel or Motel** shall mean a building or structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one (1) week. Short-term rental properties and vacation home rentals that meet this definition will be licensed as such.
- 4.12 **Imminent Health Hazard** shall mean a significant threat or danger to health that exists when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
- a. the number of potential injuries; and

b. the nature, severity, and duration of the anticipated injury.

4.13 **Licensee** shall mean the person licensed by the Regulatory Authority who:

a. Is the owner, the owner's agent, or other person legally responsible for the operation of the Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort; and

b. Possesses a valid license to operate a Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort according to Minnesota Statutes Chapter 157, and/or this Ordinance

4.14 **Lodging Establishment** shall mean a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one (1) week or more, and having five (5) or more beds to let to the public.

4.15 **Low risk Establishment** shall mean any Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort that is not a high risk or medium risk establishment.

4.16 **Medium Risk Establishment** shall mean any Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort that has twenty-five (25) or more units.

4.17 **Person** shall mean an individual, firm, corporation, partnership, association, or other entity including the United States government, any interstate body, the State, and any agency, department, or political subdivision of the State.

4.18 **Remodeling** shall mean an addition or change to the physical facility or an equipment installation that results from changes in the services offered to the public. Remodeling does not include redecorating or cosmetic refurbishing.

4.19 **Resort** shall mean a building, structure, enclosure, or any part thereof located on, or on property neighboring, any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one (1) day, one (1) week, or longer, and having for rent five (5) or more cottages, rooms or enclosures.

4.20 **Seasonal Establishment** shall mean a Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort which is closed five (5) consecutive months of the year or more.

4.21 **Variance** shall mean any modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.

Section 5: Review of Construction Plans

5.1 Plans shall be submitted to the Regulatory Authority when a Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort in the County, licensed or to be licensed, under the provisions of Minnesota Statutes Chapter 157 and this Ordinance, is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort. All required plans, specifications, and materials must be submitted prior to construction, remodeling, or conversion. The submitted plans and specifications shall include:

- a) completed plan review application with required fees;
- b) one complete set of plans drawn to scale, easy to read, and including location of equipment, hand sinks, ware washing equipment, toilet rooms, janitorial areas, storage areas including chemical storage areas, equipment and utensil storage areas, clean and soiled linen storage areas, and waste and recycling storage;
- c) finish schedule for floors, walls, and ceilings;
- d) a written business plan defining the intended scope of business;
- e) equipment types with model numbers or manufacturer's specification sheets;
- f) sleeping room dimensions, including the number of beds/rooms;
- g) counters and cabinetry information, including cabinet construction and countertop finish;
- h) information on well (unique well number) and septic system (certification of compliance) for private systems;
- i) copy of County/City zoning and building approval;
- j) copy of plumbing approval (if applicable); and
- k) other information as requested by the Regulatory Authority.

Plans and Plan Review Fee, which shall be specified by the Board, shall be submitted at least thirty (30) days before beginning construction or extensive remodeling. The fee submitted for the plan review shall be retained by the County even though the proposed project is not approved and license is denied.

5.2 The Regulatory Authority shall inspect the establishment prior to the start of operation to determine compliance with the approved plans and specifications.

Section 6: Licensure

- 6.1. It shall be unlawful for any person to operate a Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort within Nicollet County who does not possess a valid license issued to them by the Regulatory Authority as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. Any change in license type, as defined in this Ordinance, must be approved by the Regulatory Authority. A valid license shall be posted in every Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort. All licenses expire as of December 31 each year.
- 6.2 Any person desiring to operate a Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort, shall make written application for a license on forms provided by the Regulatory Authority. Such application shall include: the applicant's full name and address and whether such applicant is an individual, proprietorship, partnership or corporation; the location and type of proposed Lodging Establishment, Boarding Establishment, Hotel, Motel or Resort; all additional information required by Nicollet County and the State of Minnesota; and the signature of the applicant(s). If a partnership is applying for a license, the names of the partners, together with their addresses, shall be included on the application. Each application for a license, together with the appropriate license fee as described by the Board, shall be submitted to the Regulatory Authority no later than December 31 each year, or in the case of a new business, ten (10) days prior to the opening date of such a business. All outstanding fines and fees resulting from actions in the previous year must be paid in full prior to issuance of the new license. Any person who operates a Lodging Establishment, Boarding Establishment, Hotel, Motel or Resort without submitting a license application and appropriate fees shall be deemed to have violated this Ordinance and shall be subject to civil or criminal penalties as provided for in this Ordinance Or under Minnesota Statues.
- 6.3 The Licensee of any Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort shall pay an annual license fee at a rate specified by the Board. This annual license fee may be adjusted as the Board deems appropriate. A penalty fee at a rate specified by the Board shall be added to the amount of the license fee and paid by the Licensee if the annual license fee is not received by the Regulatory Authority by December 31 of the current year. When opening after October 1, and before January 1, the Licensee is required only to pay one-half 1/2) of the normal annual fee. The Board has the authority to grant refunds to establishment operators in the event of an emergency.

Section 7: Inspection and Correction

- 7.1 The Regulatory Authority shall inspect Lodging Establishments, Boarding Establishments, Hotels, Motels, or Resorts as frequently as necessary to ensure compliance with this Ordinance, but not less than the frequency established by Minnesota Statutes Section 157.20.

- 7.2 The Licensee of a Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort shall, upon request of the Regulatory Authority, permit access to all parts of the establishment at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with the provisions of this Ordinance.
- 7.3 Whenever an inspection and review of a Lodging Establishment, Boarding Establishment, Hotel, Motel, or Resort is made, the findings shall be recorded on an inspection report(s). Inspection report(s) shall be kept on record with the Regulatory Authority, with one (1) copy of the inspection report(s) furnished to the Licensee of the establishment. The completed inspection report(s) is a public document that shall be made available to any person who requests it, except when inspection report(s) are part of on-going investigations or pending litigations.
- 7.4 The inspection report(s) shall specify a specific, appropriate, and reasonable period of time for correction of any violations. Correction of any violations shall be accomplished within the period specified. Failure to make corrections within the time period specified shall result in one (1) or more of the following enforcement actions, established in the Regulatory Authority's Program Policies, being taken by the Regulatory Authority:
- a. Re-inspection of the establishment, and required payment of a re-inspection fee, as set by the Board. Failure to pay the re-inspection fee within thirty (30) days of notification will result in an additional late payment fee.
 - b. In-Office Hearing to discuss violations, correction orders, and other compliance requirements. Location, time, and participants shall be determined by the Regulatory Authority. An In-Office Hearing Fee shall be set by the Board. Failure to pay the In-Office Hearing Fee within thirty (30) days of notification will result in an additional late payment fee.

Section 8: Suspension of License

- 8.1 Licenses may be suspended temporarily by the Regulatory Authority at any time for failure by the Licensee to comply with the requirements of this Ordinance. Whenever a Licensee has failed to comply with any notice requiring corrective action issued under the provisions of this Ordinance, that Licensee shall be notified in writing that the license is immediately suspended upon service of the notice and that an opportunity for a hearing before the Appeals Board will be provided if the Licensee submits a written request in the form of certified mail or personal service for appeal, and that request for appeal is received by the Regulatory Authority within ten (10) business days from the receipt of the suspension notice. Notice of license suspension will be sent in the form of certified mail or personal service to the designated mailing address as listed on the establishment's annual license application.
- 8.2 Notwithstanding the other provisions of this Ordinance, whenever the Regulatory Authority finds unsanitary or other condition(s) in the operation of a Lodging

Establishment, Boarding Establishment, Hotel, Motel, or Resort which, in the Regulatory Authority's judgment, may constitute a substantial hazard to the health of the public, the Regulatory Authority may, without warning, notice, or hearing, issue a written notice to the Licensee citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the license is immediately suspended, and all operations are to be immediately discontinued. Notice of immediate suspension of license is to be delivered to the Licensee in the form of certified mail or personal service by the Regulatory Authority. The Licensee to whom such an order is issued shall comply immediately therewith, but upon written petition, delivered via personal service or certified mail to the Regulatory Authority, shall be afforded an appeal before the Appeals Board as soon as the Appeals Board may be convened. Nothing in this section shall be construed to prevent the Regulatory Authority from suspending a license only as to such portion of the premises that do not comply with the provisions of this Ordinance and permitting the continued operation of the remaining portions of such premises which do comply.

- 8.3 A Licensee whose license has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) business days following receipt of a written request for re-inspection, including a statement signed by the Licensee that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Environmental Health Manager shall make a re-inspection. If the Licensee is in compliance with the requirements of this Ordinance and the Minnesota Lodging Code, the license shall be reinstated.

SECTION 9: Revocation of License

For serious or repeated violations of any of the requirements of this Ordinance and the Minnesota Lodging Code, which create an imminent health hazard, a license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Regulatory Authority shall notify the license holder in writing, advising that the license shall be permanently revoked five (5) days from the date the written notice is received. Written notice shall be sent in the form of certified mail or by personal service to the designated mailing address as listed on the establishment's annual license application.

SECTION 10: Appeals Procedure

Appeals shall be heard by the Appeals Board.

- 10.1 Request for Hearing. A Licensee affected by a notice of suspension, or revocation, upon filing of a written petition by personal service or certified mail, requesting a hearing on the matter and setting forth a brief statement on the grounds therefore with the Regulatory Authority, shall be granted a hearing before the Appeals Board. Said petition shall be received by the Regulatory Authority within ten (10) business days after the notice was received.

- 10.2 Date of Hearing. The hearing shall be held not more than ten (10) business days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) business day period, if in the Chairperson's judgment, a good and sufficient reason exists for such postponement.
- 10.3 Notice of Hearing. The Regulatory Authority shall provide written notice of the hearing to the Licensee at least five (5) business days prior to the hearing date. Written notice of the hearing to be given to the Licensee in the form of certified mail or personal service to the designated mailing address as listed on the establishment's annual license application.
- 10.4 Proceedings. At such hearing the Licensee, their agent, or attorney shall be given an opportunity to be heard and to show cause why the notice of embargo, suspension, or revocation issued by the Regulatory Authority should be modified or withdrawn. The Environmental Health Manager shall provide a detailed written statement of findings to the Appeals Board prior to the date of the hearing.
- 10.5 Decisions of the Appeals Board. The Appeals Board, within three (3) business days after such hearing, shall sustain, modify, or withdraw the notice of embargo, suspension, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by certified mail to the Licensee. If aggrieved by the decision of the Appeals Board, the Licensee may seek relief therefrom, as provided by the laws of the State of Minnesota.
- 10.6 Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings of the Environmental Health Manager, shall be recorded and reduced to writing and entered as a public record in the electronic establishment file of the Licensee. Such record shall include a copy of every notice, order, or writing issued in connection with the matter.
- 10.7 Notices Not Appealed. Any notice served pursuant to the provisions of this Ordinance shall automatically become final if a written petition for a hearing is not filed with the Regulatory Authority within ten (10) business days after the notice is received by the licensee.

Section 11: Severability

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase, or portion of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Section 12: Penalties

The Regulatory Authority may enforce the provisions of this Ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution shall not bar a civil remedy. Any person who violates any of the provisions hereof or who fails to comply with any of the provisions, or who makes any false statement in any document required to be submitted under these provisions,

shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense. Civil penalties may include, but are not limited to, the provisions contained in Sections 7, 8, and 9 of this Ordinance. Such persons may be enjoined from continuing such violations.

Section 13: Variances

- 13.1 A variance from this Ordinance may be granted if it is deemed that the strict enforcement of any provision of the standards of the Ordinance would cause unnecessary hardship or that strict conformity with the standards would be unreasonable and impractical, or not feasible under the circumstances. The Regulating Authority may permit a variance upon such conditions as it may prescribe for management consistent with the general purposes and intent of this Ordinance and of all other applicable state and local regulations and laws.
- 13.2 Variances shall be granted in accordance with the procedures defined in the Nicollet County Program Policies Variances Section and Minnesota Rules 4625.2355.

SECTION 14: Effective Date

This Ordinance, adopted on September 24, 2024, and effective January 01, 2025, hereby repeals and replaces in its entirety the Nicollet County Ordinance Providing for the Regulation of Lodging Establishments, Boarding Establishments, Hotel, Motels, and Resorts of December 16, 2014. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the previous said Nicollet County Ordinance Providing for the Regulation of Lodging Establishments, Boarding Establishments, Hotels, Motels, and Resorts if the violation is also a violation of this Ordinance.

Dated this _____, day of _____, 2024.

Terry Morrow, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator/Clerk to the Board



Ordinance Providing for the Regulation of Food and Beverage Establishments

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Minnesota Statutes and Rules referenced in this Ordinance can be accessed to read or download at this website: <https://www.revisor.mn.gov/pubs/>

BE IT AND IT IS HEREBY RESOLVED by the Nicollet County Board of Commissioners, State of Minnesota, under the authority of Minnesota Statutes Chapters 145A and 375, that: An Ordinance providing for the licensing and inspection of Food and Beverage Service Establishments, regulating their design, construction, operation, and maintenance, and providing for the administration and enforcement thereof, be and hereby is established as follows:

Section 1: Purpose and Authority

- 1.1 The purpose of this Ordinance is to establish standards and authority to protect the public health, safety, and general welfare of the people of Nicollet County pursuant to powers granted under Minnesota Statutes Chapters 145A, 157, and 375. The general objectives include the following:
- a) Prevent foodborne illness;
 - b) Correct and prevent conditions that may adversely affect persons utilizing Food and Beverage Service Establishments;
 - c) Provide a minimum standard for the design, construction, operation, and maintenance of Food and Beverage Service Establishments; and
 - d) Meet consumer expectations of the quality and safety of Food and Beverage Service Establishments.
- 1.2 This Ordinance establishes the minimum standards, as defined in the Minnesota Food Code, Minnesota Rules 4626.0010 to 4626.1855 (hereinafter “Minnesota Food Code”), except Certification of Food Protection Managers under Minnesota Statutes Section 157.16, subdivision 2(a), and Minnesota Rules 4626.0033, subparts G, H, I, J, K, L, M, N, and O, and this Ordinance, for the design, construction, operation, and maintenance of Food and/or Beverage Establishments in Nicollet County so that health and safety hazards are minimized. Whenever, and if this Ordinance conflicts with other applicable laws, regulations, and ordinances, the most restrictive shall apply.
- 1.3 Minnesota Statutes Chapter 157 and Minnesota Rules Chapter 4626, as amended and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.

Section 2: Scope

This Ordinance shall be applicable to all Food and Beverage Service Establishments as defined in Minnesota Statutes Section 157.15, Minnesota Rules 4626.0020, and this Ordinance, and shall include all other businesses and establishments where meals, and/or drinks are served, except as exempted by Minnesota Statutes Section 157.22, that are located in Nicollet County, Minnesota. In addition, this Ordinance shall serve as criteria for evaluation of food and beverage service facilities in Youth Camps as defined in Minnesota Statutes Section 144.71, subdivision 2, that are located in Nicollet County, Minnesota.

Section 3: Administration

This Ordinance shall be administered by Nicollet County Environmental Health (hereinafter “Regulatory Authority”).

Section 4: Definitions

Words, phrases, and terms used in this Ordinance shall be given the same meaning as those set forth in Minnesota Statutes Section 157.15, Minnesota Rules 4626.0020, and this Ordinance. The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

- 4.1 **Additional Food Service** shall mean a location at a Food and Beverage Service Establishment, other than the primary food preparation and service area, used to prepare or serve food and/or beverages to the public. Additional food service does not apply to school concession stands.
- 4.2 **Appeals Board** shall consist of the Chairperson and Vice Chairperson of the Nicollet County Community Health Board or their designated appointees.
- 4.3 **Approved** shall mean acceptable to the Regulatory Authority based on determination of conformity with principles, practices, and generally recognized standards that protect public health.
- 4.4 **Bed and Breakfast** shall mean an owner-occupied establishment that offers lodging and breakfast, without a limitation on the number of rooms offered.
- 4.5 **Board** shall mean the Nicollet County Community Health Board acting under the provisions of Minnesota Statutes Chapter 145A, as the Board of Health.
- 4.6 **Boarding Establishment** shall mean an establishment where food or beverages, or both, are furnished to five (5) or more regular boarders, with or without sleeping accommodations, for periods of one (1) week or more.
- 4.7 **Catering** shall mean the preparation, transportation, or service of food under contract by a licensed food establishment in support of an event such as a reception, party, luncheon, conference, ceremony, or trade show.
- 4.8 **Certified Food Protection Manager** shall mean an individual who has a valid Minnesota food manager's certification under Minnesota Rules 4626.0033.
- 4.9 **Change or Transfer of Ownership** shall mean a legal transaction, whereby ownership of an establishment is changed from one person to another person. This transaction may occur by sale, exchange, repossession, or other legal means.
- 4.10 **Commissioner of Health** shall mean the Minnesota Commissioner of Health.
- 4.11 **County** shall mean Nicollet County.
- 4.12 **Critical Control Point** shall mean a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

- 4.13 **Daycare** shall be given the same meaning as provided by Minnesota Rules 9502.0315, subpart 9, and where food preparation consists of at least one (1) meal daily, which is prepared on-site.
- 4.14 **Environmental Health Manager** shall mean the Board's Environmental Health Manager and any related staff acting under the Board's authority.
- 4.15 **Food and Beverage Service Establishment** shall mean a building, structure, enclosure, or any part of a building, structure, or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.
- 4.16 **Hazard** shall mean a biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- 4.17 **Hazard Analysis and Critical Control Point (HACCP) Plan** shall mean a written document that delineates the formal procedures for following the HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.
- 4.18 **Imminent Health Hazard** shall mean a significant threat or danger to health that exists when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
- a) The number of potential injuries; and
 - b) The nature, severity, and duration of the anticipated injury.
- 4.19 **Large Food Establishment** shall mean a Food and Beverage Service Establishment that uses a range, oven, steam table, salad bar, more than one (1) deep fat fryer or grill, more than two (2) hot holding containers, serves a full menu selection an average of five (5) or more days per week, serves over one hundred (100) people daily, or caters over three hundred (300) meals per day.
- 4.20 **Licensee** shall mean the person licensed by the Regulatory Authority who:
- a) Is the owner, the owner's agent, or other person legally responsible for the operation of the Food and Beverage Service Establishment; and
 - b) Possesses a valid license to operate a Food and Beverage Service Establishment according to Minnesota Statutes Chapter 157, and/or this Ordinance.
- 4.21 **Limited Food Establishment** shall mean a Food and Beverage Service Establishment that provides pre-packaged food that may or may not receive heat treatment and is served in the package; frozen pizza that is heated and served; continental breakfast such as rolls, coffee,

juice, milk, and cold cereal; and/or washes and/or cuts fresh fruit for service.

- 4.22 **Medium Food Establishment** shall mean a Food and Beverage Service Establishment that uses a range, oven, steam table, salad bar, more than two (2) hot holding containers, serves more than fifty (50) people daily, or an establishment that provides catering services.
- 4.23 **Mobile Food Unit** shall mean a Food and Beverage Service Establishment that is a vehicle mounted unit, either:
- (1) motorized or trailered, operated no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of Regulatory Authority as defined in this Ordinance; or
 - (2) operated in conjunction with a permanent business licensed under this Ordinance or Minnesota Statute Chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.
- 4.24 **One Day Special Event Food Service** shall mean a Food and Beverage Service Establishment that is used in conjunction with a one (1) day benefit or celebration and may be used only for that event.
- 4.25 **Person** shall mean an individual, firm, corporation, partnership, association, or other entity, including the United States government, any interstate body, the State, or any agency, department, or political subdivision of the State.
- 4.26 **Person in Charge** shall mean the individual present at a Food and Beverage Service Establishment who is responsible for the operation at the time of inspection.
- 4.27 **Reciprocal Mobile Food Unit License** shall mean a license provided to the Licensee of a Mobile Food Unit currently licensed and in good standing with another State of Minnesota delegated agency or Minnesota Department of Health. The license fee for a reciprocal license shall be provided at a reduced rate as determined by the Board.
- 4.28 **Risk Categories** shall mean as follows:
- a) **High Risk Food Establishment** shall mean any Food and Beverage Service Establishment that serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating, or holding for service, prepares food several hours or days before service, serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illness, has a public swimming pool, or draws its drinking water from a surface water supply.

- b) **Medium Risk Food Establishment** shall mean a Food and Beverage Service Establishment that serves potentially hazardous foods but with minimal holding time between preparation and service, or serves food, such as pizza, that require extensive handling followed by heat treatment.
 - c) **Low Risk Food Establishment** shall mean a Food and Beverage Service Establishment that is not a High Risk or Medium Risk Establishment.
- 4.29 **School Food Service** shall mean learning institutions with full kitchens and/or commissaries:
 - a) **SFS < 100 students** shall mean a school food service where food served is prepared on-site or catered and less than one hundred (100) students are served.
 - b) **SFS > 100 students** shall mean a school food service where food served is prepared on-site or catered and more than one hundred (100) students are served.
- 4.30 **Seasonal Establishment** shall mean a Food and Beverage Service Establishment which is closed five (5) consecutive months of the year or more.
- 4.31 **Service Kitchen** shall mean a facility with an approved kitchen that is occasionally used to prepare and serve food for public events such as weddings, or a site where food is delivered and served to clients (i.e. assisted living and senior dining sites, childcare sites, or school food service sites).
- 4.32 **Small Food Establishment** shall mean a Food and Beverage Service Establishment with no salad bar, equipment not exceeding one (1) deep fat fryer, one (1) grill, two (2) hot holding containers, microwave oven(s), service of dipped ice cream or soft serve frozen desserts, no catering, or serves less than fifty (50) people per day.
- 4.33 **Special Event Food Service** shall mean a Food and Beverage Service Establishment which is used in conjunction with celebrations and special events, and which operates for no more than ten total days within the applicable license period.
- 4.34 **Transient Use** shall mean use which lasts for only a short time. Persons using the facility are not regular boarders, and for periods generally less than one (1) week.
- 4.35 **Variance** shall mean any modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.
- 4.36 **Youth Camp** shall mean living quarters where both food and/or beverage service and lodging is provided for ten (10) or more people, operated continuously for a period of five (5) days or more each year for education, recreation, or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee.

Section 5: Review of Construction Plans

- 5.1 Plans shall be submitted to the Regulatory Authority when a Food and Beverage Service Establishment in the County, licensed or to be licensed, under the provisions of Minnesota Statutes Chapter 157, is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a Food and Beverage Service Establishment. All required plans, specifications, and materials must comply with the requirements of Minnesota Rules 4626.1720, subparts A, C, D, E, and F, to 4626.1750. Plans and the Plan Review Fee, which shall be specified by the Board, shall be submitted at least thirty (30) days before beginning construction or extensive remodeling. The fee submitted for the plan review shall be retained by the County even though the proposed project is not approved and license is denied.
- 5.2 The Regulatory Authority shall inspect the establishment prior to the start of the operation to determine compliance with the approved plans and specifications.

Section 6: Licensure

- 6.1 It shall be unlawful for any person to operate a Food and Beverage Service Establishment within the County who does not possess a valid license for the applicable type of establishment issued to them by the Regulatory Authority as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. Any change in license type, as defined in this Ordinance, must be approved by the Regulatory Authority. A valid license shall be posted in every Food and Beverage Service Establishment. All licenses expire as of December 31 each year, with the exception of licenses for One Day Special Event Food Service and Special Event Food Service, which expire according to date of issuance.
- 6.2 Any person desiring to operate a Food and Beverage Service Establishment shall make written application for a license on forms provided by the Regulatory Authority. Such application shall include: the applicant's full name and address and whether such applicant is an individual, proprietorship, partnership, or corporation; the location and type of proposed Food and Beverage Service Establishment; the name of the Food and Beverage Service Establishment's Certified Food Protection Manager (if applicable); all additional information required by Nicollet County and the State of Minnesota; and the signature of the applicant(s). If a partnership is applying for a license, the names of the partners, together with their addresses, shall be included on the application. Each application for a license, together with the appropriate license fee as determined by the Board, shall be submitted to the Regulatory Authority no later than December 31 each year, or in the case of a new business, ten (10) days prior to the opening date of such a business. All outstanding fines and fees resulting from actions in the previous year must be paid in full prior to the issuance of the new license. Any person who operates a Food and Beverage

Service Establishment without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to civil or criminal penalties as provided for in this Ordinance or under Minnesota Statutes.

- 6.3 The Licensee of any Food and Beverage Service Establishment shall pay an annual license fee at a rate specified by the Board. This annual license fee may be adjusted, as the Board deems appropriate. A penalty fee at a rate specified by the Board shall be added to the amount of the license fee and paid by the Licensee if the annual license fee is not received by the Regulatory Authority by December 31 of the current year. When opening after October 1, and before January 1, the Licensee is required only to pay one-half (1/2) of the normal annual fee. The Board has the authority to grant refunds to establishment operators in the event of an emergency.

Section 7: Requirements of Licensed Establishments

- 7.1 The Licensee shall require food employees and conditional employees to report to the Person in Charge information about their health and activities as they relate to disease transmissible through food. A food employee or conditional food employee shall report to the Person in Charge the information specified in Minnesota Rules 4626.0040, subpart A, and shall comply with exclusions and restrictions specified in Minnesota Rules 4626.0045. A food employee or conditional employee shall report the information in a manner that allows the Person in Charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or diagnosis without symptoms.
- 7.2 All establishments shall report to the Regulatory Authority within twenty-four (24) hours from the time of becoming aware of any incidences of employee gastrointestinal illness (to include vomiting and diarrhea), infected cuts or burns, and confirmed cases of norovirus, hepatitis A virus, Salmonella spp., Shigella spp., Shiga toxin-producing Escherichia coli, or other enteric bacterial, viral, or parasitic pathogens.
- 7.3 All establishments shall report all complaints of customer illness to the Regulatory Authority within one (1) hour from report to the establishment.
- 7.4 All establishments shall be required to keep posted current food safety systems, materials, logs, and charts as directed by the Regulatory Authority.

Section 8: Inspection and Correction

- 8.1 The Regulatory Authority shall inspect Food and Beverage Service Establishments as frequently as necessary to ensure compliance with this Ordinance, but not less than the frequency established by Minnesota Statutes Section 157.20.
- 8.2 The Licensee of a Food and Beverage Service Establishment shall, upon request of the Regulatory Authority, permit access to all parts of the establishment at any reasonable time

for the purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain sources of foods or other compliance with the provisions of this Ordinance. The Certified Food Protection Manager, or his/her designated Person in Charge, as defined in Minnesota Rules 4626.0033, shall be available for discussion of HACCP with the Regulatory Authority.

- 8.3 The Licensee of a Food and Beverage Service Establishment shall, upon request, furnish reasonable samples of food and beverage free of charge to the Regulatory Authority for laboratory analysis.
- 8.4 Whenever an inspection and review of a Food and Beverage Service Establishment is made, the findings shall be recorded on an Inspection Report(s). Inspection Report(s) shall be kept on record with the Regulatory Authority, with one (1) copy of the Inspection Report(s) furnished to the Licensee of the Food and Beverage Service Establishment. The completed Inspection Report(s) is a public document that shall be made available to any person who requests it, except when Inspection Report(s) are part of an ongoing investigation or pending litigation.
- 8.5 The Inspection Report(s) shall specify a specific, appropriate, and reasonable period of time for correction of any violations. Correction of any violations shall be accomplished within the period specified. Failure to make corrections within the period specified shall result in one (1) or more of the following enforcement actions, established in the Regulatory Authority's Program Policies, being taken by the Regulatory Authority:
- a) Re-inspection of the establishment, and required payment of a re-inspection fee as set by the Board. Failure to pay the re-inspection fee within thirty (30) days of notification will result in an additional late payment fee.
 - b) In-Office Hearing to discuss violations, correction orders, and other compliance requirements. Location, time, and participants shall be determined by the Regulatory Authority. An In-Office Hearing Fee shall be set by the Board. Failure to pay the In-Office Hearing Fee within thirty (30) days of notification will result in an additional late payment fee.

Section 9: Embargo, Condemnation, and Tagging

The Regulatory Authority may condemn and cause to be removed, embargo, and/or tag any item deemed to be in violation of the Minnesota Food Code, in accordance with Minnesota Rules 4626.1805 to 4626.1815.

Section 10: Procedure When Infection is Suspected

When the Regulatory Authority has reasonable cause to suspect the possibility of disease transmission from a Food and Beverage Service Establishment employee, the Regulatory Authority shall secure an illness or morbidity history of the suspected employee, and/or make other

investigations as may be required, and take appropriate action. The Environmental Health Manager may require any or all of the following measures:

- 10.1 The immediate exclusion of the employee from all Food and Beverage Service Establishments;
- 10.2 The immediate closure of the Food and Beverage Service Establishment concerned until, in the opinion of the Environmental Health Manager, no further danger of disease outbreak exists;
- 10.3 Restriction of the employee's services to an area of the Food and/or Beverage Establishment where there would be no danger of transmitting disease; and/or
- 10.4 Adequate medical and laboratory examinations of the employee, or other employees, and their bodily discharges.

Section 11: Suspension of License

- 11.1 Licenses may be suspended temporarily by the Regulatory Authority at any time for failure by the Licensee to comply with the requirements of this Ordinance. Whenever a Licensee has failed to comply with any notice requiring corrective action issued under the provisions of this Ordinance, that Licensee shall be notified in writing that the license is immediately suspended upon service of the notice and that an opportunity for a hearing before the Appeals Board will be provided if the Licensee submits a written request in the form of certified mail or personal service for appeal, and that request for appeal is received by the Regulatory Authority within ten (10) business days from the receipt of the suspension notice. Notice of license suspension will be sent in the form of certified mail or personal service to the designated mailing address as listed on the establishment's annual license application.
- 11.2 Notwithstanding the other provisions of this Ordinance, whenever the Regulatory Authority finds unsanitary or other condition(s) in the operation of a Food and Beverage Service Establishment which, in the Regulatory Authority's judgment, may constitute a substantial hazard to the health of the public, the Regulatory Authority may, without warning, notice, or hearing, issue a written notice to the Licensee citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the license is immediately suspended, and all food and beverage operations are to be immediately discontinued. Notice of immediate suspension of license is to be delivered to the Licensee in the form of certified mail or personal service by the Regulatory Authority. The Licensee to whom such an order is issued shall comply immediately therewith, but upon written petition, delivered via personal service or certified mail to the Regulatory Authority, shall be afforded an appeal before the Appeals Board as soon as the Appeals Board may be convened.

- 11.3 A Licensee whose license has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) business days following receipt of a written request for re-inspection, including a statement signed by the Licensee, that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Environmental Health Manager shall make a re-inspection. If the Licensee is in compliance with the requirements of this Ordinance and the Minnesota Rules 4626, the license shall be reinstated.

Section 12: Revocation of License

For serious or repeated violations of any of the requirements of this Ordinance and Minnesota Rules 4626, which create an imminent health hazard, a license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Regulatory Authority shall notify the Licensee in writing, advising that the license shall be permanently revoked five (5) days from the date the written notice is received. Written notice shall be sent in the form of certified mail or by personal service to the designated mailing address as listed on the establishment's annual license application.

Section 13: Appeals Procedure

Appeals shall be heard by the Appeals Board.

- 13.1 **Request for Hearing.** A Licensee affected by a notice of embargo, suspension, or revocation, upon filing of a written petition by personal service or certified mail, requesting a hearing on the matter and setting forth a brief statement on the grounds therefore with the Regulatory Authority, shall be granted such a hearing before the Appeals Board. Said petition must be received by the Regulatory Authority within ten (10) business days after the notice was received.
- 13.2 **Date of Hearing.** The hearing shall be held not more than ten (10) business days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) business day period, if in the Chairperson's judgment, a good and sufficient reason exists for such postponement.
- 13.3 **Notice of Hearing.** The Regulatory Authority shall provide written notice of the hearing to the Licensee at least five (5) business days prior to the hearing date. Written notice of the hearing is to be given to the Licensee in the form of certified mail or personal service to the designated mailing address as listed on the establishment's annual license application.
- 13.4 **Proceedings.** At such hearing, the Licensee, their agent, or attorney shall be given an opportunity to be heard and to show cause why the notice of embargo, suspension, or revocation issued by the Regulatory Authority should be modified or withdrawn. The Environmental Health Manager shall provide a detailed written statement of findings to the Appeals Board prior to the date of the hearing.

- 13.5 Decisions of the Appeals Board. The Appeals Board, within three (3) business days after such hearing, shall sustain, modify, or withdraw the notice of embargo, suspension, or revocation, depending upon its findings. A copy of the decision of the Appeals Board shall be served by certified mail to the Licensee. If aggrieved by the decision of the Appeals Board, the Licensee may seek relief therefrom, as provided by laws of the State of Minnesota.
- 13.6 Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings of the Environmental Health Manager, shall be recorded and reduced to writing and entered as a public record in the electronic establishment file of the Licensee. Such record shall include a copy of every notice, order, or writing issued in connection with the matter.
- 13.7 Notices Not Appealed. Any notice served pursuant to the provisions of this Ordinance shall automatically become final if a written petition for a hearing is not filed with the Regulatory Authority within ten (10) business days after the notice is received by the licensee.

Section 14: Severability

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase, or portion of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Section 15: Penalties

The Regulatory Authority may enforce the provisions of this Ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution shall not bar a civil remedy. Any person who violates any of the provisions hereof or who fails to comply with any of these provisions, or who makes any false statement in any document required to be submitted under these provisions, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Civil penalties may include, but are not limited to, the provisions contained in Sections 8, 9, 11, and 12 of this Ordinance. Such persons may be enjoined from continuing such violations.

Section 16: Variances

- 16.1 A variance from this Ordinance may be granted if it is deemed that the strict enforcement of any provision of the standards of the Ordinance would cause unnecessary hardship or that strict conformity with the standards would be unreasonable and impractical, or not feasible under the circumstances. The Regulatory Authority may permit a variance upon such conditions as it may prescribe for management consistent with the general purposes

and intent of this Ordinance and of all other applicable State and Local regulations and laws.

- 16.2 Variances shall be granted in accordance with the procedures described in the Nicollet Program Policies Variance Section and Minnesota Rules 4626.1690 to 4626.1715.

Section 17: Effective Date

This Ordinance, adopted on September 24, 2024, and effective January 01, 2025, hereby repeals and replaces in its entirety the Nicollet County Ordinance Providing for the Regulation of Food and Beverage Establishments of December 12, 2019. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the previous said Nicollet County Ordinance Providing for the Regulation of Food and Beverage Establishments if the violation is also a violation of this Ordinance.

Dated this _____, day of _____, 2024.

Terry Morrow, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator/Clerk to the Board



Ordinance Providing for the Regulation of Manufactured Home Parks, Recreational Camping Areas, and Youth Camps

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Minnesota Statutes and Rules referenced in this Ordinance can be accessed to read or download at this website: <https://www.revisor.mn.gov/pubs/>

BE IT AND IT IS HEREBY RESOLVED by the Nicollet County Board of Commissioners, State of Minnesota, under the authority of Minnesota Statutes Chapters 145A and 375 that:

An Ordinance providing for the licensing and inspection of Manufactured Home Parks, Recreational Camping Areas, and Youth Camps; regulating their design, construction, operation, and maintenance and providing for the administration and enforcement thereof; be and hereby is established as follows:

Section 1: Purpose and Authority

- 1.1 The purpose of this Ordinance is to establish standards and authority to protect the public health, safety and general welfare of the people of Nicollet County pursuant to powers granted under Minnesota Statutes Chapters 145A, 157, and 375.
- 1.2 This Ordinance establishes minimum standards, as defined in Minnesota Rules 4630.0200 to 4630.1900 and 4630.2210 to 4630.4700; Minnesota Statutes Sections 327.14, 327.20 to 327.201, Sections 327.205 to 327.28; Minnesota Statutes Sections 144.71 to 144.74, and this Ordinance, for Manufactured Home Parks, Recreational Camping Areas, and Youth Camps that are located in Nicollet County, Minnesota; so that health and safety hazards will be minimized. Whenever, and if, this Ordinance conflicts with other applicable laws, regulations, and ordinances, the most restrictive shall prevail.
- 1.3 Minnesota Rules 4630 and Minnesota Statutes Chapters 144 and 327, as amended and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.

Section 2: Scope

This Ordinance shall be applicable to all Manufactured Home Parks, Recreational Camping Areas, and Youth Camps as defined in Minnesota Statutes Sections 327.14 and 144.71; and Minnesota Rules 4630.1900, and this Ordinance, that are located in Nicollet County, Minnesota.

Section 3: Administration

This Ordinance shall be administered by Nicollet County Environmental Health (hereinafter "Regulatory Authority").

Section 4: Definitions

Words, phrases, and terms used in this Ordinance shall be given the same meaning as those set forth in Minnesota Statutes Section 327.14; Minnesota Statutes Section 144.71; Minnesota Rules 4630.1900; and this Ordinance. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- 4.1 **Appeals Board** shall consist of the Chairperson and Vice Chairperson of the Nicollet County Community Health Board, or their designated appointees.
- 4.2 **Approved** shall mean acceptable to the Regulatory Authority based on determination of conformity with principals, practices, and generally recognized standards that protect public health.
- 4.3 **Board** shall mean the Nicollet County Community Health Board acting under the provisions of Minnesota Statutes Chapter 145A, as the Board of Health.
- 4.4 **Category A Site** shall mean any Manufactured Home Park or Recreational Camping Area that meets one or more of the following conditions:

- a) Has a public swimming pool;
 - b) Draws its drinking water from a surface water supply; or
 - c) Has fifty (50) or more sites.
- 4.5 **Category B Site** shall mean any Manufactured Home Park or Recreational Camping Area that is not a Category A Site.
- 4.6 **Change or Transfer of Ownership** shall mean a legal transaction, whereby ownership of a Manufactured Home Park, Recreational Camping Area, or Youth Camp is changed from one person to another person. This transaction can occur by sale, exchange or other legal means.
- 4.7 **Clean** shall mean free from insects, vermin, and debris; and free from physical, chemical and microbial substances discernible by ordinary sight or touch, by ultraviolet light, or by artificial light; absence of dirt, grease, rubbish, garbage and other offensive, unsightly, or extraneous matter.
- 4.8 **Commissioner of Health** shall mean the Minnesota Commissioner of Health.
- 4.9 **County** shall mean Nicollet County.
- 4.10 **Environmental Health Manager** shall mean Employee of the County, responsible for Environmental Health program activities and enforcement of program ordinances.
- 4.11 **Imminent Health Hazard** shall mean a significant threat or danger to health that exists when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
 - a) the number of potential injuries; and
 - b) the nature, severity, and duration of the anticipated injury.
- 4.12 **Licensee** shall mean the person licensed by the Regulatory Authority who:
 - a) is the owner, the owner's agent, or other person legally responsible for the operation of the Manufactured Home Park, Recreational Camping Area, or Youth Camp; and
 - b) possesses a valid license to operate a Manufactured Home Park, Recreational Camping Area, or Youth Camp according to Minnesota Statutes Chapters 144 and 327, and/or this Ordinance.
- 4.13 **Manufactured Home Park** shall mean any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for

compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the Manufactured Home Park.

- 4.14 **Person** shall mean an individual, firm, corporation, partnership, association, or other entity including the United States government, any interstate body, the State, or any agency, department, or political subdivision of the State.
- 4.15 **Public Water Supply** shall have the meaning given to “public water system” in the Federal Safe Drinking Water Act, 42 U.S. Code § 300f.
- 4.16 **Recreational Camping Area** shall mean any area, whether provided privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five (5) or more tents or Recreational Camping Vehicles free of charge or for compensation. Recreational Camping Area excludes:
- a) Children’s Camps;
 - b) Industrial camps;
 - c) Migrant labor camps, as defined in Minnesota Statutes and State Commissioner of Health rules;
 - d) United States forest service camps;
 - e) State forest service camps;
 - f) State wildlife management areas or state-owned public areas which are restricted in use to picnicking and boat-landing; and
 - g) Temporary holding areas for self-contained Recreational Camping Vehicles created by and adjacent to motor-sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area.
 - h) A privately-owned area used for camping no more than once a year and for no longer than seven consecutive days by members of a private club where the members pay annual dues to belong to the club.
- 4.17 **Recreational Camping Vehicle** shall mean:
- a) Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation uses;
 - b) Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;

- c) Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
 - d) Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
- 4.18 **Seasonal** shall mean an operation which is closed five (5) or more consecutive months of the year or more.
- 4.19 **Special Event Recreational Camping Area** shall mean a recreational camping area which operates no more than two (2) times annually and for no more than fourteen (14) consecutive days.
- 4.20 **Youth Camp or Children's Camp** shall mean a parcel or parcels of land with permanent buildings, tents, or other structures together with appurtenances thereon, established or maintained as living quarters where both food and beverage service and lodging or the facilities therefore are provided for ten (10) or more minors, operated continuously for a period of five (5) days or more each year for education, recreation, or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee. The term "Youth Camp" in this Ordinance shall be synonymous with Children's Camp. This definition does not include the following:
- a) Cabin and trailer camps;
 - b) Fishing and hunting camps;
 - c) Resorts;
 - d) Penal and correctional camps;
 - e) Industrial and construction camps;
 - f) Homes operated for the care or treatment of children and for the operation of which a license is required under the provisions of Minnesota Statutes, Chapter 257.
- 4.21 **Variance** shall mean a modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.

Section 5: Licensure

- 5.1 It shall be unlawful for any person to operate a Manufactured Home Park, Recreational Camping Area, or Youth Camp within the County who does not possess a valid license for the applicable type of establishment issued to them by the Regulatory Authority as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location.

Any change in license type, as defined in this Ordinance, must be approved by the Regulatory Authority. A valid license shall be posted at every Manufactured Home Park, Recreational Camping Area, or Youth Camp. All licenses expire as of December 31 each year, with the exception of licenses for a Special Event Camping Area, which expire according to date of issuance.

- 5.2 Any person desiring to operate a Manufactured Home Park, Recreational Camping Area, or Youth Camp shall make written application for a license on forms provided by the Regulatory Authority. Such application shall include: the applicant's full name and address and whether such applicant is an individual, proprietorship, partnership, or corporation; the location and type of proposed operation; all additional information required by Nicollet County and the State of Minnesota; and the signature of the applicant(s). If a partnership is applying for a license, the names of the partners, together with their addresses, shall be included on the application. Each application for a license, together with the appropriate license fee as determined by the Board, shall be submitted to the Regulatory Authority no later than December 31 each year, or in the case of a new business, ten (10) days prior to the opening date of such a business. All outstanding fines and fees resulting from actions in the previous year must be paid in full prior to the issuance of the new license. Any person who operates a Manufactured Home Park, Recreational Camping Area, or Youth Camp without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to civil or criminal penalties as provided for in this Ordinance or under Minnesota Statutes.
- 5.3 The licensee of any Manufactured Home Park, Recreational Camping Area, or Youth Camp shall pay an annual license fee at a rate specified by the Board. This annual license fee may be adjusted, as the Board deems appropriate. A penalty fee at a rate specified by the Board shall be added to the amount of the license fee and paid by the Licensee if the annual license fee is not received by the Regulatory Authority by December 31 of the current year. When opening after October 1, and before January 1, the Licensee is required only to pay one-half (1/2) of the normal annual fee. The Board has the authority to grant refunds to establishment operators in the event of an emergency

Section 6: Review of Construction Plans

- 6.1 Plans shall be submitted to the Regulatory Authority when a Manufactured Home Park, Recreational Camping Area, or Youth Camp in the County, licensed or to be licensed under the provisions of this Ordinance is hereafter constructed, or when an existing Manufactured Home Park, Recreational Camping Area, or Youth Camp shall be expanded or remodeled. All required plans, specifications, materials, and materials must comply with the requirements of this Ordinance. Plans and Plan Review Fee, which shall be specified by the Board, shall be submitted at least thirty (30) days before beginning construction, expansion, or remodeling. Plans must include:
- a) The full name and address of the applicant or applicants, firm, or business entity; or the names and addresses of the officers if the applicant is a corporation.

- b) A description of the site, lot, field, or tract of land upon which the applicant proposes to operate and maintain the Manufactured Home Park, Recreational Camping Area, or Youth Camp, including detailed plans and specifications covering the proposed plot plan.
 - c) The proposed and existing facilities on and about the sites, lot, field, or tract of land for the proposed construction or alteration and maintenance of a sanitary community building for toilets, urinals, sinks, wash basins, slop-sinks, showers, drains, laundry facilities, source of water supply, sewage, garbage, and waste disposal; except that no toilet facilities shall be required in any manufactured home park which permits only manufactured homes equipped with toilet facilities discharging to water carried sewage disposal systems; and method of fire and storm protection.
 - d) The proposed method of lighting the structures and site, lot, field, or tract of land upon which the Manufactured Home Park, Recreational Camping Area, or Youth Camp is to be located.
 - e) The calendar months of the year which the applicant will operate the Manufactured Home Park Recreational Camping Area, or Youth Camp.
 - f) Plans for wells, water supply, plumbing, and sewage disposal systems must be submitted to the appropriate Nicollet County Department and/or the Minnesota Department of Health for approval prior to construction.
- 6.2 The application for the primary license shall be submitted with all plans and specifications, and shall be accompanied by an approved zoning permit from the Municipality or County wherein the Manufactured Home Park, Recreational Camping Area, or Youth Camp is to be located, or a statement from the Municipality or County that it does not require an approved zoning permit. The fee submitted for the plan review shall be retained by the County even though the proposed project is not approved, and license is denied.
- 6.3 When construction has been completed in accordance with approved plans and specifications, the Regulatory Authority shall promptly cause the Manufactured Home Park, Recreational Camping Area, or Youth Camp, and appurtenances thereto to be inspected. When the inspection and report has been made and the Regulatory Authority finds that all requirements and conditions of health and safety have been met by the applicant, the Regulatory Authority shall issue the primary license.

Section 7: Inspection and Correction

- 7.1 The Regulatory Authority shall inspect Manufactured Home Parks, Recreational Camping Areas, and Youth Camps as frequently as necessary to ensure compliance with this Ordinance but not less than the frequency established by Minnesota Rules 4630.2210 and Minnesota Statutes Chapter 144.73.

- 7.2 The Licensee of a Manufactured Home Park, Recreational Camping Area, or Youth Camp shall, upon request of the Regulatory Authority, permit access to all parts of the establishment at any reasonable time for the purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with the provisions of this Ordinance. The Licensee shall be available for discussion of the inspection.
- 7.3 Whenever an inspection and review of a Manufactured Home Park, Recreational Camping Area, or Youth Camp is made, the findings shall be recorded on an Inspection Report(s). Inspection Report(s) shall be kept on record with the Regulatory Authority, with one (1) copy of the Inspection Report(s) furnished to the Licensee. The completed Inspection Report(s) is a public document that shall be made available to any person who requests it, except when Inspection Reports are part of on-going investigations or pending litigation.
- 7.4 The Inspection Report(s) shall specify a specific, appropriate, and reasonable period of time for correction of any violations. Correction of any violations shall be accomplished within the period specified. Failure to make corrections within the period specified shall result in one (1) or more of the following enforcement actions, established in the Regulatory Authority's Program Policies, being taken by the Regulatory Authority:
- a) Re-inspection of the Manufactured Home Park, Recreational Camping Area, or Youth Camp and required payment of a re-inspection fee as set by the Board. Failure to pay the re-inspection fee within thirty (30) days of notification will result in an additional late payment fee.
 - b) In-Office Hearing to discuss violations, correction orders, and other compliance requirements. Location, time and participants shall be determined by the Regulatory Authority. An In-Office Hearing Fee shall be set by the Board. Failure to pay the In-Office Hearing Fee within thirty (30) days of notification will result in an additional late payment fee.

Section 8: Suspension of License

- 8.1 Licenses may be suspended temporarily by the Regulatory Authority at any time for failure by the Licensee to comply with the requirements of this Ordinance. Whenever a Licensee has failed to comply with any notice requiring corrective action, issued under the provisions of this Ordinance, that Licensee shall be notified in writing that the license is immediately suspended upon service of the notice and that an opportunity for a hearing before the Appeals Board will be provided if the Licensee submits a written request in the form of certified mail or personal service for appeal, and that request for appeal is received by the Regulatory Authority within ten (10) business days from the receipt of the suspension notice. Notice of license suspension will be sent in the form of certified mail or personal service to the designated mailing address as listed on the establishment's annual license application.
- 8.2 Notwithstanding the other provisions of this Ordinance, whenever the Regulatory Authority finds unsanitary or other condition(s) in the operation of a Manufactured Home Park, Recreational Camping Area, or Youth Camp which, in the Regulatory Authority's

judgment may constitute a substantial hazard to the health of the public, The Regulatory Authority may without warning, notice or hearing, issue a written notice to the license Licensee citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the license is immediately suspended, and all operations are to be immediately discontinued. Notice of immediate suspension of license is to be delivered to the Licensee in the form of certified mail or personal service by the Regulatory Authority. The Licensee to whom such an order is issued shall comply immediately therewith, but upon written petition, delivered in the form of certified mail or personal service to the Regulatory Authority, shall be afforded an appeal before the Appeals Board as soon as the Appeals Board may be convened.

- 8.3 A Licensee whose license has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) business days following receipt of a written request for re-inspection, including a statement signed by the Licensee that in their opinion, the condition(s) causing suspension of the license has/have been corrected, the Environmental Health Manager shall make a re-inspection. If the Licensee is in compliance with the requirements of this Ordinance and Minnesota Rules 4630, the license shall be reinstated.

Section 9: Revocation of License

For serious or repeated violations of any of the requirements of this Ordinance or Minnesota Rules 4630, which create an imminent health hazard, a license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Regulatory Authority shall notify the Licensee in writing, advising that the license shall be permanently revoked five (5) days from the date the written notice is received. Written notice shall be sent in the form of certified mail or by personal service to the designated mailing address as listed on the establishment's annual license application.

Section 10: Appeals Procedure

Appeals shall be heard by the Appeals Board.

- 10.1 **Request for Hearing.** A Licensee affected by a notice of suspension, or revocation, upon filing of a written petition by personal service or certified mail, requesting a hearing on the matter and setting forth a statement on the grounds therefore with the Regulatory Authority, shall be granted a hearing before the Appeals Board. Said petition shall be received by the Regulatory Authority within ten (10) business days after the notice was served.
- 10.2 **Date of Hearing.** The hearing shall be held not more than ten (10) business days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) business day period, if in the Chairperson's judgment, a good and sufficient reason exists for such postponement.
- 10.3 **Notice of Hearing.** The Regulatory Authority shall provide written notice of the hearing to the Licensee at least five (5) business days prior to the hearing date. Written notice of the

hearing is to be given to the Licensee in the form of certified mail or personal service to the designated mailing address as listed on the establishment's annual license application.

- 10.4 Proceedings. At such hearing, the Licensee, their agent, or attorney shall be given an opportunity to be heard and to show cause why the notice of suspension, or revocation issued by the Regulatory Authority should be modified or withdrawn. The Environmental Health Manager shall provide a detailed written statement of findings to the Appeals Board prior to the date of the hearing.
- 10.5 Decisions of the Appeals Board. The Appeals Board, within three (3) business days after such hearing, shall sustain, modify, or withdraw the notice of suspension, or revocation depending upon its findings. A copy of the decision of the Appeals Board shall be served by certified mail to the Licensee. If aggrieved by the decision of the Appeals Board, the Licensee may seek relief therefrom, as provided by the laws of the State of Minnesota.
- 10.6 Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings of the Environmental Health Manager, shall be recorded and reduced to writing and entered as a public record in the electronic establishment file of the Licensee. Such record shall include a copy of every notice, order, or writing issued in connection with the matter.
- 10.7 Notices Not Appealed. Any notice served pursuant to the provisions of this Ordinance shall automatically become final if a written petition for a hearing is not filed with the Regulatory Authority within ten (10) business days after the notice is received by the licensee.

Section 11: Severability

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase, or portion of this Ordinance be declared invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

Section 12: Penalties

The Regulatory Authority may enforce the provisions of this Ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution shall not bar a civil remedy. Any person who violates any of the provisions hereof or who fails to comply with any of these provisions, or who makes any false statement in any document required to be submitted under these provisions, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Civil penalties may include, but are not limited to, the provisions contained in Sections 7, 8, and 9 of this Ordinance. Such persons may be enjoined from continuing such violations.

Section 13: Variances

- 13.1 A variance from this Ordinance may be granted if it is deemed that the strict enforcement of any provision of the standards of the Ordinance would cause unnecessary hardship or that strict conformity with the standards would be unreasonable and impractical, or not feasible under the circumstances. The Regulatory Authority may permit a variance upon such conditions as it may prescribe for management consistent with the general purposes and intent of this Ordinance and of all other applicable State and Local regulations and laws.
- 13.2 Variances shall be granted in accordance with the procedures described in the Nicollet Program Policies Variance Section and Minnesota Rules 4630.1801 and 4630.4750.

Section 14: Effective Date

This Ordinance, adopted on September 24, 2024, and effective January 01, 2025, hereby repeals and replaces in its entirety the Nicollet County Ordinance Providing for the Regulation of Manufactured Home Parks, Recreational Camping Areas, and Youth Camps of December 16, 2014. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the previous said Nicollet County Ordinance Providing for the Regulation of Manufactured Home Parks, Recreational Camping Areas, and Youth Camps if the violation is also a violation of this Ordinance.

Dated this _____, day of _____, 2024.

Terry Morrow, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator/Clerk to the Board



Ordinance Providing for the Regulation of Public Swimming Pools

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Statutes and Rules referenced in this Ordinance can be accessed to read or download at this website: <https://www.revisor.mn.gov/pubs/>

BE IT AND IT IS HEREBY RESOLVED by the Nicollet County Board of Commissioners, State of Minnesota, under the authority of Minnesota Statutes Chapters 145A and 375 that:

An Ordinance providing for the licensing and inspection of Public Swimming Pools; regulating their design, construction, operation, and maintenance, and providing for the administration and enforcement thereof; be and herby is established as follows:

SECTION 1: Purpose and Authority

- 1.1 The purpose and intent of this Ordinance is to provide a standard for the design, construction, operation, and maintenance of Public Swimming Pools so that public health and safety will be maintained.
- 1.2 This Ordinance establishes the minimum standards; as defined in Minnesota Rules 4717.0150 to 4717.3970, and Minnesota Statutes Section 144.1222 (with the exception of Subdivision 3).
- 1.3 Minnesota Rules 4717, and Minnesota Statutes Section 144.1222, in effect on the effective date of this Ordinance, and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.

SECTION 2: Scope

This Ordinance shall be applicable to all Public Swimming Pools, as defined in Minnesota Rules 4717.0250 and this Ordinance, that are located in Nicollet County, Minnesota

SECTION 3: Administration

This Ordinance shall be administered by Nicollet County Environmental Health (hereinafter "Regulatory Authority").

SECTION 4: Definitions

Words, phrases, and terms used in the Ordinance shall be given the same meaning as those set forth in Minnesota Rules 4717.0250 and this Ordinance. The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

- 4.1. **Appeals Board** shall consist of the Chairperson and Vice Chairperson of the Nicollet County Community Health Board, or their designated appointees.
- 4.2. **Approved** shall mean acceptable to the Regulatory Authority based on determination of conformity with principals, practices, and generally recognized standards that protect public health.
- 4.3. **Board** shall mean the Nicollet County Community Health Board acting under the provisions of Minnesota Statutes Chapter 145A, as the Board of Health.
- 4.4. **Commissioner of Health** shall mean the Minnesota Commissioner of Health.
- 4.5. **County** shall mean Nicollet County.
- 4.6. **Environmental Health Manager** shall mean the Board's Environmental Health Manager and any related staff acting under the Board's authority.

- 4.7 **Licensee** shall mean the person licensed by the Regulatory Authority who:
- a) Is the owner, the owner's agent, or other person legally responsible for the operation of the Public Swimming Pool; and
 - b) Possesses a valid license to operate a Public Swimming Pool according to Minnesota Statutes Chapter 157, and/or this Ordinance.
- 4.8 **Person** shall mean an individual, firm, corporation, partnership, association, or other entity including the United States government, any interstate body, the State, and any agency, department, or political subdivision of the State.
- 4.9 **Private Residential Swimming Pool** shall mean a pool connected with a single-family residence or owner-occupied duplex, located on private property under the control of the homeowner, the use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business. (The design, construction, and operation of such pools are not subject to the provisions of Minnesota Rules 4717).
- 4.10 **Public Swimming Pool** shall mean any swimming pool, other than a private residential swimming pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) open exclusively to members of an organization and their guests; (3) open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area; (4) open to patrons of a lodging establishment or other public accommodation facility; (5) operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision, with the exception of swimming pools at family home day-cares licensed under Minnesota Statutes Section 245A.14, Subdivision 11, Paragraph (a).
- 4.11 **Special Purpose Pool** shall mean treatment pools, therapeutic pools, and special pools for water therapy whirlpools, spas, cold plunge, plunge pools, waterslides and wave pools.
- 4.12 **Variance** shall mean any modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.
- 4.13 **Wading pool** shall mean any pool used or designed to be used exclusively for wading or bathing and a maximum depth of twenty-four (24) inches.

SECTION 5: Review of Construction Plans

When a public pool in the jurisdiction of the Regulatory Authority is licensed or to be licensed under the provisions of Minnesota Rules 4717.0150 to 4717.3975 is constructed, installed, or materially altered, complete plans and specifications shall be submitted to the Commissioner of Health as specified in Minnesota Rules Part 4717.0450, along with the required fee.

SECTION 6: Licensure

- 6.1 It shall be unlawful for any person to operate a Public Swimming pool within the County who does not possess a valid license issued to them by the Regulatory Authority as required by this Ordinance. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license. Licenses shall not be transferable from one establishment, person, or location to another establishment, person, or location. Any change in license type, as defined in this Ordinance, must be approved by the Regulatory Authority. A valid license shall be posted at every Public Swimming Pool. All licenses expire as of December 31 each year.
- 6.2 Any person desiring to operate a Public Swimming Pool shall make written application for a license on forms provided by the Regulatory Authority. Such application shall include: the applicant's full name and address and whether such applicant is an individual, proprietorship, partnership, or corporation; the location of proposed Public Swimming Pool; any additional information required by Nicollet County and the State of Minnesota; and the signature of the applicant(s). If a partnership is applying for a license, the names of the partners, together with their addresses, shall be included on the application. Each application for a license, together with the appropriate license fee as determined by the Board, shall be submitted to the Regulatory Authority no later than December 31 each year, or in the case of a new business, ten (10) days prior to the opening date of such a business. All outstanding fines and fees resulting from actions in the previous year must be paid in full prior to the issuance of the new license. Any person who operates a Public Swimming Pool without submitting a license application and appropriate fee shall be deemed to have violated this Ordinance and shall be subject to civil or criminal penalties as provided for in this Ordinance or under Minnesota Statutes.
- 6.3 The Licensee of any Public Swimming Pool shall pay an annual license fee at a rate specified by the Board. This annual license fee may be adjusted as the Board deems appropriate. A penalty fee at a rate specified by the Board shall be added to the amount of the license fee and paid by the Licensee if the annual license fee is not received by the Regulatory Authority by December 31 of the current year. When opening after October 1, and before January 1, the Licensee is only required to pay one-half ($\frac{1}{2}$) of the normal annual fee. The Board has the authority to grant refunds to establishment operators in the event of an emergency.

SECTION 7: Inspection and Correction

- 7.1 The Regulatory Authority shall inspect Public Swimming Pools as frequently as necessary to ensure compliance with this Ordinance, but not less than the frequency established by Minnesota Statutes Section 157.20.
- 7.2 The Licensee of a Public Swimming Pool shall, upon request of the Regulatory Authority, permit access to all parts of the Public Swimming Pool at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with the provisions of this Ordinance.

- 7.3 When any of the conditions in the following items listed as A to F are found, a Public Swimming Pool must be immediately closed to use when so ordered by the Regulatory Authority. The Licensee must place a sign at the entrance to the Public Swimming Pool, closing it to protect the health of the public. The Public Swimming Pool must remain closed until the condition is corrected and approval to reopen is granted by the Regulatory Authority. A Public Swimming Pool must be closed when:
- a) The units of lifesaving equipment specified in Minnesota Rules 4717.1450, are not provided;
 - b) The water clarity standard specified in Minnesota Rules 4717.1750, Subpart 7, is not met;
 - c) The disinfectant residual specified in Minnesota Rules 4717.1750, Subpart 3, is not met;
 - d) The pool has been constructed or physically altered without approval of plans as required by Minnesota Rules 4717.0450;
 - e) All pool drain equipment does not meet the requirements of Minnesota Statutes Section 144.1222, Subdivisions 1(b), (c), and (d); and/or
 - f) There is any condition that endangers the health or safety of the public.
- 7.4 Whenever an inspection and review of a Public Swimming Pool is made, the findings shall be recorded on an Inspection Report(s). Inspection Report(s) shall be kept on record with the Regulatory Authority, with one (1) copy of the Inspection Report(s) shall be furnished to the Licensee of the Public Swimming Pool. The completed Inspection Report(s) is a public document that shall be made available to any person who requests it, except when Inspection Report(s) are part of an ongoing investigation or pending litigation.
- 7.5 The inspection report shall specify a specific, appropriate, and reasonable period of time for the correction of any violations. Correction of the violations shall be accomplished within the period specified. Failure to make corrections within the period specified shall result in one (1) or more of the following enforcement actions, established in the Regulatory Authority's Program Policies, being taken by the Regulatory Authority:
- a) Re-inspection of the establishment, and required payment of a re-inspection fee as set by the Board. Failure to pay the re-inspection fee within thirty (30) days of notification will result in an additional late payment fee.
 - b) In-Office Hearing to discuss violations, correction orders, and other compliance requirements. Location, time, and participants shall be determined by the Regulatory Authority. An In-Office Hearing Fee shall be set by the Board. Failure to pay the In-Office Hearing Fee within thirty (30) days of notification will result in an additional late payment fee.

SECTION 8: Suspension of License

- 8.1 Licenses may be suspended temporarily by the Regulating Authority at any time for failure by the Licensee to comply with the requirements of this Ordinance. Whenever a Licensee has failed to comply with any notice requiring corrective action, issued under the provisions of this Ordinance, that Licensee shall be notified in writing that the license is immediately suspended upon service of the notice and that an opportunity for a hearing before the Appeals Board will be provided if the Licensee submits a written request in the form of certified mail or personal service for appeal, and that request for appeal is received by the Regulatory Authority within ten (10) business days from the receipt of the suspension notice. Notice of license suspension will be sent in the form of certified mail or personal service to the designated mailing address as listed on the establishment's annual license application.
- 8.2 Notwithstanding the other provisions of this Ordinance, whenever the Regulatory Authority finds unsanitary or other condition(s) in the operation of a Public Swimming Pool which, in the Regulatory Authority's judgment, may constitute a substantial hazard to the health of the public, the Regulatory Authority may, without warning, notice, or hearing, issue a written notice to the Licensee citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the license is immediately suspended, and all operations are to be immediately discontinued. Notice of immediate suspension of license is to be delivered to the Licensee in the form of certified mail or personal service by the Regulatory Authority. The Licensee to whom such an order is issued shall comply immediately therewith, but upon written petition, delivered via personal service or certified mail to the Regulatory Authority, shall be afforded an appeal before the Appeals Board as soon as the Appeals Board may be convened.
- 8.3 A Licensee whose license has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) business days following receipt of a written request, including a statement signed by the Licensee, that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Environmental Health Manager shall make a re-inspection. If the Licensee is in compliance with the requirements of this Ordinance, the license shall be reinstated.

SECTION 9: Revocation of License

For serious or repeated violations of any of the requirements of this Ordinance and Minnesota Statutes Section 144.1222 and/or Minnesota Rules 4717, which create an imminent health hazard, a license may be permanently revoked after an opportunity for a hearing before the Appeals Board has been provided. Prior to such action, the Regulatory Authority shall notify the Licensee in writing, advising that the license shall be permanently revoked five (5) days from the date the written notice is received. Written notice shall be sent in the form of certified mail or by personal service to the designated mailing address as listed on the establishment's annual license application.

SECTION 10: Appeals Procedure

Appeals shall be heard by the Appeals Board.

- 10.1 Request for Hearing. A Licensee affected by a notice of suspension or revocation, upon filing of a written petition by personal service or certified mail, requesting a hearing on the matter and setting forth a brief statement on the grounds therefore with the Regulatory Authority, shall be granted such a hearing before the Appeals Board. Said petition must be received by the Regulatory Authority within ten (10) business days after the notice was received.
- 10.2 Date of Hearing. The hearing shall be held not more than ten (10) business days after the date on which the petition was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time beyond such ten (10) business day period, if in the judgment of the Chairperson, a good and sufficient reason exists for such postponement.
- 10.3 Notice of Hearing. The Regulatory Authority shall provide written notice of the hearing to the Licensee at least five (5) business days prior to the hearing date. Written notice of the hearing is to be given to the Licensee in the form of certified mail or personal service to the designated mailing address as listed on the establishment's annual license application.
- 10.4 Proceedings. At such hearing, the Licensee, their agent, or attorney shall be given an opportunity to be heard and to show cause why the notice of suspension or revocation issued by the Regulatory Authority should be modified or withdrawn. The Environmental Health Manager shall provide a detailed written statement of findings to the Appeals Board prior to the date of the hearing.
- 10.5 Decisions of the Appeals Board. The Appeals Board, within three (3) business days after such hearing, shall sustain, modify, or withdraw the notice of suspension or revocation, depending upon its findings. A copy of the decision of the Appeals Board shall be served by certified mail to the Licensee. If aggrieved by the decision of the Appeals Board, the Licensee may seek relief therefrom, as provided by the laws of the State of Minnesota.
- 10.6 Record of Proceedings. The proceedings of each hearing held before the Appeals Board pursuant to petition, including the findings of the Environmental Health Manager, shall be recorded and reduced to writing and entered as a public record in the electronic establishment file of the Licensee. Such record shall include a copy of every notice, order, or writing issued in connection with the matter.
- 10.7 Notices Not Appealed. Any notice served pursuant to the provisions of this Ordinance shall automatically become final if a written petition for a hearing is not filed with the Regulatory Authority within ten (10) business days after the notice is received by the licensee.

SECTION 11: Severability

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase, or portion of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION 12: Penalties

The Regulatory Authority may enforce the provisions of this Ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution shall not bar a civil remedy. Any person who violates any of the provisions hereof or who fails to comply with any of these provisions, or who makes any false statement in any document required to be submitted under these provisions, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate offense. Civil penalties may include, but are not limited to, the provisions contained in Sections 7, 8, and 9 of this Ordinance. Such persons may be enjoined from continuing such violations.

SECTION 13: Variances

The Commissioner of Health shall grant a variance to Minnesota Rules, Parts 4717.0150 to 4717.3950, only according to the procedures and criteria specified in Minnesota Rules, Parts 4717.7000 to 4717.7050.

SECTION 14: Effective Date

This Ordinance, adopted on September 24, 2024, and effective January 01, 2025, hereby repeals and replaces in its entirety the Nicollet County Ordinance Providing for the Regulation of Public Swimming Pools of December 16, 2014. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the previous said Nicollet County Ordinance Providing for the Regulation of Public Swimming Pools, if the violation is also a violation of this Ordinance.

Dated this _____, day of _____, 2024.

Terry Morrow, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator/Clerk to the Board



September 10, 2024
OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY

The Nicollet County Drainage Authority met in regular session on Tuesday, September 10, 2024, following adjournment of the regular Board of Commissioners meeting. Present at the meeting were Commissioners Morrow, Dranttel, Kolars, Dehen, and Zins. Also present were County Administrator Mandy Landkamer and County Attorney Zehnder Fischer.

Approval of Agenda

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

Consent Agenda

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

- a. August 27, 2024 Drainage Authority Minutes
- b. Consider Ditch Repair Report 24-024

Carried unanimously.

Public Appearances:

Lynn Fluegge appeared before the Drainage Authority with concerns related to CD86A.

Public Services:

Consider Appointment of Engineer of CD61 Improvement Petition

Property and Public Services Director Kopet requested approval for the appointment of Engineer Chris Otterness as the engineer to complete the Preliminary Engineering Survey Report for the CD61 Improvement Petition. The County Attorney has determined that the Petition for Improvement meets the requirements of an improvement petition under Minn. Stat. §103E.215.

Motion by Commissioner Zins and seconded by Commissioner Dranttel to appoint Houston Engineering as the engineering firm for the project and Chris Otterness as the principal engineer, direct Mr. Otterness and Houston Engineering to prepare a preliminary survey report under Minn. Stat. §103E.241, and to require Engineer Otterness and Houston Engineering to provide a \$1,000,000 insurance commitment in lieu of bond. Motion carried with all voting in favor.

Consider Order to Appoint Viewers for Redetermination Purposes for Various County Ditches – CD16A, CD80, CD85, CD92A, CD94, and CD96

Director Kopet recommended the Board to recommend that Mark Behrens and his team of viewers be appointed as viewers for the following ditches: CD16A, CD80, CD85, CD92A,

CD94, and CD96. The viewers include Mark Behrens, Robert Hanson, Kendall Langseth, Bruce Ness and Wes Dahl. Jones, Hauge & Smith Engineering will serve as the as the engineers. The engineers will determine the watersheds and create the maps.

CD16A –

Motion by Commissioner Kolars and seconded by Commissioner Dranttel to approve the findings of fact and order for redetermination of benefits for CD16A. Motion carried with all voting in favor.

CD80 –

Motion by Commissioner Dranttel and seconded by Commissioner Kolars to approve the findings of fact and order for redetermination of benefits for CD80. Motion carried with all voting in favor.

CD85 –

Motion by Commissioner Dehen and seconded by Commissioner Zins to approve the findings of fact and order for redetermination of benefits for CD85. Motion carried with all voting in favor.

CD92A –

Motion by Commissioner Kolars and seconded by Commissioner Zins to approve the findings of fact and order for redetermination of benefits for CD92A. Motion carried with all voting in favor.

CD94 –

Motion by Commissioner Zins and seconded by Commissioner Dehen to approve the findings of fact and order for redetermination of benefits for CD94. Motion carried with all voting in favor.

CD96 –

Motion by Commissioner Dranttel and seconded by Commissioner Kolars to approve the findings of fact and order for redetermination of benefits for CD96. Motion carried with all voting in favor.

2024 Annual Maintenance Levies

Public Services annually reviews the ditch balances for all Nicollet County drainage systems. It was determined that several ditches have negative balances. Director Kopet provided a breakdown of the ditch systems that have negative balances and the amount to be levied for each ditch.

Motion by Commissioner Dehen and seconded by Commissioner Dranttel to approve the submitted drainage system levies as listed in the Findings and Order. Motion carried with all voting in favor on a roll call vote.

Adjourn

Motion by Commissioner Dehen and seconded by Commissioner Kolars to adjourn the meeting at 9:26 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

DRAFT

Nicollet County Drainage Authority
Meeting Agenda Item



Agenda Item:

Consideration of the CD86A Engineering Report

Primary Originating Division/Dept.: Public Works

Contact: Nathan Henry

Title: Drainage Inspector

Amount of Time Requested: 25 minutes

Presenter: Nathan Henry

Title: Drainage Inspector

Meeting Date: 09/24/2024

Item Type:
(Select One) Regular Agenda

Attachments: ☒ Yes ☐ No

County Strategy:
(Select One)

Programs and Services - deliver value-added quality services

BACKGROUND/JUSTIFICATION:

Consideration and discussion of the engineering report prepared by Chris Otterness of Houston Engineering for CD86A.

Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None

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

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

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

ACTION REQUESTED:

Further action will be determined by the Drainage Authority.

FISCAL IMPACT: Other
(Select One)

If "Other", specify:

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease," specify:

Related Financial/FTE Comments:

FUNDING

County Dollars =

State

(Select One)

Total:

Technical Memorandum

To: Seth Greenwood, PE, Nicollet County
Nate Henry, Nicollet County

From: Chris Otterness, PE
Houston Engineering, Inc.

Subject: CD 86A Pumping Station
Final Design Report

Date: September 11, 2024

Project: R006162-0012

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am duly Licensed Professional Engineer under the laws of the State of Minnesota.



September 11, 2024

Christopher C. Otterness
Reg. No. 41961

Date

INTRODUCTION

In 2022, Nicollet County as Drainage Authority for County Ditch (CD) 86A completed a petitioned improvement which included a pumping station located approximately ½ mile upstream of Swan Lake. Since the time of construction, several deficiencies have been identified which have compromised the function of the system. These include:

1. Restriction of flow into the pump chamber due to the size of the grate opening over the 8' x 8' box culvert apron and the accumulation of weeds and other debris over the box culvert grate. This starves the pumps of water, increasing their cycling rate and decreasing the effective capacity of the system.
2. Backflow of water through 36" gravity overflow pipe. This prevents pumping chamber from being dry (see #4) and requires additional pumping.
3. Incomplete opening and closing of the slide gate across 84-inch driveway crossing pipe, which prevents pumping chamber from being dry (see #4); has the potential to restrict flow to the pump (see #1); and creates challenges to maintenance between culvert and pumps.
4. Water inundation throughout winter, which puts pumps at risk of ice damage if left in place.
5. Water leakage into the pump control building, which potentially can damage the control panel electronics.
6. Scour/erosion under pump outlet pipes, which can potentially result in future settling and damage to the pipes.
7. Repeated stops/starts of pumps, which require a substantial amount of electricity and will shorten the life of the pumps.

A repair alternative review report was completed by Houston Engineering, Inc. (HEI) on October 26, 2023. The report identified and evaluated multiple alternatives that have the potential to resolve each of these issues and recommended a suite of repairs for further development and implementation.

Following the issuance of this report, Drainage Authority staff, the Drainage Authority Board, and landowners have identified repair alternatives not considered within the prior analysis (see **Attachment A** for landowner list of priorities for consideration). In addition, an additional winter cycle and spring pumping conditions have revealed additional challenges and considerations with regard to the system. To finalize a course of action for repairs and consider the additional input provide, the Drainage Authority has requested HEI to prepare a final design report that includes the following components:

- Assessment of the needs of the system;
- Evaluation of alternatives for the identified needs of the system;
- Cost estimates for the alternatives; and
- Prioritized recommendations for the alternatives included within the report.

ISSUES #1: FLOW RESTRICTION TO PUMP CHAMBER

DESCRIPTION OF THE ISSUE

To date, the Drainage Authority has been unable to run either of the 43,000 GPM pumps for an extended period of time as the maximum flow that can enter the pumping chamber is less than the pump flow rate. The maximum run time (only a couple of minutes) causes the pumps to rapidly cycle, which diminishes the utility of the pumping station and can result in rapid wear or failure of the pumps. The flow restriction also creates additional head upstream, which can subsequently reduce efficiency of private lateral tiling outletting into the ditch and diminish the value provided by the system.

The 10/26/2023 report identified several potential locations along the pumping system that can possibly contribute to reduced capacity in the system and/or back water up the ditch during high flow conditions. Of these locations reviewed, addressing the capacity of the grate and the build-up of debris against the grate are the only two options that can feasibly effect a significant increase in system function.

Alternative 1A: Modification of the box culvert grate (*status quo*)

The box culvert grate was originally constructed with a 2-inch maximum opening. This narrow of an opening was prone to clogging and restricted flow into the box culvert. In July of 2024, the Drainage Authority removed every other vertical bar in the grate. This increased the minimum opening dimension to 5.25" and the open area of the grate by 32%. This will decrease the peak elevations in the ditch upstream of the box culvert substantially for both moderate and high flow conditions.

More notably, the expansion of the open grate area has decreased the amount of vegetation that is collected by the grate. This likewise improves the capacity of the grate and decreases the frequency and cost of manually cleaning the grate. The additional weed matter that travels through the grate and sucked through the pumps is not likely to result in significantly deleterious effects to the pumps and certainly is less problematic than the frequent stops and starts caused by the prior condition.

The current box culvert apron has a bullnose which includes a short (approximately 2') vertical portion on the grate. This vertical portion was highly prone to clogging and challenging to manually clean. The grate modification has decreased the deleterious effects of this portion of the grate, but it likely will continue to be the most susceptible portion of the grate prone to clogging.

A significant reduction in vegetation collection has been noted in the short period of time since the grate modification, though less vegetation is transported mid-summer compared to the spring. The effectiveness of this modification will not be fully known until a spring runoff event has occurred.

Alternative 1B: Upstream Skimmer

A skimmer upstream of the pump station could be installed to capture a portion of the debris prior to reaching the screen ahead of the wet well. Two options were considered in the 10/26/23 report: 1) multiple diagonal barriers extending partway across the ditch; and 2) a full barrier across the ditch with stoplogs. The partial barrier option would not back water up at all in the ditch even when the barrier becomes clogged with weeds; however, it could potentially induce scouring velocities against the banks which could require armoring the banks. The full barrier option would skim a greater percentage of the weeds but would likely partially clog during the spring and could create elevated water levels in the ditch until the weeds cleared.

However, long term maintenance effort for either upstream skimmer option is unclear. Both options would decrease, but not completely eliminate, the amount of weeds that gather against the box culvert grate. They would also create a new location where weeds would gather in the ditch and need to be removed. Ideally, the weeds would tend to congregate (particularly for the diagonal barrier option) at a location along the ditch bank that would be accessible with an excavator to grab and remove the debris. However, in practice it is possible that the weeds would get hung up on the skimmer(s) across their entire length, which would require as much or greater effort to remove during each cleaning. In addition, due to the depth of the ditch, a long-reach excavator may be needed to remove the weeds. Availability of a long reach excavator could be intermittent during spring periods when the weed removal is most needed.

Alternative 1C: Install Grate Cleaner

Due to the grate modifications completed in July 2024, it is unclear whether debris continues to be a significant problem during spring flows. If debris continues to be problematic, a grate cleaner can be retrofitted to the existing grate. Several manufacturers that supply water management components for western irrigation ditches were considered. One such system, Incline Cleaner, uses a brush and scraper bar to collect debris onto a conveyor that transports the debris vertically up the grate and then deposits the debris to one side. For the CD 86 pump station, the area between the apron and the concrete ramp would be the most ideal location for the weeds to be deposited so that they may be hauled away. The pile of weeds/debris would need to be monitored regularly by an authorized representative of the Drainage Authority to determine when offsite removal is required, and a contractor hired to complete the weed haul-away.

The current box culvert apron has a bullnose which requires a short (roughly 2') vertical portion on the grate. To enable full cleaning of the grate, an extension would be added to the box culvert apron to enable the grate to extend in the same plane all of the way to the invert (bottom) of the culvert apron. The grate will likewise need to be modified to fit the extension.

As this cleaner is mechanical, it will require additional long-term maintenance. Additionally, a concrete pad or screw pile foundation will be required to support the system.

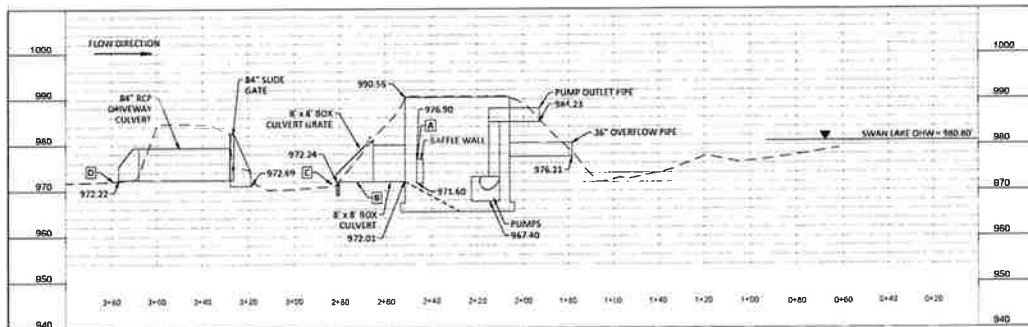
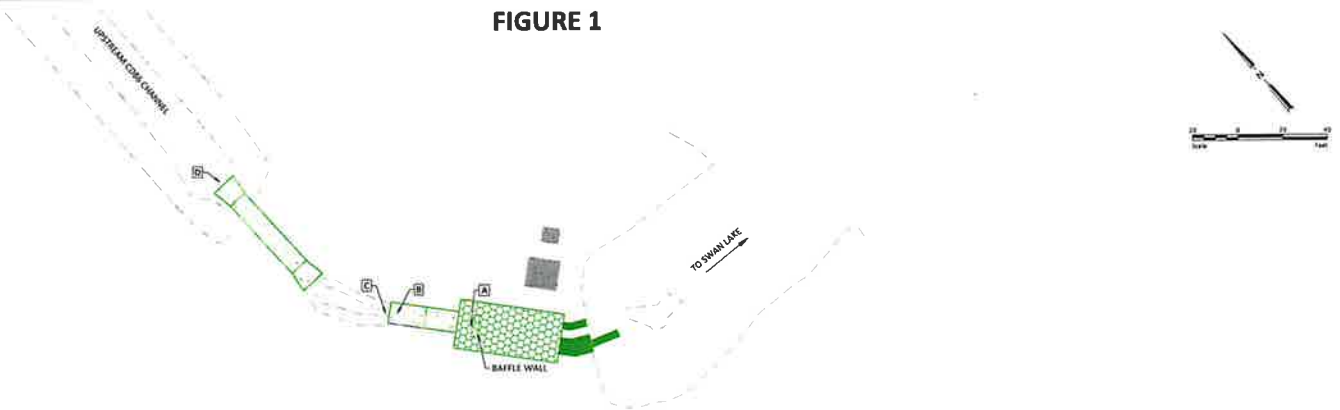
ISSUE # 2: BACKFLOW OF WATER THROUGH 36" GRAVITY OVERFLOW PIPE

DESCRIPTION OF THE ISSUE

The pumping station was constructed with a 36" gravity overflow pipe that, in theory, enables some water to flow downstream if the pumps are non-operational and water levels are higher upstream than downstream of the pumping station. The overflow pipe was designed to include a flap gate on the downstream end of the pipe to prevent backflow from the downstream portion of CD 86A from entering the chamber. The design also includes a slide gate across the upstream end of the pipe in the pump chamber, to further isolate water flow through the pipe.

However, in practice the overflow pipe is unlikely to ever be utilized. The design elevation of the overflow pipe (977.42) is over 3 feet lower than the ordinary high water (OHW) level of Swan Lake (980.8). See **Figure 1**. In order for the water level to rise to an elevation that would cause the overflow pipe to convey flow, the capacity of the three electric pumps would need to be exceeded, at a rainfall event exceeding 4" in a 24-hour period (roughly a 10-year recurrence). Even then, the overflow culvert would have to overcome the rising backwater level from Swan Lake (which would be

FIGURE 1



				 HOUSTON engineering, inc.	Drawn by AMZ	Date 9-12-2024	COUNTY DITCH 86A NICOLLET COUNTY BRIGHTON TOWNSHIP, MN	PUMP STATION PLAN AND PROFILE PROJECT NO. 5162-0011	SHEET 1
					Checked by ECD	Scale AS SHOWN			

substantially higher than the OHW level during such a rainfall event). At that point, the tractor pumps would be more effective, as they would have a substantially greater capacity. As such, the overflow pipe is unnecessary and unlikely to provide any significant value.

In addition, an as-built survey of the pipe indicates that the elevation of the downstream end of the pipe (976.21) is approximately 1.2 feet lower than the design elevation. The resulting slant in the pipe causes the flap gate not to fully close, which enables water from downstream of the pumping station to backflow into the pumping station. In addition, the backpressure of the water from downstream causes the slide gate to leak when closed. These flaws contribute to the inability to keep the pumping chamber from being emptied during the fall and winter months. This in turn puts the pumps at risk of being encased in ice over the winter, which could void the warranty and damage the pumps.

ALTERNATIVES

Alternative 2A: Do Nothing (Status Quo)

Currently, the overflow pipe leaks water back into the pumping chamber under typical downstream water level conditions. The added water that has to be re-pumped back to the downstream ditch is not substantial, but eventually caused additional pump cycling to occur. Leaving the overflow pipe in its current condition is not likely to cause detrimental effects to the pump system infrastructure in the short term (other than the inability to leave the pumps in the chamber over winter), but continued freeze thaw cycles with the non-functioning slide gate and flap gate could negatively affect the overflow pipe structures over time.

Alternative 2B: Remove 36" overflow pipe

As noted above, the 36" overflow pipe is not necessary, and can be eliminated in its entirety, which will prevent any backflow from occurring. To do this, we recommend removing the slide gate, removing the pipe from the wall, and then filling the hole with concrete. This can be accomplished by doweling in reinforcing into the receiving wall, placing a waterstop strip around the diameter of the opening, and placing concrete forms on either side of the hole. The concrete can then be cast in place to fill the hole. Depending on the forming procedure, some concrete will stick out from the wall. This can either be left in place or removed.

Alternative 2C: Fix flap gate and discharge pipe

If the potential for operation of the 36" overflow is still desired, the flap gate function may be improved by resetting the grade on the discharge pipe so that it is flat or slightly inclining downstream. This will enable the flap gate to close against the end of the overflow pipe. Note, however, that flap gates like this are notorious for leaking, particularly if debris ends up between the flap gate and the pipe end, and the problem would likely persist following this work. Therefore, this alternative is infeasible.

Alternative 2D: Replace slide gate with exterior knife gate valve

Although modifying or replacing the slide gate might potentially decrease its leakage, its location does not lend itself to reliably sealing. A more reliable alternative would be to remove the slide gate and replace it with a knife gate on the exterior of the pump chamber, in-line with the overflow pipe. Such a design will enable more complete closing of the flow through the 36" pipe.

Alternative 2E: Abandon the existing 36" overflow and construct a 48" overflow bypass pipe

The purpose of this alternative would be to separate the overflow function from the pump chamber. In addition to abandoning the existing overflow (Alternative 2A) this alternative includes construction of a 48" polyethylene pipe routed from the sediment basin, north around the transformer pad, and back to the downstream section of CD 86A. Total length of pipe would be approximately 130 feet. This overflow would need to be no lower than the OHW of Swan Lake (980.8) and installed on a flat grade, with a flap gate on the downstream end. It is possible that the grades may interfere with the elevation of the existing electrical service and thus require a modification of the electrical service line.

ISSUE #3: INCOMPLETE OPENING AND CLOSING OF SLIDE GATE ACROSS 84" DRIVEWAY CULVERT***DESCRIPTION OF THE ISSUE***

The proposed project design included a slide gate over the 84-inch driveway culvert for the purpose of cutting off upstream flow to the pumping station. The gate currently leaks on multiple sides, likely due to improper installation. The gate as it was constructed does not have adequate range of motion and coverage. At its lowest level, the gate leaves a gap at the top. These two flaws enable the upstream water to come into the pump chamber, preventing water from being removed prior to freeze-up. At its highest range, the gate partially covers the top of pipe by a few inches. This could potentially decrease capacity under high flow conditions, though in most conditions the lack of range in gate operation will have no effect on capacity. In addition, the raising/lowering of the gate is extremely slow and the mechanism is challenging to operate and not equipped for operation with power equipment (such as an impact wrench).

ALTERNATIVES**Alternative 3A: Do Nothing (Status Quo)**

The system can continue to operate without cutting off the flow of water to the pump station. However, a poorly-functioning slide gate may reduce the options available to address flow into the pump chamber (see Issue #4 below). Eliminating the function of the slide gate also may result in more effort needed to manage water if other components of the system need to be worked on (i.e. coffer dams may be needed to cut off the water flow to the pump basin & pump structure).

Alternative 3B: Replace 84" slide gate

The current slide gate is non-repairable. This alternative includes removal of the existing slide gate and replacement with a new slide gate sized to enable full opening (to not block any flow) and closing (completely covering the pipe) of the slide gate. The gate design should at a minimum include an adapter to facilitate power operation using an impact wrench, or preferably include a motor-driven actuator to lift the gate. (Note: The cost of the motor and electrical supply to the motor, estimated at approximately \$25,000), is included in the cost estimate for this alternative).

Per the slide gate supplier, the function of the slide gate is not dependent on whether it is located on the upstream or downstream end of the culvert. As there is already a concrete headwall constructed on the downstream side of the culvert, it will be substantially less expensive to replace the slide gate at its current location, rather than installing it on the upstream side. The cost indicated within this report is for replacing it at its current location.

Note that replacing the slide gate will significantly reduce the leakage currently experienced but may not totally eliminate it. Autumn and winter rainfall over the area that sheet flows into the sediment basin will end up in the pump chamber if the water level rises above the box culvert invert elevation.

ISSUE #4: WATER INUNDATION IN THE PUMP CHAMBER THROUGH THE WINTER

DESCRIPTION OF THE ISSUE

Multiple devices designed to cut-off water flow into the pump chamber have failed (see Issues #2 and #3). Even if these leakages are fully resolved, runoff from the sediment basin drainage area upstream of the box culvert will continue to flow into the pumping chamber during late fall and snowmelt conditions, and windblown snow can make its way into the pump chamber. As a result, the pumps cannot be left in-place over the winter without risking damage from ice formation.

ALTERNATIVES

Alternative 4A: Pull pumps annually with crane (status quo)

To avoid the risk of ice damage and of voiding the warranty on the pumps, the Drainage Authority has contracted with the pump supplier to pull the pumps in the fall prior to freeze-up, complete maintenance on the pumps, and reinstall the pumps in the spring. This requires the subcontracting of a mobile crane service to assist in pulling and reinstalling the pumps.

To date (and possibly as a result of warmer-than-typical winters) there has not been a build-up of ice in the pump chamber that has challenged spring installation. However, if water is left uncontrolled into the pump chamber (Issues #2 and #3) and with a cold winter, it is possible that ice build-up can

create problems for spring installation. Therefore, it is important for the long-term feasibility of this alternative that water flow into the chamber is addressed and minimized to the extent feasible.

Alternative 4B: Pull pumps annually with gantry

This alternative is similar to Alternative 4A, with the pumps being removed from the pumping station and serviced annually. However, to reduce the repeated cost of contracting a mobile crane, a gantry structure would be purchased and installed on top of the pump chamber. The gantry is mounted on rails to allow it to move horizontally along the pump station. Such a system would have the ability to pull the pumps, and then lay them down on the roof of the chamber. See **Figure 2** for an example of a similar gantry.

This alternative will have an initial cost for purchase of equipment, installation, and relocation of the concrete bollards located on the edge of the pump station roof (which will be in the way for the gantry system). Although a mobile crane would no longer be needed for the removal and reinstallation of the pumps, the pump supplier will still be needed to operate the gantry, assist in the disconnection of pumps and for maintenance of the pumps.

Constructing the gantry will also require additional maintenance cost and effort. This likely includes rental of a lift to service system components that will be nearly 30 feet above ground level. A contractor experienced and certified in maintenance of mechanical equipment and in working from a lift is a requirement of this alternative.

Alternative 4C: Leave pumps in over winter; install aerator and heat tubes

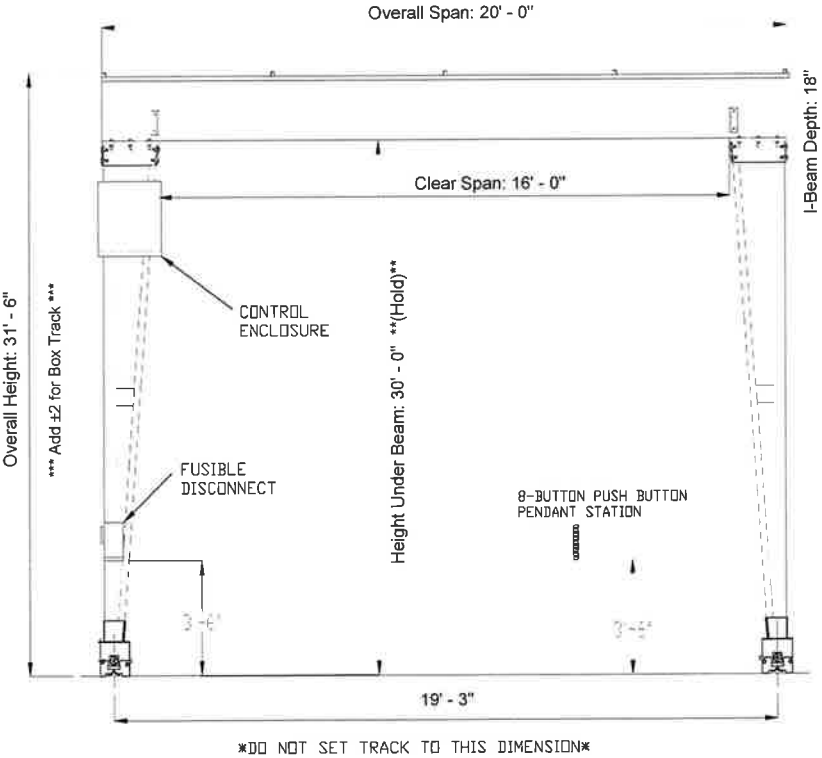
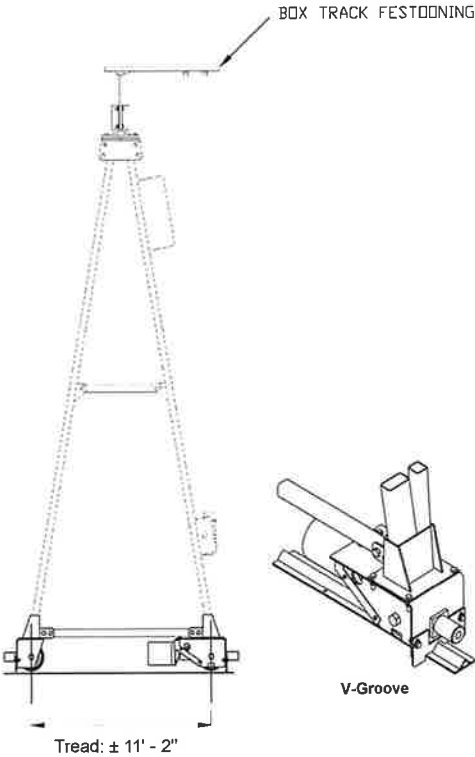
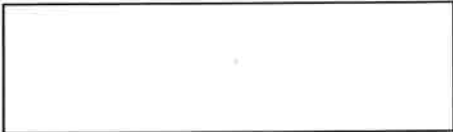
This alternative is an attempt to leave the pumps in over winter without restricting the inundation of water in the chamber. To address freezing conditions, an aerator / mixing system is installed with a heating system (heat tubes were assumed for this alternative) to keep the pump station free of ice over the winter.

Mixers are frequently used in water towers in cold weather climates to prevent ice buildup in the tanks. In these scenarios, it is imperative that circulation of the water occurs from an outside source. For the pumping station, it is infeasible to introduce/exchange water to the pumping station from an outside source. Neither can heating tubes be relied upon to sufficiently warm the water to prevent ice-up in extreme cold-weather conditions or if power is lost to the system. Based on the information provided by the equipment suppliers, Alternative 4C does not appear to be feasible to reliably protect the pumping system from damage.

This alternative decreases the maintenance interval from every year (current practice) to every three years (required minimum in operations and maintenance plan). Annual maintenance may increase the life of the pumps.

FIGURE 2 - GANTRY EXAMPLE

PROPOSAL DRAWING
DO NOT BUILD TO THIS PRINT - ALL DIMENSIONS AND IMAGES AT THIS STAGE ARE PURELY CONCEPTUAL AND SUBJECT TO CHANGE. AN APPROVAL DRAWING CONFIRMING ALL DIMENSIONS IS AVAILABLE UPON REQUEST AFTER RECEIPT OF A PURCHASE ORDER DRAWINGS ARE NOT TO SCALE



Alternative 4D: Leave pumps in over winter; remove water from chamber and sediment basin

This alternative also attempts a solution to leaving the pumps in over winter, through the management of water similar to the original design. To do this, facility infrastructure will need to be repaired or redesigned as necessary to cut off as much rainwater and snowmelt as practicable into the pumping chamber during freezing conditions. This includes abandoning the existing 36" overflow (Alternative 2B or 2E) and replacing the 84" slide gate (Alternative 3B).

However, runoff from rainwater or snowmelt can still get into the pumping chamber from areas with direct surface drainage into the sedimentation pond between the driveway and the pump chamber intake (box culvert). Regrading the sediment basin to provide additional capacity, along with pumping the water out of the sediment basin after the 84" slide gate has been shut, can provide the storage needed to prevent inflow to the pump chamber. This alternative requires a portable pump to drain the sediment basin into the tractor-pump culvert to the southwest of the pump station, and a sump pump to drain any water in the pump chamber that cannot be removed with the jockey pump, prior to freeze up. Mid-winter snowmelt and rainfall events will likewise require the remobilization of the portable pump to pump down the sediment basin. Based on recent weather patterns, remobilization for mid-winter and spring-thaw pumping may be required 3 or more times. Pumping out of the pond under these conditions will be challenging and, in some cases, infeasible, as the rain/snowmelt will likely be sitting on top of a layer of ice. In addition, windblown snow can make its way into the chamber through the box culvert grate. It is therefore unlikely that the pump chamber can consistently be maintained dry each winter.

Initial costs for this alternative include excavation and regrading of the sediment basin and purchase of the portable pump and hoses necessary to reach the tractor pump culvert. Annual costs include mobilizing and maintaining pumps. This alternative will avoid pulling and reinstalling on an annual basis; however, the pumping station pumps will still need to be pulled every three years for maintenance, which would require a crane rental.

Alternative 4E: Leave pumps in over winter; seal chamber

This alternative also proposes to leave the pumps over winter in a "dry condition," and utilizes Alternative 2B to prevent backflow of water from Swan Lake into the chamber. However, rather than sealing water off at the driveway crossing, this alternative proposes to seal off the pump station at the inlet (box culvert apron) through the placement of a gasketed steel cover that would be bolted to the box culvert apron, over the top of the existing grate. Since the current apron has an approximately 2-foot-tall vertical section, the apron would need to be extended so that the cover can lie flush over the entire box culvert opening. The existing grate would likewise need to be modified to fit the apron extension. This cover would effectively seal off the chamber through the winter. Lifting hooks in the cover would enable the cover to be removed and set in place using an excavator.

One of the primary advantages of this alternative over Alternative 4D is that no sediment basin pumping would be required during the winter. However, it may be advantageous or necessary to pump down the sediment basin a few inches prior to cover installation. Also, pumping will be required to lower water levels prior to removing the cover each spring. This may be challenging to complete with ice remaining in the sediment pond. To decrease the volume of water needed to be removed, the 84" slide gate needs to be replaced (Alternative 3B)

Another challenge to this alternative is access for an excavator to install and remove the cover. Currently, the positioning of the pump station slab, the controls building, the tractor pump pipe, and the sediment basin prevent a standard excavator from being able to reach the apron/grate from a level and smooth location. A long-reach excavator may be able to reach the apron; however, availability of such a piece of equipment is sporadic and may be even more challenging during the spring due to road restrictions. To enable predictable ability to reach and lift the cover, a regrading and leveling of a portion of the slope adjacent to the box culvert apron. This in turn would require modification of the tractor pump pipe. Also, ice build-up on the bolts may need to be chipped off, and any remaining water in the sediment basin that can't be pumped off with further challenge removal of the grate. As such, there are significant risks to the overall viability of this alternative.

Initial costs for this alternative include furnishing and installing the cover, modification of the box culvert apron and grate, and grading a pad into the sediment basin slope. As with Alternative 4D, annual pump removal will not be required but crane rental will be necessary every 3 years for required maintenance.

Alternative 4F: Leave pumps in over winter; flood chamber

For this alternative, the pumps would be left in place and the pump chamber flooded to an elevation above the pump motors. Ice would be build up at the surface, but theoretically the lower portion of the pump chamber would not freeze.

This alternative has several potential issues. First, the water levels could not feasibly be maintained at a consistent level throughout the winter, due to the non-functioning existing slide gates, infiltration of water into the soil in the sediment basin, and evaporation. Variation in water levels could then cause ice to build up in varying layers with cavities in between, that would collapse during melting periods and damage the equipment, particularly the power cables. The variation in water levels could also result in ice formation at elevations that could be damaging to equipment. For these reasons, we consider this alternative to be infeasible.

ISSUE #5: WATER LEAKING INTO PUMP CONTROLS BUILDING

DESCRIPTION OF THE ISSUE

The building housing the controls for the pumping system consists of fiberglass panels with bolted connections. In between each panel are gaskets to provide a water-tight seal. The structure is bolted to a concrete pad, upon which the pump controls rest.

Due to poor construction methods, the structure has multiple gaps between wall panels, ceiling panels, and the structure connection to the floor. These gaps allow water to enter the building, putting the electronic controls at risk for failure. These gaps are caused by multiple deficiencies in the building construction, including an uneven concrete pad surface, wall sections out of plumb, and improper installation of gaskets.

Drainage Authority staff has previously attempted to caulk and re-seal visible gaps. This has not been successful in completely eliminating leaks into the building.

ALTERNATIVES

Alternative 5A: Do Nothing (Status Quo)

Failure to address this issue has a high probability of eventually causing corrosion and failure of the pump controls and potentially increases the risk of electrical shock. For these reasons, a “do-nothing” alternative is infeasible.

Alternative 5B: Disassemble and reassemble entire building

This alternative begins with disassembly of the entire building, including temporary relocation and/or protection of the pumping controls. Next, the footprint of the building perimeter would be leveled using concrete block or mortar to provide a level platform on top of which the building can be reassembled. The panels can then be reassembled, utilizing new gaskets between the joints and connection hardware. As the elevation of the building will be nominally raised, several penetrations in the building panels may need to be patched and rebored for the electrical connections in and out of the building. The cost of this alternative may vary depending on the difficulty of protecting and/or relocating the pumping controls during the building disassembly and reassembly process.

Alternative 5C: Partial disassembly of the control building

This alternative includes disassembly of the entire roof of the building and all of the building panels that are not directly connected to the pumping control system, and then reassembling all of these panels using new gaskets and connection hardware. Any joints not addressed, including the connection of the panels to the concrete, will be sealed with caulk. This alternative will tighten most of the gaps currently observed in the building while minimizing the cost and complexity of temporarily relocating the pumping control equipment. This alternative will not address the uneven concrete

base but will utilize sealants to weather-proof these areas. There is a significant risk with this alternative that leakage will continue, given the prior experiences with attempting to seal these seams.

Alternative 5D: Seal all of the building joints with caulk.

This alternative consists of sealing all of the panel-to-panel joints with caulk, and the panel-to-concrete joints with an appropriate sealant (Sikaflex or similar). This option has been attempted before and has been unsuccessful.

Alternative 5E: Construct a post frame building over/ around the existing building.

This alternative would leave the existing control building in place as-is but includes the construction of a post-frame building surrounding and over the existing building to eliminate the intrusion of water into the existing building. The post-frame building would be installed with a spacing of three feet around the existing building to enable access around the building. The condenser for the mini-split unit will need to be remounted on the exterior of the new building. The existing indicator light and exterior power outlet will likewise need to be remounted to the new building exterior. Some minor grading will also be required to create a level area around the new building.

This alternative has the least risk of resulting in a leaking building and has the greatest long-term sustainability and success.

Alternative 5F: Construct a post frame building over/ around the existing building and add insulation.

This alternative is identical to Alternative 5E, except that insulation would be added to the exterior of the existing pump controls building. This would increase the effectiveness of the building insulation from an R-20 value to an R-40 value. This will decrease electricity consumption for both heating (winter) and cooling (summer) cycles. However, the electrical consumption from the pumping station is low enough most of the year to not exceed the minimum monthly charge. Therefore, additional insulation is unlikely to have a significant effect on overall electrical costs.

One other potential benefit of this alternative is the long-term life of the split unit. Decreasing the use/cycling of the split unit may decrease the wear on the split unit and may increase the life of the system.

ISSUE #6: SCOUR/EROSION UNDER PIPE OUTLETS

DESCRIPTION OF THE ISSUE

Settlement and/or scouring has occurred in soils under the outlets for the three pumps, resulting in slumping of the riprap under/around the outlets (see **Photo 6**).

A repair was attempted in 2022 to address initial setting, by packing in material under/around the pipes. Further settling has occurred since then. Though there is no immediate threat to the outlets, failure to address these in the long term could eventually result in damage to the pipes.

ALTERNATIVES

Alternative 6A: Do nothing (status quo)

If no corrections are completed, we anticipate that continued erosion will occur. Eventually, the outlet pipes may become damaged if left unsupported for an extended period. Cost of repairs will significantly increase as further deterioration or pipe damage occurs.

Alternative 6B: Salvage riprap, fill voids, and reinstall riprap

This alternative begins with removing and salvaging the existing riprap around the pump outlets, and temporary removal of the pipes. Next, after localized grading and compaction, a footing consisting of sheet piling with a concrete lintel can be constructed at each pipe end. Once the pipes are installed, a concrete saddle can be poured under/around the pipe outlets for added support. Clay fill can then be imported to decrease the slope. After installing a geosynthetic barrier, the salvage riprap can be reinstalled.

ISSUE #7: REPEATED START/STOP OF PUMPS

DESCRIPTION OF THE ISSUE

The pumping system includes three pumps: one 7,800 gpm submersible (jockey) pump and two 43,000 gpm axial-flow (main) pumps. At lower flow levels, the jockey pump comes on first. As the water level increases, one main pump turns on. If water levels continue to rise, the other main pump can turn on. This order is intended to minimize the number of starts and stops of the main pump. Over the 2+ years of pump operation, the jockey pump had the vast majority (95%) of the total run-time, with the main pumps running individually only following large rainfalls. To date, no rainfall/runoff event has been substantial enough to cause both main pumps to run at the same time.

Nearly all pumping systems with multiple pumps need to control adjustment following initial startup to achieve a balance between performance, power consumption, and pump longevity. Repeated starts and stops substantially increase power consumption as well as decrease pump life.

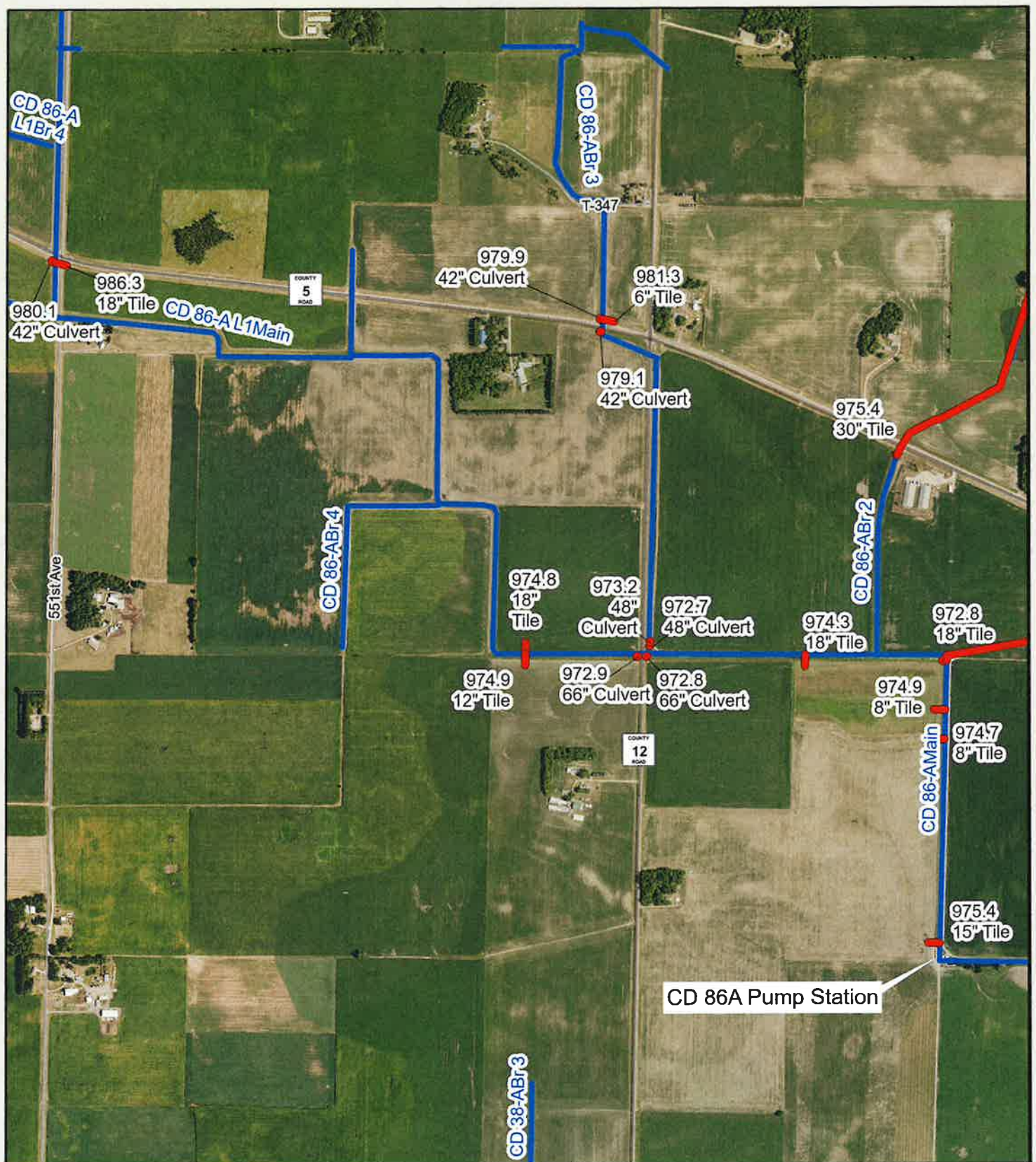
That the jockey pump has had the vast majority of the burden is not necessarily problematic; however, the frequent starts and stops (nearly 25,000 as of May 29, 2024) has the potential to prematurely age and wear out the pump. Part of the reason for the excessive number of start/stop cycles is the grate condition, which has decreased the rate at which water could get to the pump chamber (see Issue #1). In addition, many pumping stations are designed to allow alternating cycling of the pumps, which extends the life of the pumps. In this station, there is only one jockey pump, and it cannot be alternated with one of the main pumps (as they would cycle too frequently under low flow conditions).

However, a perhaps larger component of this issue is the relatively narrow range of the “Pump On” and “Pump Off” settings for the jockey pump which has caused repeated cycling. The original pump station plans indicated a “Pump On” elevation of 972.0 and a pump off elevation of 971.0. The chamber volume in this range (approx. 3700 gallons) takes less than 30 seconds to evacuate with the jockey pump. Under flow conditions approaching the jockey pump capacity, this would result in over 100 start/stop cycles per hour (substantially greater than the recommended 10 cycles or less per hour).

It is unclear what the start/stop levels were set at originally; however, as with most surface water pump stations, levels have been adjusted by Drainage Authority staff and their pump consultant to adjust to system conditions. This has included both raising the “pump on” level and lowering the “pump off” level to decrease start/stop cycling.

However, unauthorized adjustments to the pump control settings have occurred to lower pump-on levels (presumably in an attempt to lower standing water levels in the ditch). The unauthorized adjustments have resulted in repeated cycling and place the longevity of the pumps at risk.

Establishing pumping level controls needs to consider both the desire to provide the lowest and most efficient outlet feasible with the need to preserve the longevity of the system. To understand the relationship between the pump controls and the existing outlet needs, a survey was completed by HEI on August 27, 2024 to verify upstream tile outlet and culvert elevations (see **Figure 3**). **Table 1** provides a summary of critical elevations.



Legend

- Public Drainage Systems
- Approximate Tiles/Culverts Along Ditch

Note: This map does not depict all culverts/tiles along the ditch



0 500 1,000 2,000 Feet

Figure 3 – CD 86A Critical Elevations

Scale:	Drawn by:	Checked by:	Project No.:	Date:	Sheet:
AS SHOWN	DRO	CCO	6162-0012	9/12/2024	

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Table 1 - Critical elevations upstream of pump station

Location	Size	Invert Elevation	Top of Pipe Elevation
Branch 1 Tile Outlet	18"	972.8	974.3
CSAH 12 culvert	66"	972.9	978.4
Private Tile West of Br. 2	18"	974.3	975.8
Private tiles south of Br. 1	8"	974.7 - 974.9	975.4-975.6
Branch 2	30"	975.4	978.4
Lowest Farmed land	N/A	~980	

Simulations were also run in HydroCAD modeling software to determine the minimum water levels needed to supply a flow to the pump chamber to consistently run the jockey pump, the jockey with one main pump, and the jockey with two main pumps. The results are provided in **Table 2**.

Table 2 – Water level (head) required for continuous pump operation

Scenario	Flow (GPM)	Water Level at Box Culvert Grate (ft)	Water Level at 84" Culvert (ft)
Jockey Pump	7780	973.1	974.0
Jockey with Lead Main Pump	51280	975.7	976.8
Jockey with Lead and Lag Main Pumps	94780	976.5	978.7

The following observations can be derived from the survey, modeling, and system record:

- It is infeasible to manage water levels in the ditch such that all tile outlets are above the water level.** Even after small rainfall events, water levels will need a certain amount of head pressure to go through the 84" culvert, box culvert grate, box culvert, and baffle wall into the chamber.
- Tile outlets can still be effective when submerged.** The most frequently submerged tile outlet (Branch 1) will have over five feet of head pressure to push flow into the ditch. Though not necessarily ideal, these systems will still function with some tailwater at the outlet.

- c) **Attempting to manage water levels in the ditch lower than 974, and with less than 5 feet of bounce in the chamber, will put the jockey pump at risk of premature failure.** 974 is the minimum elevation needed to provide a consistent flow into the chamber (assuming a clean box culvert grate). At five feet of bounce, the chamber volume is approximately 24,000 gallons, which correlates to approximately 10 pump stops/starts per hour.
- d) **Attempting to manage water levels in the ditch lower than 974 may decrease the efficiency of the ditch.** Weed growth in the ditch has propagated over the last 2-3 years as water levels have been managed lower than historically. This results in higher water levels upstream to offset the decreased channel smoothness. The survey on 8/27/24 noted roughly a foot of drop in water level from the CSAH 12 culvert to 84" driveway culvert. Part of this drop may be attributed to the weed growth in the ditch.
- e) **Pump settings need to be adjusted by authorized personnel to conditions observed on site.** The calculations provided above are an "idealized" scenario and do not consider weed debris or other inefficiencies that affect flow delivery to the pumps. Calibration of the settings to fit the conditions observed is required. This may include increasing pump start levels to decrease the stop/start cycles to the recommended maximum frequency, or lower pump start levels if the pumps are less frequently run.

ALTERNATIVES

Alternative 7A: Do nothing (status quo)

If no changes are made to the operational controls and security at the pumping station, the pump station will continue to function as designed in the short term. However, it is likely that pump control settings will revert back to prior low levels and cycling of the pumps will exceed manufacturers recommendations. If this occurs, the jockey pumps will wear out prematurely, need more frequent servicing, and/or need to be replaced.

Alternative 7B: Adjust start/stop levels to recommended cycling protocols

Adaptive management of the start/stop levels can extend the runtime of the jockey and main pumps and reduce the number of start/stops. Doing so can significantly extend the life of the jockey pump. There is no up-front cost to this alternative. Managing the water levels in the ditch at an elevation necessary to comply with recommended cycling protocols will not substantively reduce the ability of private and public tiling to drain into the system. Rather, following these protocols will reduce the risk of failure during times when the ability of drain is needed most.

Additionally, the control building is accessible to various people which allows the pumps to be controlled unsupervised. Updating the locks and providing access only to informed personnel will help prevent unauthorized modification of the pump controls which can result in pump damage.

Alternative 7C: Replace one axial flow pump with a jockey pump

To enable alternating pump function, one of the axial flow pumps may be removed and replaced with a jockey pump identical to the current one. This will require some modification of the pump chamber. The axial flow pump might be saleable to another water management authority at roughly half the cost of the pump's original purchase price. However, due to the unique specifications of this pump, it may be challenging to find a buyer that would match these needs. Therefore, resale of a pump is not considered in the overall cost of this alternative.

Replacing this pump will significantly reduce the wear on the existing jockey pump and decrease the overall power consumption of the pump station. However, it will not reduce/eliminate the current monthly demand fee that is the primary component of the system's electrical cost. The maximum pumping capacity of the pump station will be reduced from 93,000 to 51,000 gpm; however, it is very infrequent that 51,000 gpm will be delivered to the pumping station, and flows of that magnitude will last a relatively infrequent period of time. Therefore, this option would provide a similar level of service to the current system.

ANALYSIS/RECOMMENDATIONS

RESPONSE TO LANDOWNER COMMENTS

A response to landowner comments is provided in **Attachment A**.

SUMMARY OF ALTERNATIVES

Table 3 provides a summary of the alternatives reviewed and their likelihood of success in addressing the issue, risks, and estimated cost. The construction cost estimates provided herein are based in part on prior bid costs, input from suppliers, and engineering experience and judgement. Long term (20-year) maintenance costs have been estimated based on manufacturers' maintenance schedules (where available), prior maintenance costs (where available), likely product lifespans, and engineering judgements. Long-term maintenance costs should be considered highly variable and only for the purposes of evaluating relative costs of alternatives.

Alt. ID	Alternative Description	Issue Addressed	Added Benefit Provided	Risks / Potential Issues	Estimated Initial Cost	20-Year Maintenance Cost	20-Year Total Cost	Overall Value/Feasibility
1A	Modification of Box Culvert Gate (Status Quo)	Grate capacity	High Increased capacity by 32%; reduced clogging	Low	\$10,000 (approx. cost – completed)	\$20,000	\$30,000	Highest
1B	Upstream Skimmer	Grate capacity	Low/Moderate Modification (bar removal) to the grate may have taken care of the bulk of the debris problem. Upstream skimmer will reduce debris delivery to grate but will still require effort to remove debris	Moderate/High Skimmer could potentially introduce additional erosion for moderate flows. Added challenges for cleaning	\$45,000	\$120,000	\$165,000	Low
1C	Install Grate Cleaner	Grate capacity	Moderate Will reduce clogging if collection on grate is still an issue	Moderate/High Potential for expensive maintenance	\$294,000	\$34,000	\$328,000	Low/Moderate
2A	Do Nothing (Status Quo)	Backflow of water through overflow pipe	Low	Moderate Some risk of future damage, potential challenges to completing repairs in chamber	\$0	\$0	\$0	Low/Moderate
2B	Abandon (remove) Overflow	Backflow of water through overflow pipe	High Decreases risk of future damage	Low	\$20,000	\$0	\$20,000	Highest
2C	Repair Flap Gate and Discharge Pipe	Backflow of water through overflow pipe	Low	Low/Moderate Likely to function no better than current condition	\$7,000	\$4,000	\$11,000	Low
2D	Replace slide gate with knife gate	Backflow of water through overflow pipe	Moderate	Moderate All valves have some potential to leak	\$88,000	\$4,000	\$93,000	Low
2E	Abandon existing overflow and construct 46" bypass pipe	Backflow of water through overflow pipe	Low	Low	\$67,000	\$0	\$67,000	Low
3A	Do nothing (status quo)	Non-functional 84" gate valve	Low	High	\$0	\$0	\$0	Low
3B	Replace 84" slide gate	Non-functional 84" gate valve	High Needed for continued	Low	\$110,000	\$0	\$110,000	High

Alt. ID	Alternative Description	Issue Addressed	Added Benefit Provided	Risks / Potential Issues	Estimated Initial Cost	20-Year Maintenance Cost	20-Year Total Cost	Overall Value/Feasibility
4A	Pull pumps annually with crane	Risk of ice damage to pumps	Low	Low	\$0	\$540,000	\$540,000	Highest
4B	Pull pumps annually using gantry	Risk of ice damage to pumps	Moderate Reduces crane rental cost	Moderate Requires more equipment to maintain	\$142,900	\$370,000	\$512,900	Moderate
4C	Leave pumps in overwinter; Install aerator and heat tubes	Risk of ice damage to pumps	Moderate Reduces crane rental cost	High Risk of freezing	\$45,000	\$150,000	\$195,000	Low (infeasible)
4D	Leave pumps in over winter; remove water from chamber and sediment basin	Risk of ice damage to pumps	Moderate Reduces crane rental cost	High Requires extensive monitoring over winter, challenges in removing water	\$55,000	\$168,000	\$223,000	Low (infeasible)
4E	Leave pumps in over winter; seal chamber	Risk of ice damage to pumps	Moderate Reduces crane rental cost	High Risk of cover not sealing, challenges in removing water/ice in	\$127,000	\$184,000	\$311,000	Low (infeasible)
4F	Leave pumps in over winter; flood chamber	Risk of ice damage to pumps	Moderate Reduces crane rental cost	High Risk of damage to cables	\$30,000	\$144,000	\$174,000	Low (infeasible)
5A	Do Nothing (Status Quo)	Water leakage in control building	Low	High	\$0	\$0	\$0	Low (Infeasible)
5B	Disassemble and Reassemble Entire Building	Water leakage in control building	Moderate	Moderate	\$45,000	\$0	\$45,000	Moderate
5C	Partial Disassembly of Building	Water leakage in control building	Low	High	\$24,000	\$0	\$24,000	Low
5D	Seal Building Joints Using Caulk	Water leakage in control building	Low	High	\$5,500	\$50,000	\$55,500	Low
5E	Construct post frame building around existing building	Water leakage in control building	High	Low	\$36,500	\$0	\$36,500	Highest
5F	Construct post frame building around existing building and insulate	Water leakage in control building	High	Low	\$40,000	\$0	\$40,000	High
6A	Do Nothing (Status Quo)	Erosion under pump outlet pipe	Low	Moderate	\$0	\$40,000	\$40,000	Low/Moderate
6B	Repair erosion under pipes	Erosion under pump outlet pipe	High	Low	\$38,000	\$0	\$38,000	Highest

Alt. ID	Alternative Description	Issue Addressed	Added Benefit Provided	Risks / Potential Issues	Estimated Initial Cost	20-Year Maintenance Cost	20-Year Total Cost	Overall Value/Feeability
7A	Do Nothing (Status Quo)	Repeated start/stop of pumps	Low	High Uncontrolled cycling of pumps will rapidly decrease pump lifespan Low Private and public tiles will continue to drain with adjusted levels	\$0	\$790,000	\$790,000	Low
7B	Adjust Start/Stop Levels to Recommended Cycling Protocols	Repeated start/stop of pumps	High	Low Private and public tiles will continue to drain with adjusted levels	\$1,000	\$520,000	\$521,000	Highest
7C	Replace one axial flow pump with a jockey pump	Repeated start/stop of pumps	Moderate/High	Low	\$270,000	\$420,000	\$690,000	Moderate

ISSUE #1 (GRATE CAPACITY) RECOMMENDATION

The modifications to the box culvert grate appear to have adequately addressed the capacity issues under mid-summer conditions, though it is unclear to what extent spring runoff conditions will result in clogging that is expensive and challenging to maintain and reduces system efficiency. Due to the significant cost and uncertain maintenance effort required with retrofitting a grate cleaner, we recommend delaying consideration of further modification to the grate until after spring runoff conditions have occurred in 2025, consistent with **Alternative 1A**.

ISSUE #2 (OVERFLOW PIPE) RECOMMENDATION

As the overflow pipe is redundant and unnecessary, we recommend **Alternative 2B** (Remove the 36" overflow pipe). This is the least costly option both in the short term and the long term. Alternatives 2B and 2C have at least a moderate risk of either near-term or long-term failure and will require expending additional Drainage Authority staff time annually to maintain the infrastructure. Alternative 2D is inadvisable and provides a benefit only under a narrow set of conditions (prolonged power outage, high flow event, moderate to low water levels in Swan Lake, and non-function of tractor pumps).

ISSUE #3 (84" SLIDE GATE) RECOMMENDATION

Each of the alternatives for addressing water inundation in the pump chamber (Issue 4) relies upon reducing upstream flow to the extent feasible. In addition, a functioning slide gate will be needed in order to dry out the pump chamber when work is completed there. For these reasons, we recommend replacing the 84" Slide Gate (**Alternative 3B**), including the addition of a powered actuator to raise/lower gate.

ISSUE #4 (PUMP OVERWINTERING) RECOMMENDATION

Four of the considered alternatives (4C, 4D, 4E, and 4F) are considered infeasible. The remaining two alternatives required a weighing of initial cost, lifetime (20-year) cost, and risk. The least risk, least initial cost, and estimated highest lifetime cost alternative, is to continue the current practice of pulling pumps annually with a rented crane (**Alternative 4A**). Pulling pumps with a gantry (Alternative 4B) adds significant up front cost, but decreased long term costs and a similar, though somewhat elevated risk level as current practice due to the need for maintaining additional equipment.

ISSUE #5 (CONTROLS BUILDING) RECOMMENDATION

Constructing a post frame building over/around the existing building (**Alternative 5E**) provides the least risk of any alternative and at a reasonable cost. Adding insulation to the existing building (Alternative 5F) increases the initial cost with almost no financial benefit. Therefore, we recommend the Drainage Authority proceed with Alternative 5E.

ISSUE #6 (OUTLET EROSION) RECOMMENDATION

Though this is a lower priority item, we recommend the Drainage Authority complete the repairs to the outlet pipe identified in **Alternative 6B** in conjunction with one or more of the other alternatives to capitalize on mobilization of the equipment to the site. Completing these repairs in the near term will avoid more costly repairs in the project life cycle.

ISSUE #7 (PUMP CYCLING) RECOMMENDATION

Due to the risk of excessive wear on the pumps caused by repeated cycling, we recommend the drainage authority coordinate with the pump supplier to adjust the controls such that the pumps have longer run times and less frequent stops/starts (**Alternative 7B**). This will prevent premature failure of the equipment and be consistent with the manufacturer's and supplier's recommendations. Current pump control levels are likely near or at the levels required to meet these requirements.

Unauthorized lowering will only marginally (6" to a foot) lower average water levels during dry periods. This will provide only marginal to inconsequential decreases in surface inundation time in adjacent fields, and provide no discernable benefit to the majority of properties benefitting to the drainage system.

To ensure that these control settings remain consistent, we recommend that access to the controls building be limited to drainage authority staff and their consultants. Controlling this access may require re-keying of locks and/or other security features.

Due to the significant cost of installing a new jockey pump (Alternative 7C) we do not recommend changing the pump configuration at this time, but reevaluating this option after sufficient pumping record has occurred following the resetting of pump controls.

SUMMARY OF ESTIMATED COST

Below is a summary of the estimated initial and long-term cost of each of the recommended alternatives. Note that all estimated costs are expressed in 2024 dollars with no inflation added.

Table 4 – Estimated Cost of Recommended Alternatives

ID	Description	Initial Cost	Related Annual Cost Item	Long Term Annual Budgeting Cost
1A	Modification of Box Culvert Grate	\$0	Weed Removal	\$1,000
2B	Abandon (remove) Overflow	\$20,000	N/A	\$0
3B	Replace 84" slide gate	\$110,000	N/A	\$0
4A	Pull pumps annually with crane	\$0	Pulling pumps and maintenance	\$27,000
5E	Construct post frame building around existing building	\$36,500	N/A	\$0
6B	Repair erosion under pipes	\$38,000	N/A	\$0
7B	Adjust Start/Stop Levels to Recommended Cycling Protocols	\$1,000	Electrical costs, pump overhaul	\$26,000
TOTAL COST		\$185,700		\$54,000

PRIORITIZATION

Due to the scope of the repairs and the urgent nature of some of the repairs, the work should be prioritized based on the risk of damage if the corrections are not made. The following is our recommended prioritization/timeline, based on implementation of the recommended repairs. Selection of other alternatives may affect the implementation timeline and urgency of work.;

Fall of 2024 (prior to freeze up): Abandon the existing overflow (Alternative 2B). Replace the 84" Slide Gate (Alternative 3B). Pull pumps with a crane (Alternative 4A)

Winter 2024/Spring 2025: Complete work necessary to seal the pump control building (Alternative 5E)

Spring of 2024: Adjust the pumping controls and implement security features (Alternative 7B). Repair the pipe outlet (Alternative 6B).

Attachment A – Landowner Priority List and Response

ID	Landowner Question/Statement	HEI Response
1	Electrical building (\$20,000 building, \$4,000 insulation = \$24,000)	This is evaluated in the report as Alternative 5E. Note that there are additional associated costs with this alternative including relocated the A/C condenser, indicator light, and exterior outlet.
1A	Making building at least 2 feet wider all the way around so that we can control rodents.	Building would be constructed at least 3 feet wider for access purposes.
1B	Spray foam outside of old building for insulation - 2, 3 or 4 inches thick.	This is evaluated in the report as Alternative 5F.
1C	Make frame for drainage for the AC system in new building. Does the AC Unit install from the inside or outside	A drain for the existing A/C unit will need to be extended to the outside of the new building.
1D	Alarm system wiring on top of new building	The indicator light will need to be extended through new building
2	Insurance (vandalism, fire, lighting, wind - ?) Put on Nicollet County insurance endorsement? Approximate figure from insurance company for \$300,000.	Consult with Drainage Authority's legal counsel regarding insurance on system
3	Pulling of Pumps	Pulling of pumps is discussed as an option in Issue #4 of the report
3A	I-beam system for pulling pumps	The use of an I-beam gantry is evaluated in the report as Alternative 4B
3A1	Gilmore-Kramer Company - 1-800-544-3137 - 10 ton, 19 feet 2 inches long, 30 feet high, part number 10pf2030. - \$38,971 (for this, need closer figures)	The model cited here, while capable of pulling the pump, will be challenging to move safely so the pump may be laid down. We recommend utilizing a system mounted on a track that will enable the gantry system to reliably move horizontally. Gilmore Kramer provided a quote for such a system, which is included in the estimate for Alternative 4B
3A2	Weight of big pump	9,620 pounds (each)

3A3	Weight of little pump	6,384 pounds
3A4	How much can the structure hold for the rollers on the I-beam ?	There is insufficient documentation to be able to accurately determine bearing capacity of the concrete roof of the structure. We do not recommend utilizing the roof structure to support a mechanism for pulling and reinstalling the pumps, but instead run the tracks near the walls of the pump chamber.
3B	If not disconnected, will the floats still need readjusting?	We are unaware of a need to adjust the floats.
3C	Leaving water and pumps in the structure. 1. Heat tubes (www.dualaska.com) (www.artictrace.com) \$5,000 2. Aerator (livingwateraeration.com) \$5,000 3. Radiant heat inside the tube for the pump.	This is evaluated in the report as Alternative 4C
3D	Remove water in structure	Options for keeping the structure dry during the winter are considered in Alternatives 4D and 4E
3D1	Plug 3 foot pipe that is supposed to be a 4 foot.	Approved construction plans for the pumping station indicate a 3-foot diameter overflow pipe
3D1A	Water Proof Adiseal Sealant \$5,000 - On flap - On gate	Using this sealant alone will not address the leakage issues for either the flap gate or the gate valves
3D1B	Plug completely and install a four foot pipe on the outside of the structure. \$80,000	This is evaluated in the report as Alternative 2E.
3D2	Put gate on north side of field road and close. \$92,000	This is evaluated in the report as Alternative 3B
3D3	Make cover for grate on structure intake. \$15,000	This is evaluated in the report as Alternative 4E

3E	Flooding of the structure. - Pump water out of Swan Lake into structure. \$1,000 - Water will need to be 1 to 2 feet below the exit pipes. - Water will need to be 4 feet above big pumps. - Will that damage the structure when freezing? All that water? That high?	This is evaluated in the report as Alternative 4F
3E5	Slide gate on the field road. Will that hold back water/ice so it doesn't drain out of the structure.	Replacing the 84" slide gate is considered in Alternative 3B. However, replacing this slide gate alone will not prevent all runoff from getting to the pump chamber.
4	Trash removal. Trash cleaner (\$304,000 ????)	This is evaluated in the report as Alternative 1C
4A1	Need Tim's copy back of the trash cleaner design so we can take it to G & S Manufacturing to get a quote from them.	Estimates have been obtained from manufacturers/suppliers of grate cleaners.
4A2	New grate (\$15,000 ?)	A new grate is not likely necessary for Alternative 1C. However, the grate will need to be modified to include the extended apron. This is included in the cost of Alternative 1C
4A3	Cement needs to be extended out an extra 2 to 4 feet for a trash cleaner because ISG did not design the inlet properly. (\$5,000 ?)	Extending the apron is included in the cost of Alternative 1C
5	Everything on lake side of structure.	
5A	Removal of riprap and fill voids and cement the overflow pipe and a concrete base 20 by 20 for ditch cleaning of sediment. (\$10,000 ?)	This has been evaluated as Alternative 6B
5B	Install a knife gate instead of existing gate and raising the bottom of the 3 foot pipe, that is suppose to be a 4 foot pipe, to 977.4. Estimate \$75,000	This has been evaluated as Alternative 2D
5C	Cleaning of ditch to 975 instead of 979.6. 500 feet from the structure. Estimate \$10,000	Cleaning of the ditch below the normal water level of Swan Lake will result in no significant change in hydraulic function
5D	There is a petition to clean the rest of the ditch. Estimate \$10,000	Survey indicates that further cleaning downstream is unnecessary.

6	The only things that the farmers should be responsible is the \$304,000 for the trash cleaner, and the last \$10,000 for cleaning the rest of the ditch. The concrete extension of the inlet culvert of the structure is ISG's mistake. And, the farmers will be responsible for insurance	Pursuant to MS 103E, costs to a public drainage system shall be assessed to the benefitting landowners in proportion to their portion of the total benefit on the system
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