

Nicollet County Board of Commissioners Meeting



July 13, 2021

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

Commissioners – Terry Morrow, Chair; Jack Kolars; John Luepke; Marie Dranttel; Denny Kemp

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

1. Flag Pledge
2. Silence Your Cell Phones
3. Approval of Agenda

Consent Agenda

1. [Approval of June 22, 2021 Board Minutes](#)
2. [End of Probations](#)
3. Approval of Bills

Public Appearances

9:05 a.m. Public Services

1. [Set Public Hearing Date for Detachment and Annexation of School District](#)

9:10 a.m. Property Services

1. [June 21, 2021 Planning & Zoning Advisory Commission Meeting](#)
2. [Rush River Clean Water Partnership Dissolution Agreement](#)

9:20 a.m. County Attorney Update

Chair's Report

Commissioner Committee Reports

Commissioners Meetings & Conferences

Approve Per Diems and Expenses

Adjourn Board of Commissioners Meeting

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

Drainage Authority Agenda Items

1. Consent Agenda
 - a. [Approval of June 22, 2021 Drainage Authority Minutes](#)
2. [Set the Date for the Final Hearing for Redeterminations on Various County Ditch's](#)
3. [Consider Approval of Findings of Fact and Order for the Reestablishment of CD48A](#)

Adjourn Drainage Authority Meeting

Continued...

Vision Statement

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

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

Mission Statement

Providing efficient services with innovation and accountability

Nicollet County Board of Commissioners Meeting



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Commissioners – Terry Morrow, Chair; Jack Kolars; John Luepke; Marie Dranttel; Denny Kemp

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Notice of Scheduled Meetings

The following is a notice of scheduled meetings. Pursuant to Minnesota Statute 13D.04, this notice of meetings also serves as notice of regular and special meetings of the Nicollet County Board of Commissioners. Meetings with a quorum of Nicollet County Board of Commissioners expected to attend is noted with an asterisk (*).

Questions or comments regarding any Nicollet County meeting and requests to participate in any meeting can be directed to Mandy Landkamer, Nicollet County Interim Administrator, at 507-934-7204 or mandy.landkamer@co.nicollet.mn.us.

- July 13 – County Board of Commissioners Meeting, 9 a.m., Nicollet County Board Room, St. Peter*
- July 13 – County Drainage Authority Meeting, 9 a.m., Nicollet County Board Room, St. Peter*
- July 14 – SWCD Board Meeting, 8:30 a.m.
- July 19 – Board of Adjustment and Appeals/Planning & Zoning Advisory Commission Meeting, 7 p.m., Nicollet County Board Room, St. Peter*
- July 20 – Individual Department Head Meeting with Human Resources, 8:15 a.m., Nicollet County Board Room, St. Peter*
- July 20 – County Board Workshop, 9:30 a.m., E.O.C, St. Peter *
- July 23 – Brown-Nicollet Community Health Board Meeting, 9:00 a.m.
- July 27 – County Board of Commissioners Meeting, 9 a.m., Nicollet County Board Room, St. Peter *
- July 27 – County Drainage Authority Meeting, 9 a.m., Nicollet County Board Room, St. Peter *

- August 2 – Mankato Rehabilitation Center
- August 4 – SWCD Board Meeting, 8:30 a.m.
- August 5 – Highway 169 Coalition Meeting
- August 10 – County Board of Commissioners Meeting, 9 a.m., Nicollet County Board Room, St. Peter *
- August 10 – County Drainage Authority Meeting, 9 a.m., Nicollet County Board Room, St. Peter *
- August 16 – Board of Adjustment and Appeals/Planning & Zoning Advisory Commission Meeting, 7 p.m., Nicollet County Board Room, St. Peter*
- August 17 – Individual Department Head Meeting with County Attorney, 8:15 a.m., Nicollet County Board Room, St. Peter*
- August 17 – County Board Workshop, 9:30 a.m., Nicollet County Board Room, St. Peter *
- August 24 – County Board of Commissioners Meeting, 9 a.m., Nicollet County Board Room, St. Peter *
- August 24 – County Drainage Authority Meeting, 9 a.m., Nicollet County Board Room, St. Peter *
- August 26 – Brown-Nicollet Community Health Executive Committee Meeting, 8:15 a.m.

Vision Statement

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OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS FOR
NICOLLET COUNTY, MINNESOTA
JUNE 22, 2021

The Nicollet County Board of Commissioners met in regular session on Tuesday, June 22, 2021, at 9:03 a.m. Commissioners Terry Morrow, Denny Kemp, Jack Kolars, Marie Dranttel, and John Luepke were present. Also present were Interim County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer and Recording Secretary Abigail Lewis.

The meeting was held via teleconference pursuant to Minnesota Statute 13D.021 due to the coronavirus pandemic. Zoom meeting technology was used to conduct the meeting. Chair Morrow, Interim County Administrator Mandy Landkamer and Recording Secretary Lewis were in attendance at the County Board Room. All others participated via Zoom. The meeting was also video recorded.

Approval of Agenda

Motion by Commissioner Luepke and seconded by Commissioner Kemp to approve the agenda. Motion carried with all voting in favor on a roll call vote.

Consent Agenda

Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the consent agenda items as follows: June 8, 2021 Board Meeting minutes, June 14, 2021 County Board of Adjustment and Equalization minutes, end of probation for Cameron Grommersch effective June 15, 2021, Bradley Fitzner effective June 22, 2021, and Kyle Peterson effective July 6, 2021, and approval of the Commissioner Warrants as presented for the following amounts: General Revenue Fund - \$78,930.47, Road & Bridge Fund - \$38,628.84, Human Services Fund - \$154,461.11, and acknowledge review of the Auditor's Warrants. Motion carried with all voting in favor on a roll call vote.

Public Appearances

There were no public appearances.

Public Works

Motion by Commissioner Kolars and seconded by Commissioner Kemp to award the 2021 Highway Striping Project to the low bidder Traffic Marking Services, Inc. with the low bid amount of \$111,037.65. Motion carried with all voting in favor on a roll call vote.

County Attorney's Office

Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the submittal of the Victim/Witness Coordinator Grant Renewal for the time period of October 1, 2021 to September 30, 2023. Motion carried with all voting in favor on a roll call vote.

Administration

Motion by Commissioner Kolars and seconded by Commissioner Luepke to approve the Critical Position Review Request to transition the temporary full-time Administrative Support Assistant position to a full-time (40 hours) Administrative Support Assistant position due to the increase of transactions and addition of the atrium office area. Motion carried with all voting in favor on a roll call vote.

Human Resources

At 9:28 a.m. there was a motion by Commissioner Kemp and seconded by Commissioner Kolars to move to a closed session for labor negotiations. Motion carried with all voting in favor on a roll call vote.

This portion of the meeting was closed for labor negotiations pursuant to MN Statutes Chapter 13D.03. Those present for the closed session were all County Commissioners, Interim County Administrator Landkamer, Interim Human Resources Director Krebs and County Attorney Zehnder Fischer.

At 9:39 a.m. Chair Morrow reopened the meeting to the public.

Motion by Commissioner Kemp and seconded by Commissioner Dranttel to approve the Law Enforcement Labor Services, Inc. Licensed Union Contract for 2021. Motion carried with all voting in favor on a roll call vote.

Commissioner Committee Reports

The Commissioners reported on various meetings and activities including:

Chair Morrow

- AMC District Meeting

Commissioner Marie Dranttel

- Broadband Meeting
- Critical Position Review
- Individual Department Head Meeting
- Board Workshop
- Region 9 Meeting
- Elected Women
- St. Peter Liaison Meeting
- Planning and Zoning

Commissioner Denny Kemp

- AMC District Meeting
- Broadband Meeting

Commissioner Jack Kolars

- AMC District Meeting
- ATP Meeting
- Board of Equalization
- Board Workshop
- Greater Mankato Growth
- Traverse des Sioux
- Minnesota Valley Action Council

Commissioner John Luepke

- AMC Meeting
- County Board of Equalization and Appeals Meeting
- Board Workshop
- Individual Department Head Meeting

Approve Per Diems and Expenses

Motion by Commissioner Luepke and seconded by Commissioner Kemp 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 on a roll call vote.

Adjourn

Motion by Commission Luepke and seconded by Commissioner Kemp to adjourn the meeting. Motion carried with all voting in favor on a roll call vote. The meeting adjourned at 9:47 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

JACI KOPET
CLERK TO THE BOARD

Nicollet County Board of Commissioners
Board Meeting Agenda Item



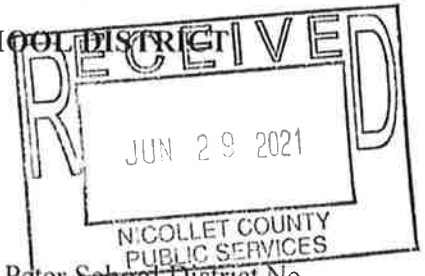
Agenda Item:	
End of Probations	
Primary Originating Division/Dept.: Human Resources	Meeting Date: 07/13/2021
Contact: Whitney Krebs Title: Interim HR Director	Item Type: Consent Agenda (Select One)
Amount of Time Requested minutes	
Presenter: Whitney Krebs Title: Interim HR Director	Attachments: ☒ Yes ☐ No
County Strategy: Facilities and Space - preserve, maintain and build our assets (Select One)	
BACKGROUND/JUSTIFICATION: Health and Human Services HHS Director Cassie Sassenberg has requested the end of probation for Theresa Houle, Child Protection Social Worker, effective July 13, 2021. Finance Finance Director Heather McCormick has requested the end of probation for Alana Flugum, Collections Officer, effective July 13, 2021.	
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:	
Set Public Hearing Date for Detachment and Annexation of School District	
Primary Originating Division/Dept.: Public Services Contact: Jaci Kopet Title: Public Services + Amount of Time Requested 5 minutes Presenter: Jaci Kopet Title: Public Services +	Meeting Date: 7/13/2021 Item Type: Regular Agenda (Select One) Attachments: ☒ Yes ☐ No
County Strategy: (Select One) Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: On June 29, 2021, Marci Norell delivered a Petition of Landowners for Detachment and Annexation from one School District to another School District to the Nicollet County Public Services office as per M.S.123A.45. Please see the attached petition. The Norell's intent is to combine two parcels that they own, parcel numbers 08.013.0520 & 08.013.0200. Although, during the process they became aware that these parcels are in two different school districts, St Peter School District and Sibley East School District. Because they are in two different school districts, they can not be combined at this time. Therefore, the attached petition is asking that parcel 08.013.0520 be annexed into Sibley East School District. This petition has been presented to each school at the last school board meetings and is signed by each school board. According to M.S. 123A.45 Subd.3, the next step is to set a public hearing date. I would like to set the Public Hearing for August 10, 2021 at 10:00 am. +	
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None	
Prior Board Action Taken on this Agenda Item: ☒ Yes ☐ No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A	
ACTION REQUESTED: Approval of public hearing on August 10, 2021 at 10:00 am.	
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

**PETITION OF LANDOWNERS FOR DETACHMENT AND ANNEXATION
FROM ONE SCHOOL DISTRICT TO ANOTHER SCHOOL DISTRICT**



To the County Board of Nicollet County, Minnesota.

The undersigned Petitioners represent and state:

1. We are the owners of adjoining tracts of land lying in both St. Peter School District No. 508 and Sibley East School District No. 2310 as depicted on the attached photo.
2. The tract of land lying and being in Sibley East School District No. 2310 is described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

3. The tract of land lying and being in St. Peter School District No 508 is described as follows, to-wit:

SEE ATTACHED EXHIBIT "B"

4. Petitioners are desirous of combining the two tracts in order to meet the minimum ag district lot requirements of the Nicollet County Planning and Zoning for the sale of real estate to Bruce M. Norell and Marci L. Norell pursuant to the fulfillment of an Option Contract by and between themselves and Maurice E. Norell and Margaret E. Norell dated June 14, 2001. The surveyed legal description for the parcel to be conveyed is as follows:

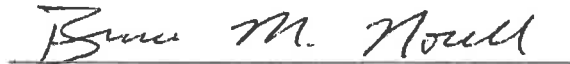
SEE ATTACHED EXHIBIT "C"

5. Applicable rules and regulations administered by Nicollet County Environmental Services require a minimum of 3.50 acres.
6. The tracts of land described in Exhibit "A" and Exhibit "B" cannot be combined under Minnesota Statute unless they are under the same taxing authority.
7. Combining the Exhibit "A" tract and Exhibit "B" tract will allow for compliance with Nicollet County Environmental Services minimum acreage requirement for ag districts and not diminish the use and ownership of the agricultural buildings used in the combined farming operations of Byron C. Norell, Burton A. Norell and Bruce M. Norell.
8. The granting of this Petition will not reduce the size of the St. Peter School District 508 more than forty (40) acres.

WHEREFORE, your Petitioners pray, that the tract described on the attached Exhibit "B" be detached from the St. Peter School District 508 and annexed to Sibley East School District No. 2310.

Dated: June 17, 2021

Respectfully submitted,


Bruce M. Norell

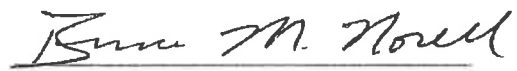

Marci L. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Bruce M. Norell of said County and State, deposes and says that he is one of the Petitioners named in the foregoing within-entitled proceeding; that he has read the attached Petition and that the same is true of his own knowledge, except those statements based on information and belief, which statements he believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

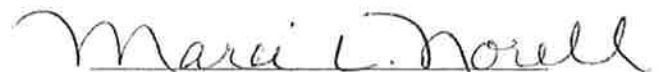

Petitioner Bruce M. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Marci L. Norell of said County and State, deposes and says that she is one of the Petitioners named in the foregoing within-entitled proceeding; that she has read the attached Petition and that the same is true of her own knowledge, except those statements based on information and belief, which statements she believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.


Petitioner Marci L. Norell

Estate of Margaret E. Norell

By: Byron C. Norell PR
Byron C. Norell, Personal Representative

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Byron C. Norell as Personal Representative of the Estate of Margaret E. Norell of said County and State, deposes and says that he is one of the Petitioners named in the foregoing within-entitled proceeding; that he has read the attached Petition and that the same is true of his own knowledge, except those statements based on information and belief, which statements he believes to be true, and so declares under penalty of perjury.

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Byron C. Norell P.R.
Petitioner Byron C. Norell as
Personal Representative of the Estate
of Margaret E. Norell

Byron C. Norell
Byron C. Norell

Jill A. Norell
Jill A. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

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I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Byron C. Norell
Petitioner Byron C. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Jill A. Norell of said County and State, deposes and says that she is one of the Petitioners named in the foregoing within-entitled proceeding; that she has read the attached Petition and that the same is true of her own knowledge, except those statements based on information and belief, which statements she believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Jill A. Norell
Petitioner Jill A. Norell

Burt A. Norell
Burton A. Norell

Kelly L. Norell
Kelly L. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Burton A. Norell of said County and State, deposes and says that he is one of the Petitioners named in the foregoing within-entitled proceeding; that he has read the attached Petition and that the same is true of his own knowledge, except those statements based on information and belief, which statements he believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Burt A. Norell
Petitioner Burton A. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Kelly L. Norell of said County and State, deposes and says that she is one of the Petitioners named in the foregoing within-entitled proceeding; that she has read the attached Petition and that the same is true of her own knowledge, except those statements based on information and belief, which statements she believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Kelly L. Norell
Petitioner Kelly L. Norell



Sibley
East

St.
Peter

New Sweden

08.013.0200
0613200005

08.013.0520
0613200006

St.
Peter

Sibley
East

EXHIBIT "A"

Part of the North Half of the Northeast Quarter of Section 13, Township 111, Range 28, Nicollet County, Minnesota, described as follows: Beginning at the southeast corner of said North Half of the Northeast Quarter of Section 13; thence on an assumed bearing of South 88 degrees 49 minutes 05 seconds West along the South line of said North Half of the Northeast Quarter 675.00 feet; thence North 00 degrees 01 minutes 31 seconds West 185.00 feet; thence North 88 degrees 49 minutes 05 seconds East 675.00 feet to the East line of said Northeast Quarter; thence South 00 degrees 01 minutes 31 seconds East along said East line 185.00 feet to the point of beginning. This tract contains 2.87 acres of land and is subject to any and all easements of record.

EXHIBIT "B"

That part of Southeast Quarter of the Northeast Quarter of Section 13, Township 111 North, Range 28 West, Nicollet County, Minnesota, described as follows: Beginning at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of Section 13; thence South 88 degrees 43 minutes 29 seconds West (assumed bearing) on the North line of the Southeast Quarter of the Northeast Quarter of Section 13, a distance of 740.00 feet; thence South 00 degrees 07 minutes 26 seconds East on a line parallel with the East line of the Southeast Quarter of the Northeast Quarter of Section 13, a distance of 100.00 feet; thence North 88 degrees 43 minutes 29 seconds East on a line parallel with the North line of the Southeast Quarter of the Northeast Quarter of Section 13, a distance of 740.00 feet to the East line of the Southeast Quarter of the Northeast Quarter of Section 13; thence North 00 degrees 07 minutes 26 seconds West on said East line, 100.00 feet to the point of beginning.

Said parcel contains 1.70 acres of land, more or less.

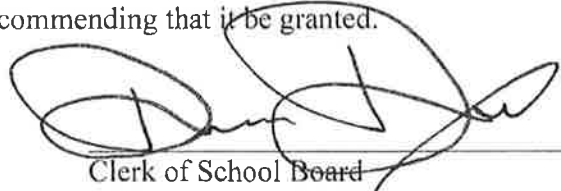
EXHIBIT "C"

That part of the Northeast Quarter of the Northeast Quarter and that part of the Southeast Quarter of the Northeast Quarter of Section 13, Township 111 North, Range 28 West, Nicollet County, described as follows: Commencing at the Northeast Corner of said Section 13; thence South 00 degrees 07 minutes 26 seconds East (bearings based on Nicollet County Coordinate System NAD83, 1996 Adjustment) on the east line of said Section 13, a distance of 1134.98 feet to the point of beginning; thence continuing South 00 degrees 07 minutes 26 seconds East on said east line, a distance of 285.05 feet; thence South 88 degrees 43 minutes 29 seconds West, a distance of 740.00 feet; thence North 00 degrees 07 minutes 26 seconds West, a distance of 100.00 feet to the north line of said Southeast Quarter of the Northeast Quarter; thence North 88 degrees 44 minutes 16 seconds East on said north line, a distance of 65.00 feet; thence North 00 degrees 07 minutes 26 seconds West, a distance of 185.00 feet; thence North 88 degrees 43 minutes 10 seconds East, a distance of 675.00 feet to the point to beginning.

Said parcel contains 4.56 acres of land.

CONSENT TO PETITION

I hereby certify that by resolution of the Board of Independent School District No. 508 at a meeting duly held on the 21 day of June, 2021, a resolution was passed by the School Board consenting to the foregoing Petition recommending that it be granted.

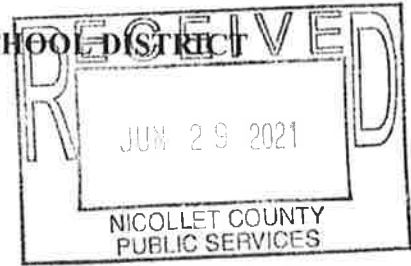


Clerk of School Board
Independent School District No. 508
St. Peter, Minnesota

I hereby certify that by resolution of the Board of Independent School District No. 2310 at a meeting duly held on the _____ day of _____, 2021, a resolution was passed by the School Board consenting to the foregoing Petition recommending that it be granted.

Clerk of School Board
Independent School District No. 2310
Gaylord, Minnesota

**PETITION OF LANDOWNERS FOR DETACHMENT AND ANNEXATION
FROM ONE SCHOOL DISTRICT TO ANOTHER SCHOOL DISTRICT**



To the County Board of Nicollet County, Minnesota.

The undersigned Petitioners represent and state:

1. We are the owners of adjoining tracts of land lying in both St. Peter School District No. 508 and Sibley East School District No. 2310 as depicted on the attached photo.
2. The tract of land lying and being in Sibley East School District No. 2310 is described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

3. The tract of land lying and being in St. Peter School District No 508 is described as follows, to-wit:

SEE ATTACHED EXHIBIT "B"

4. Petitioners are desirous of combining the two tracts in order to meet the minimum ag district lot requirements of the Nicollet County Planning and Zoning for the sale of real estate to Bruce M. Norell and Marci L. Norell pursuant to the fulfillment of an Option Contract by and between themselves and Maurice E. Norell and Margaret E. Norell dated June 14, 2001. The surveyed legal description for the parcel to be conveyed is as follows:

SEE ATTACHED EXHIBIT "C"

5. Applicable rules and regulations administered by Nicollet County Environmental Services require a minimum of 3.50 acres.
6. The tracts of land described in Exhibit "A" and Exhibit "B" cannot be combined under Minnesota Statute unless they are under the same taxing authority.
7. Combining the Exhibit "A" tract and Exhibit "B" tract will allow for compliance with Nicollet County Environmental Services minimum acreage requirement for ag districts and not diminish the use and ownership of the agricultural buildings used in the combined farming operations of Byron C. Norell, Burton A. Norell and Bruce M. Norell.
8. The granting of this Petition will not reduce the size of the St. Peter School District 508 more than forty (40) acres.

WHEREFORE, your Petitioners pray, that the tract described on the attached Exhibit "B" be detached from the St. Peter School District 508 and annexed to Sibley East School District No. 2310.

Dated: June 17, 2021

Respectfully submitted,


Bruce M. Norell


Marci L. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Bruce M. Norell of said County and State, deposes and says that he is one of the Petitioners named in the foregoing within-entitled proceeding; that he has read the attached Petition and that the same is true of his own knowledge, except those statements based on information and belief, which statements he believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.


Petitioner Bruce M. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Marci L. Norell of said County and State, deposes and says that she is one of the Petitioners named in the foregoing within-entitled proceeding; that she has read the attached Petition and that the same is true of her own knowledge, except those statements based on information and belief, which statements she believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.


Petitioner Marci L. Norell

Estate of Margaret E. Norell

By: Byron C. Norell P.R.
Byron C. Norell, Personal Representative

VERIFICATION

STATE OF MINNESOTA)
)
COUNTY OF _____) **SS.**
)

Byron C. Norell as Personal Representative of the Estate of Margaret E. Norell of said County and State, deposes and says that he is one of the Petitioners named in the foregoing within-entitled proceeding; that he has read the attached Petition and that the same is true of his own knowledge, except those statements based on information and belief, which statements he believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Byron C. Norell P.R.
Petitioner Byron C. Norell as
Personal Representative of the Estate
of Margaret E. Norell

Byron C. Norell
Byron C. Norell

Jill A. Norell
Jill A. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Byron C. Norell of said County and State, deposes and says that he is one of the Petitioners named in the foregoing within-entitled proceeding; that he has read the attached Petition and that the same is true of his own knowledge, except those statements based on information and belief, which statements he believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Byron C. Norell
Petitioner Byron C. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Jill A. Norell of said County and State, deposes and says that she is one of the Petitioners named in the foregoing within-entitled proceeding; that she has read the attached Petition and that the same is true of her own knowledge, except those statements based on information and belief, which statements she believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Jill A. Norell
Petitioner Jill A. Norell

Burton A. Norell

Burton A. Norell

Kelly L. Norell

Kelly L. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Burton A. Norell of said County and State, deposes and says that he is one of the Petitioners named in the foregoing within-entitled proceeding; that he has read the attached Petition and that the same is true of his own knowledge, except those statements based on information and belief, which statements he believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Burton A. Norell

Petitioner Burton A. Norell

VERIFICATION

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Kelly L. Norell of said County and State, deposes and says that she is one of the Petitioners named in the foregoing within-entitled proceeding; that she has read the attached Petition and that the same is true of her own knowledge, except those statements based on information and belief, which statements she believes to be true, and so declares under penalty of perjury.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Kelly L. Norell

Petitioner Kelly L. Norell



Sibley
East

St.
Peter

St.
Peter

Sibley
East

EXHIBIT "A"

Part of the North Half of the Northeast Quarter of Section 13, Township 111, Range 28, Nicollet County, Minnesota, described as follows: Beginning at the southeast corner of said North Half of the Northeast Quarter of Section 13; thence on an assumed bearing of South 88 degrees 49 minutes 05 seconds West along the South line of said North Half of the Northeast Quarter 675.00 feet; thence North 00 degrees 01 minutes 31 seconds West 185.00 feet; thence North 88 degrees 49 minutes 05 seconds East 675.00 feet to the East line of said Northeast Quarter, thence South 00 degrees 01 minutes 31 seconds East along said East line 185.00 feet to the point of beginning. This tract contains 2.87 acres of land and is subject to any and all easements of record.

EXHIBIT "B"

That part of Southeast Quarter of the Northeast Quarter of Section 13, Township 111 North, Range 28 West, Nicollet County, Minnesota, described as follows: Beginning at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of Section 13; thence South 88 degrees 43 minutes 29 seconds West (assumed bearing) on the North line of the Southeast Quarter of the Northeast Quarter of Section 13, a distance of 740.00 feet; thence South 00 degrees 07 minutes 26 seconds East on a line parallel with the East line of the Southeast Quarter of the Northeast Quarter of Section 13, a distance of 100.00 feet; thence North 88 degrees 43 minutes 29 seconds East on a line parallel with the North line of the Southeast Quarter of the Northeast Quarter of Section 13, a distance of 740.00 feet to the East line of the Southeast Quarter of the Northeast Quarter of Section 13; thence North 00 degrees 07 minutes 26 seconds West on said East line, 100.00 feet to the point of beginning.

Said parcel contains 1.70 acres of land, more or less.

EXHIBIT "C"

That part of the Northeast Quarter of the Northeast Quarter and that part of the Southeast Quarter of the Northeast Quarter of Section 13, Township 111 North, Range 28 West, Nicollet County, described as follows: Commencing at the Northeast Corner of said Section 13; thence South 00 degrees 07 minutes 26 seconds East (bearings based on Nicollet County Coordinate System NAD83, 1996 Adjustment) on the east line of said Section 13, a distance of 1134.98 feet to the point of beginning; thence continuing South 00 degrees 07 minutes 26 seconds East on said east line, a distance of 285.05 feet; thence South 88 degrees 43 minutes 29 seconds West, a distance of 740.00 feet; thence North 00 degrees 07 minutes 26 seconds West, a distance of 100.00 feet to the north line of said Southeast Quarter of the Northeast Quarter; thence North 88 degrees 44 minutes 16 seconds East on said north line, a distance of 65.00 feet; thence North 00 degrees 07 minutes 26 seconds West, a distance of 185.00 feet; thence North 88 degrees 43 minutes 10 seconds East, a distance of 675.00 feet to the point to beginning.

Said parcel contains 4.56 acres of land.

CONSENT TO PETITION

I hereby certify that by resolution of the Board of Independent School District No. 508 at a meeting duly held on the _____ day of _____, 2021, a resolution was passed by the School Board consenting to the foregoing Petition recommending that it be granted.

Clerk of School Board
Independent School District No. 508
St. Peter, Minnesota



I hereby certify that by resolution of the Board of Independent School District No. 2310 at a meeting duly held on the 21 day of June, 2021, a resolution was passed by the School Board consenting to the foregoing Petition recommending that it be granted.



Clerk of School Board
Independent School District No. 2310
Gaylord, Minnesota

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:	
June 21, 2021 Planning & Zoning Advisory Commission Meeting	
Primary Originating Division/Dept.: PPSP - Property Services Contact: Jon Hammel Title: DZA Amount of Time Requested 5 minutes Presenter: Jon Hammel Title: DZA	Meeting Date: 07/13/2021 Item Type: Regular Agenda (Select One) Attachments: ☒ Yes ☐ No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: 1) James and Jana Moeding / Jerald and Phyllis Kuehn Revocable Trust - Establish a commercial breeding kennel with a maximum of 18 adult dogs, including a no more than 13 unsterilized females. No public comment. No public testimony. 2) Brian Mock - After the fact conditional use permit for a level 2 home occupation sound and lighting business. Neighboring landowners Nancy and Bill Mattes and Gerald and Sharon Stoffregen commented in support of the request. No public testimony.	
Supporting Documents: ☐ Attached ☒ In Signature Folder ☐ None	
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A	
ACTION REQUESTED: Approval of conditional use permits and attached findings of facts.	
FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify	FUNDING County Dollars = 0 Other (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total



Planning & Zoning Advisory Commission

MINUTES

JUNE 21, 2021

9:00 PM

NICOLLET COUNTY
GOVERNMENT CENTER

BOARD MEMBERS	David Hermanson ☒ Chair	David Wendinger ☒ Vice Chair	Marie Dranttel ☒ Commissioner
			Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Ron Regenscheid ☒	Dave Ubel ☐
ABSENT EXCUSED	David Hermanson ☐ Chair	David Wendinger ☐ Vice Chair	Marie Dranttel ☐ Commissioner
			Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
ABSENT	David Hermanson ☐ Chair	David Wendinger ☐ Vice Chair	Marie Dranttel ☐ Commissioner
			Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
STAFF PRESENT	Property and Public Services Director Mandy Landkamer ☒		
	Deputy Zoning Administrator/Planner Jon Hammel ☒		
	Assistant County Attorney Megan E. Gaudette Coryell ☒		
	Other Staff ☐		
REVIEW OF CANCELLATIONS & ADDITIONS None.			
MOTION TO APPROVE MINUTES OF APRIL 19, 2021			
	APPROVE ☒		APPROVE WITH REVISIONS ☐
1ST	David Hermanson ☐ Chair	David Wendinger ☒ Vice Chair	Marie Dranttel ☐ Commissioner
			Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
2ND	David Hermanson ☐ Chair	David Wendinger ☐ Vice Chair	Marie Dranttel ☐ Commissioner
			Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Ron Regenscheid ☐	Dave Ubel ☐
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐ VOTE: 5-0
PUBLIC APPEARANCES None.			

PUBLIC HEARINGS:

APPLICANT: JANA AND JAMES MOEDING/JERALD AND PHYLLIS KUEHN REVOCABLE TRUST

FILE: PLN21-26

DESCRIPTION: ESTABLISH A COMMERCIAL BREEDING KENNEL

APPLICANT COMMENT James and Jana Moeding and Jerald and Phyllis Kuehn were present.

PUBLIC COMMENT None.

PUBLIC TESTIMONY None.

MOTION APPROVE WITH AMENDED CONDITIONS, THE LAST SENTENCE ON CONDITION #7 IS TO READ "THE APPLICANT MUST INSTALL A HOLDING TANK WITHIN 12 MONTHS OF TAKING OWNERSHIP OF THE PROPERTY" ☒ DENY ☐

1 ST	David Hermanson ☐ Chair	David Wendinger ☒ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☐	Ron Regenscheid ☐	Terry Morrow ☐ Commissioner, Alternate
2 ND	David Hermanson ☐ Chair	David Wendinger ☐ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☒	Ron Regenscheid ☐	Terry Morrow ☐ Commissioner, Alternate
			Dave Ubel ☐

Mrs. Moeding noted the proposal stated a holding tank would be put on the property at a later date. She noted they did not own the property yet and could not enter into a pumping contract until after the purchase of the property.

COMMISSIONER DISCUSSION Dranttel asked what the ordinance said regarding waste. Landkamer quoted that the onsite facility shall be designed to accommodate all waste from the kennel, including hosing and clean up.

Landkamer noted that if the intention was to put in a holding tank at a later date, then condition #7 would need to be amended. Dranttel suggested adding a time limit to the condition.

Landkamer noted that past kennel permits had required holding tanks.

VOTE TO APPROVE REQUEST PASS ☒ FAIL ☐ VOTE: 5-0

MOTION TO ADOPT FINDINGS OF FACT

1 ST	David Hermanson ☐ Chair	David Wendinger ☐ Vice Chair	Marie Dranttel ☒ Commissioner
	Justin Laven ☐	Ron Regenscheid ☐	Terry Morrow ☐ Commissioner, Alternate
2 ND	David Hermanson ☐ Chair	David Wendinger ☒ Vice Chair	Marie Dranttel ☐ Commissioner
	Justin Laven ☐	Ron Regenscheid ☐	Terry Morrow ☐ Commissioner, Alternate
			Dave Ubel ☐

VOTE TO ADOPT FINDINGS OF FACT PASS ☒ FAIL ☐ VOTE: 5-0

APPLICANT: BRIAN MOCK

FILE: PLN21-23

DESCRIPTION: AFTER-THE-FACT CONDITIONAL USE PERMIT FOR A LEVEL 2 HOME OCCUPATION SOUND AND LIGHTING BUSINESS

APPLICANT COMMENT Brian Mock was present. Mock asked for clarification on conditions #10 and #11. Hammel explained that any time businesses have employees or are open to the public, review by a design professional is required per the Department of Labor and Industry.

PUBLIC COMMENT None.

PUBLIC TESTIMONY None.

MOTION APPROVE WITH CONDITIONS ☒ DENY ☐

1 ST	David Hermanson ☐	David Wendinger ☐	Marie Dranttel ☐ Commissioner
	Chair	Vice Chair	Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Ron Regenscheid ☐	Dave Ubel ☐
2 ND	David Hermanson ☐	David Wendinger ☒	Marie Dranttel ☐ Commissioner
	Chair	Vice Chair	Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐

COMMISSIONER DISCUSSION

Laven stated the county does not have someone to review new homes for building code and asked why it was required in this case. Dranttel noted the difference between commercial and residential development. Laven said he felt hog barns were commercial and no one inspects them. Hammel noted there was an exemption for ag structures. Landkamer stated the county follows the direction of the Department of Labor and Industry standards. Hammel noted the conditions are the same as those attached to previous home occupation permits.

VOTE TO APPROVE REQUEST

PASS ☒

FAIL ☐

VOTE: 5-0

MOTION TO ADOPT FINDINGS OF FACT

1 ST	David Hermanson ☐	David Wendinger ☒	Marie Dranttel ☐ Commissioner
	Chair	Vice Chair	Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
2 ND	David Hermanson ☐	David Wendinger ☐	Marie Dranttel ☐ Commissioner
	Chair	Vice Chair	Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☒	Ron Regenscheid ☐	Dave Ubel ☐

VOTE TO ADOPT FINDINGS OF FACT

PASS ☒

FAIL ☐

VOTE: 5-0

OTHER:

OLD BUSINESS None.
 OTHER BUSINESS None.
 REVIEW OF PERMITS None.
 COMMUNICATIONS None
 MOTION TO ADJOURN 8:53 P.M.

1 ST	David Hermanson ☐	David Wendinger ☐	Marie Dranttel ☐ Commissioner
	Chair	Vice Chair	Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☒	Dave Ubel ☐
2 ND	David Hermanson ☐	David Wendinger ☒	Marie Dranttel ☐ Commissioner
	Chair	Vice Chair	Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐

VOTE TO ADJOURN

PASS ☒

FAIL ☐

VOTE: 5-0

DAVID HERMANSON,
CHAIR

DATE

JON HAMMEL,
DEPUTY ZONING ADMINISTRATOR /
PLANNER

DATE

Nicollet County Planning and Zoning Advisory Commission



June 21, 2021

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

Doors Open at 6:45 PM

County Board Room, Nicollet County Government Center, 501 South Minnesota Avenue, Saint Peter MN 56082

Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations and guidance about limiting unnecessary person-to-person contact, the Planning and Zoning Advisory Commission meetings will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means. Some members may participate by telephone or other electronic means.

Due to the current health pandemic, only a limited number of persons will be allowed in the meeting room at one time. Persons in attendance must maintain proper social distancing at all times while in the building.

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

Questions or comments regarding the meeting can be directed to Mandy Landkamer, Property Services Director, at 507-934-7074, or mandy.landkamer@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: May 17, 2021
5. Public Appearances

6. PUBLIC HEARING PLN 21-26

Applicant: Jana and James Moeding

Owner: Jerald and Phyllis Kuehn Rev Trust

Request: Establish a commercial breeding kennel

Location: Part of the Southwest ¼ of Section 7-110-26 in Traverse Township

Parcel Number: 12.107.1105

Mission Statement

*Providing efficient services
with innovation and
accountability.*

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

www.co.nicollet.mn.us

Vision Statement

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

7. **PUBLIC HEARING PLN 21-23**

Applicant/Owner: Brian Mock

Request: After-the-fact conditional use permit for a Level 2 Home Occupation sound and lighting business

Location: Lot 2 of Block 1 of Mattes Subdivision in Belgrade Township

Parcel Number: 01.643.0020

8. Review Permits

9. Old Business

10. Other Business

11. Communications: *County Board meets July 13, 2021*

12. Adjourn



Planning & Zoning Advisory Commission

MINUTES

MAY 17, 2021

9:00 PM

NICOLLET COUNTY
GOVERNMENT CENTER

BOARD MEMBERS	David Hermanson ☒ <i>Chair</i>	David Wendinger ☒ <i>Vice Chair</i>	Marie Dranttel ☒ <i>Commissioner</i>
	Justin Laven ☒	Ron Regenscheld ☒	Terry Morrow ☐ <i>Commissioner, Alternate</i>
ABSENT EXCUSED	David Hermanson ☐ <i>Chair</i>	David Wendinger ☐ <i>Vice Chair</i>	Marie Dranttel ☐ <i>Commissioner</i>
	Justin Laven ☐	Ron Regenscheld ☐	Terry Morrow ☐ <i>Commissioner, Alternate</i>
ABSENT	David Hermanson ☐ <i>Chair</i>	David Wendinger ☐ <i>Vice Chair</i>	Marie Dranttel ☐ <i>Commissioner</i>
	Justin Laven ☐	Ron Regenscheld ☐	Terry Morrow ☐ <i>Commissioner, Alternate</i>
STAFF PRESENT	Property and Public Services Director Mandy Landkamer ☒		
	Deputy Zoning Administrator/Planner Jon Hammel ☒		
	Assistant County Attorney Megan E. Gaudette Coryell ☒		
	Other Staff ☐		

REVIEW OF CANCELLATIONS & ADDITIONS		None.	
MOTION TO APPROVE MINUTES OF APRIL 19, 2021		APPROVE ☒	APPROVE WITH REVISIONS ☐
1ST	David Hermanson ☐ <i>Chair</i>	David Wendinger ☒ <i>Vice Chair</i>	Marie Dranttel ☐ <i>Commissioner</i>
	Justin Laven ☐	Ron Regenscheld ☐	Terry Morrow ☐ <i>Commissioner, Alternate</i>
2ND	David Hermanson ☐ <i>Chair</i>	David Wendinger ☐ <i>Vice Chair</i>	Marie Dranttel ☐ <i>Commissioner</i>
	Justin Laven ☒	Ron Regenscheld ☐	Terry Morrow ☐ <i>Commissioner, Alternate</i>
VOTE TO APPROVE MINUTES		PASS ☒	FAIL ☐ VOTE: 6-0
PUBLIC APPEARANCES		None.	

PUBLIC HEARINGS:

APPLICANT: NICK PETERS / PETERS FAMILY LLLP

FILE: PLN21-20

DESCRIPTION: ESTABLISH A SWINE FEEDLOT

APPLICANT COMMENT	Nick Peters was present.		
PUBLIC COMMENT	None.		
PUBLIC TESTIMONY	None.		
PUBLIC PARTICIPATION	None.		
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐
1ST	David Hermanson ☐ Chair	David Wendinger ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
2ND	David Hermanson ☐ Chair	David Wendinger ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
COMMISSIONER DISCUSSION	Justin Laven recused himself from the hearing. Hermanson asked why the farrowing pit was only 2 feet deep. Peters responded the design is a pull plug system. Once a month the plug will get pulled and the waste will drain into the gestation barn which has a 9-foot pit. Such systems are used for farrowing barns so the piglets do not receive a draft from the pit. Hermanson asked if the gestation pit has enough capacity for a year. Peters responded, yes, the gestation barn has adequate capacity.		
VOTE TO APPROVE REQUEST	PASS ☒	FAIL ☐	VOTE: 5-0
MOTION TO ADOPT FINDINGS OF FACT			
1ST	David Hermanson ☐ Chair	David Wendinger ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
2ND	David Hermanson ☐ Chair	David Wendinger ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒
VOTE TO ADOPT FINDINGS OF FACT	PASS ☒	FAIL ☐	VOTE: 5-0

OTHER:

OLD BUSINESS	None.		
OTHER BUSINESS	None.		
REVIEW OF PERMITS	None.		
COMMUNICATIONS	None.		
MOTION TO ADJOURN	9:14 P.M.		
1ST	David Hermanson ☐ Chair	David Wendinger ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☒

2 ND	David Hermanson ☐	David Wendinger ☒	Marie Dranttel ☐ Commissioner
	Chair	Vice Chair	Terry Morrow ☐ Commissioner, Alternate
	Justin Laven ☐	Ron Regenscheid ☐	Dave Ubel ☐
VOTE TO ADJOURN		PASS ☒	FAIL ☐ VOTE: 6-0

DAVID HERMANSON, CHAIR	<i>David Hermanson</i>	DATE	6-21-2021
JON HAMMEL, DEPUTY ZONING ADMINISTRATOR / PLANNER	<i>J-H</i>	DATE	6-21-21



CONDITIONAL USE PERMIT

ESTABLISH A COMMERCIAL BREEDING KENNEL

**JANA & JAMES MOEDING /
JERALD & PHYLLIS KUEHN
REVOCABLE TRUST**

PLN21-26

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	PLN21-26, Conditional Use Permit
APPLICANT:	Jana and James Moeding
LANDOWNER:	Jerald and Phyllis Kuehn Revocable Trust
LOCATION:	Part of the Southwest ¼ of Section 7-110-26 in Traverse Township
PARCEL NO:	12.107.1105
EXISTING ZONING:	Agricultural Preservation, Conservancy
HEARING DATE:	June 21, 2021

REQUEST

The applicants have submitted a request to establish a commercial breeding kennel. The applicants currently operate Rosewood Kennel in Montevideo, Minnesota. They have operated the kennel for 15 years and are licensed by the Minnesota Board of Animal Health. Mrs. Moeding runs the breeding program and Mr. Moeding does the cleaning, maintenance, and transportation for the business.

Their proposal is to relocate the kennel to Nicollet County in order to be closer to the applicants' family. The applicants cross Golden Retrievers and Poodles to breed Goldendoodles. The kennel will contain no more than a total of 18 adult dogs, including no more than 13 unsterilized females. Females are bred for five years and are then rehomed to families free of charge.

The business would generally not be open to the public and would essentially be by appointment only. Appointments will be made from late morning to late afternoon. At most, two adult members of a family are allowed onsite at any one time. When the puppies are 6 weeks of age they meet potential owners. The puppies are then matched with customers and at 8 weeks, the puppies are sent home with their new families.

The applicants intend to utilize existing buildings for the kennel operation. This includes:

- 20' x 26' granary – would be used as a nursery with 5 outside fenced dog runs.
- 20' x 40' chicken house – would be used as the main kennel with 10 outside dog runs.
- 20' x 32' shop/machine shed – would be used as a shop.

The inside of the kennels will have sound dampening. Each kennel run will have a roof and a retractable sound control curtain that will be lowered at night. The applicants intend to construct two 6-foot by 160-foot solid wooden fences to help screen the kennel from view and for aiding in sound control. The exercise area will be surrounded by a wire fence. The kennel will be partially screened by the proposed fences, as well as by existing vegetation and buildings. The kennel will be located approximately 600 feet away from County Road 15. The closest non-associated dwelling is located 880 feet southeast of the proposed facility. This meets the required 500-foot kennel to dwelling setback as per Section 720.2 of the Zoning Ordinance. The applicants have applied for a variance to two setbacks, as noted in the table below. The variance request will be heard at the June 21, 2021 meeting of the Board of Adjustment and Appeals.

Standard	Required	Proposed
Structures used for animal (canine) confinement from property line	100'	48' (Variance)
Outside fenced run areas to property line	100'	42' (Variance)
Structures used for animal (canine) confinement from existing dwellings	500'	880'
Outside fenced run areas to existing dwellings	500'	880'

The applicants are not proposing any permanent signage. Temporary signage may be set out at the end of the driveway on days when customers are expected to be onsite. Parking will be allowed along the gravel driveway or in front of the garage. Traffic trips would range from 1-2 per day at most.

The kennels are washed and disinfected daily. Animal waste will not be allowed to accumulate on the ground. Wastewater will flow to a holding tank and solid waste will be bagged and disposed of in a garbage receptacle. Waste will be picked up by a sanitation company.

Existing Land Use:

The property currently contains 65.8 acres and is zoned a mix of Agricultural Preservation and Conservancy. The building site contains a dwelling, garage, barn, chicken house, granary, and three machine sheds. The proposed split would create a 6.07 acre new lot with the building site.

Surrounding Land Use:

The surrounding land use is primarily agricultural. The property is approximately ¾ of a mile west of the City of Saint Peter.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505 of the Zoning Ordinance and Minnesota State Statute §394.26.

CONDITIONAL USE PERMIT CRITERIA

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

True, because:

- Kennels are a conditionally permitted use in the Agricultural Preservation and Conservancy zoning districts.
- The applicants will be required to meet and maintain the applicable standards and setbacks required in Section 720 of the Zoning Ordinance.

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

True, because:

- The size and function of the proposed kennel facility is not unreasonable for the surrounding infrastructure.
- The applicants are proposing a maximum of 1-2 traffic trips per day.
- Traverse Township was noticed of the request, although did not provide comment.

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

True, because:

- The location is within a predominantly agricultural area.
- The proposal involves the remodeling of agricultural buildings to be used as part of the kennel facility.
- The kennel meets the required 500-foot setback to neighboring residences.

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

True, because:

- The facility will be screened by the proposed fences and existing vegetation and buildings.
- Dog waste will not be allowed to build up on the ground. Waste will be stored in a holding tank or garbage receptacle and disposed of by a sanitation company.

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

True, because:

- The requested use meets the applicable setbacks, standards, and requirements found in Sections 602, 603 and 720 of the Zoning Ordinance for kennels in the Agricultural Preservation and Conservancy zoning districts.
- The request meets the standards of Section 505 of the Zoning Ordinance, pertaining to the approval and issuance of conditional use permits.

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

True, because:

- The plan notes the importance of agriculture to the county and to the local economy. The proposal does not include the development of any agricultural lands.

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

True, because:

- The applicants intend to soundproof the confinement structures and construct a 6-foot high wooden fence for sound control. At night, the kennel runs will have a retractable sound control curtain.
- The kennels will be washed and disinfected daily and animal waste will not be allowed to accumulate on the ground.

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

True, because:

- The surrounding land use is predominantly agricultural.
- The site is located in an existing farm landscape outside of the City of Saint Peter.
- Kennels are a conditionally permitted use in the Agricultural Preservation and Conservancy zoning districts.

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

True, because:

- Waste from the kennel operation will be disposed of by a sanitation company.
- The applicants propose to install a holding tank for liquid waste and wastewater.
- Sound control measures will be implemented to reduce nuisance sounds, such as a sound fence, sound insulation, and a retractable sound curtain.

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

Will Not – True, because:

- The request is proposed to meet the standards for kennels in the Agricultural Preservation and Conservancy zones, with no apparent adverse effects to the public health, safety, and welfare.

RECOMMENDATIONS

If approved, staff recommends the following conditions be attached to the conditional use permit:

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The zoning permit is invalid if the holder has not substantially completed the building within the period of time allowed on the zoning permit connected with this conditional use permit.
3. The conditional use permit will be periodically reviewed by the county to ensure compliance with the permit and permit conditions.
4. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. Any sign for the business to be located on-site must adhere to the signage standards set forth in the Nicollet County Zoning Ordinance. A zoning permit shall be required prior to placement of any such signage.
6. Any structural alteration, expansion, intensification of use, or similar change, beyond that which has been proposed by the applicant, shall be treated in the same manner as a request for a new conditional use permit.
7. A watertight holding tank shall be installed for animal waste, as proposed by the applicants. This tank shall have an alarm to indicate when the tank is at 75% of maximum capacity, indicating that pumping is required before there is any back up into the facility or accidental discharge. The applicants must submit a holding tank pumping contract **prior** to issuance of this conditional use permit.
8. The contents of the holding tank must be removed by a licensed waste pumping/hauling business and legally disposed in accordance with the regulation for the type of waste. Receipts for this pumping shall be kept and be available upon request to verify the condition is being met.

9. Complaints of barking dogs stemming from the facility shall be addressed by the owner/operator in a written noise abatement plan. Failure to address the complaints will prompt review of this conditional use permit by the Planning and Zoning Advisory Commission and the Board of Commissioners and may become necessary and subject to revocation of this permit.

Parcel No: 12.107.1105

Map No: 1407300014

Applicant: Jana and James Moeding
Landowner: Jerald and Phyllis Kuehn Revocable Trust

PLN21-26

ATTACHMENT A Application

ATTACHMENT B Criteria for Conditional Use Permit

ATTACHMENT C Location Map

ATTACHMENT D Aerials

D.1 Large Aerial

D.2 Small Aerial

ATTACHMENT E Neighbor Notification List

ATTACHMENT F Documents Submitted by Applicant

F.1 Survey

F.2 Site Plan

F.3 Written Proposal

F.4 Permission Statement



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

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$446.00

Map#: 1407300014
Parcel#: 121071105
Permit#: PLN21-00026
Date: May 27, 2021

Applicant: JANA AND JIM MOEDING, , 2056 60TH AVE NW, MONTEVIDEO MN 56265

Phone: 3202697716

Owner: KUEHN REV TRUST, JERALD H & PHYLLIS A, 36923 COUNTY ROAD 15, SAINT PETER MN 56082

Property Address: 36923 COUNTY ROAD 15, ST PETER MN 56082

Abbreviated Legal Description: W 1/2 W 1/4 LYG S OF SA 15 "EX ROW PLAT 13" ACRES 50.39 & TRACT COMM
CENT SEC SLY 781.80'; SLY 673.73'; WLY 574.92'; SLY 179.59'; W 322.17'; & W 411.21' TO POB; E 411.21'; & 322.17';
NLY TO N LN S 3/4 OF E 1/2 SW 1/4 ALONG SAID N LINE TO INT

Township: Traverse Township

Record Type: Conditional Use

Category: Kennel

Project Description: Establish a commercial breeding kennel with up to 13 unsterilized females and no more than 18 adult dogs.
Ref: 505, 602.3, 603.3, 720.

Planning Commission Hearing Date: 06/21/2021

Board of Commissioners Date: 07/13/2021


APPLICANT SIGNATURE

5/28/21
DATE

ATTACHMENT A
Application



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

Name of Applicant: Jana and James Moeding **Date:** June 21, 2021
Property Owner: Jerald and Phyllis Kuehn Revocable Trust **File #:** PLN21-26
Use Requested: Establish a commercial breeding kennel

FINDINGS OF FACT

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

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

	YES	NO	ABSTAINED	ABSENT	
David Hermanson	☒	☐	☐	☐	<u>WHY:</u> Kennels are permitted in the Ag district. Entertains all setbacks in Ag preservation
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

	YES	NO	ABSTAINED	ABSENT	
David Hermanson	☒	☐	☐	☐	<u>WHY:</u> Size and function not unreasonable for surrounding area.
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

	YES	NO	ABSTAINED	ABSENT	
David Hermanson	☒	☐	☐	☐	<u>WHY:</u> Meets required 500' setback to neighboring residences, Location in predominantly ag area.
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: Facility will be screened by existing vegetation, fences and buildings. Waste will not be allowed to build up.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: Request meets the standards of SOS of the zoning ord. Meets all setbacks found in 602, 603, and 70 of zoning ordinance.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: Proposal does not include development of ag land.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: Applicants intend to soundproof structures and have a fence. Kennels will be washed and disinfected daily.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: site is located in existing farm landscape. Surrounding land use is predominantly ag. Kennels permitted in Ag Pres,

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: waste will be disposed of by a sanitation company. Sound control measures are to be implemented.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: request is proposed to meet standards for kennels in Ag zone.

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

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:

(☒ APPROVES) (☐ DENIES)

THE REQUESTED CONDITIONAL USE PERMIT

This decision is based on:

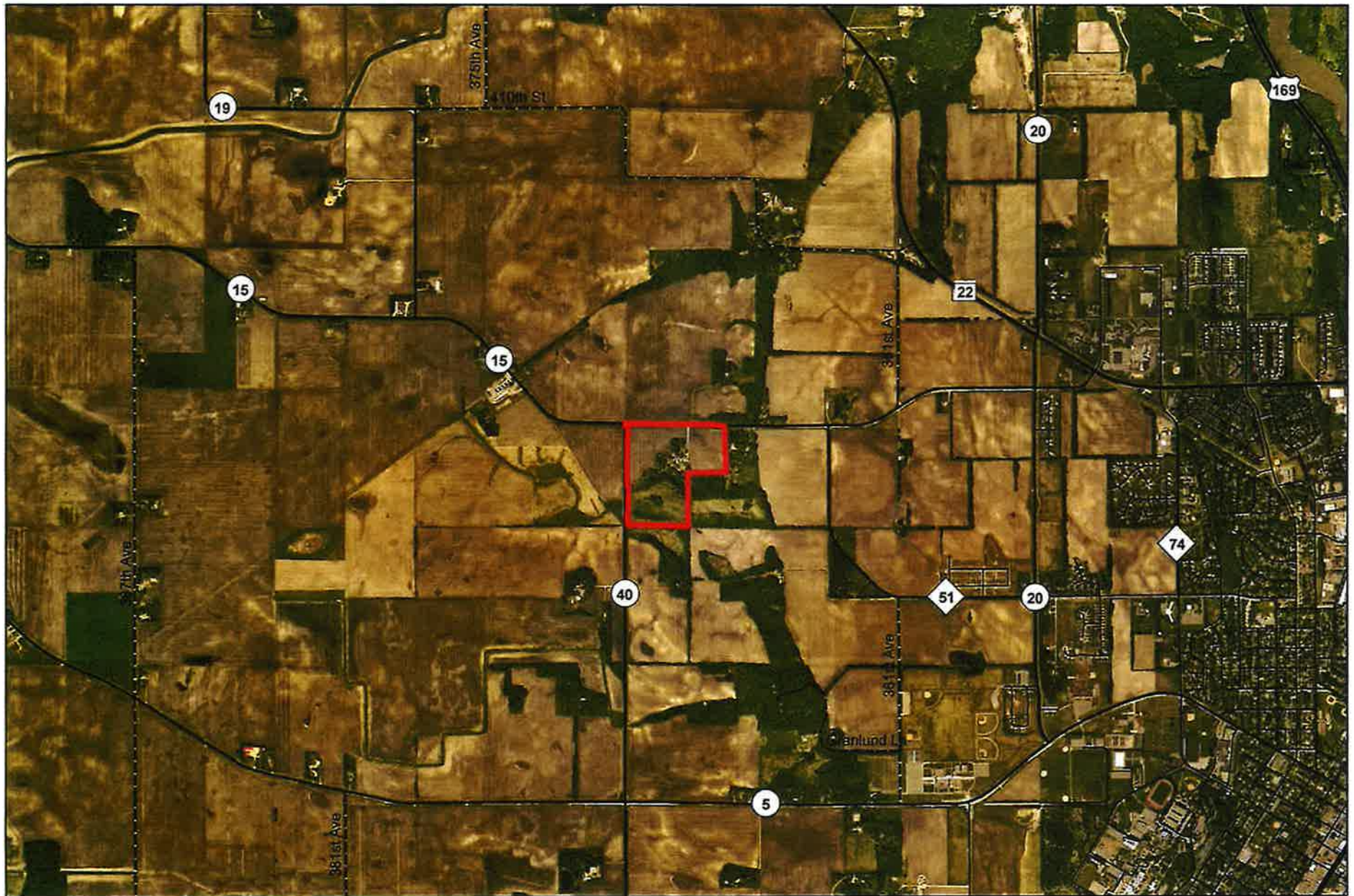
- ☒ Application
- ☒ Staff Report
- ☒ Pictures
- ☒ Information received at public hearing

Viewed by Members of Board:

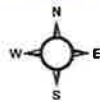
- ☐ Hermanson
- ☐ Wendinger
- ☐ Laven
- ☐ Dranttel
- ☐ Regenscheid
- ☐ Ubel

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

Date: _____ Chair: _____



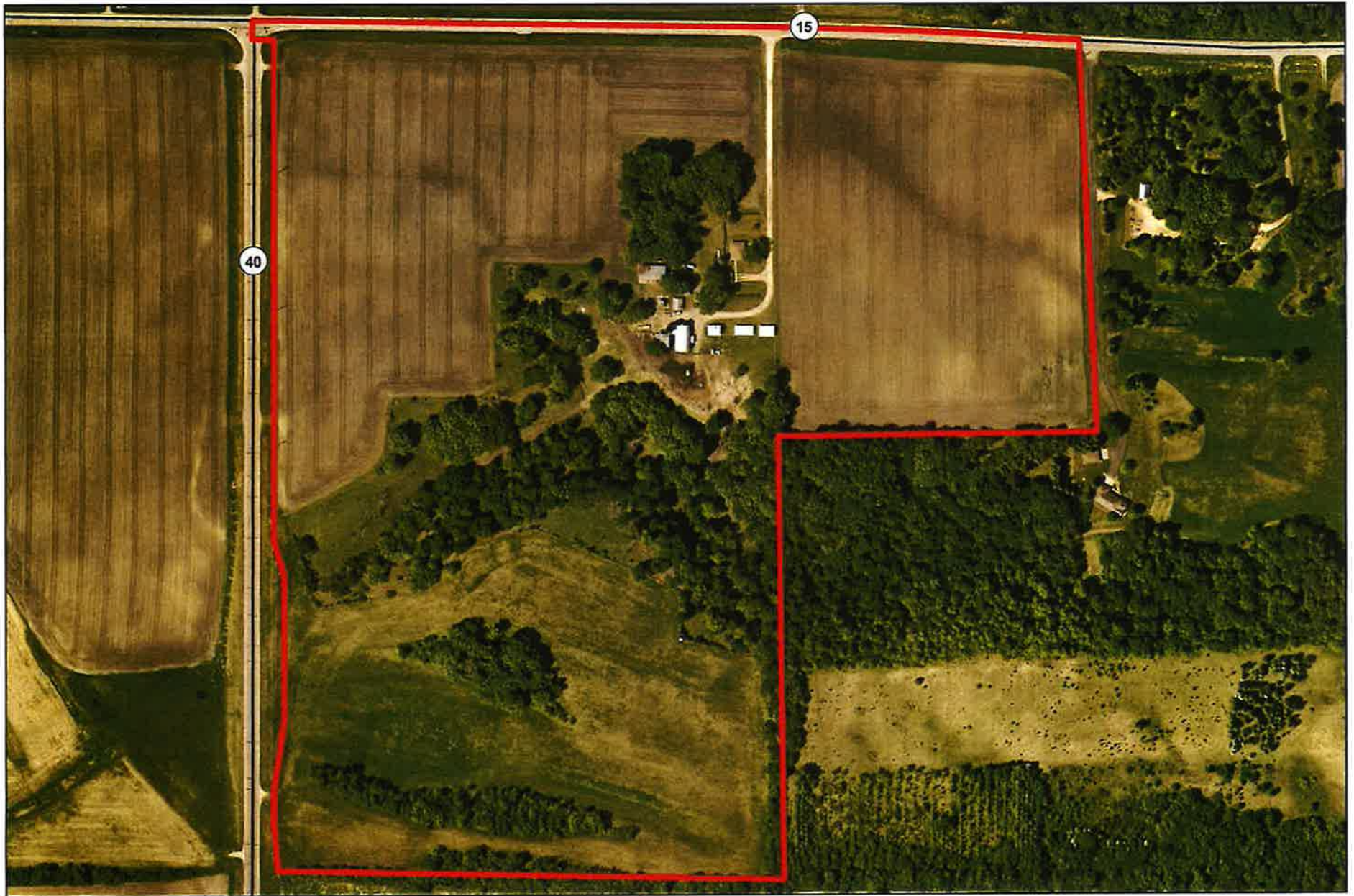
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual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



1:30,000 1 inch = 2,500 feet

0 1,200 2,400 Feet

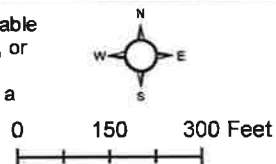
ATTACHMENT C Location Map



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

1:3,600

1 inch = 300 feet



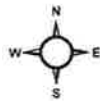
ATTACHMENT D.1 Large Aerial



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

1:1,200

1 inch = 100 feet



0 50 100 Feet

ATTACHMENT D.2 Small Aerial

BRENDA DEBLIECK REV TRUST
36910 COUNTY ROAD 15
SAINT PETER MN 56082

TIMOTHY & LISA ENZ
42297 387TH AVE
SAINT PETER MN 56082

THOMAS HERGERT
36706 COUNTY ROAD 15
SAINT PETER MN 56082

DEBRA KING
23527 COUNTY RD 40
NEVIS MN 56467

LUKE KRUEGER
62385 215TH ST
EAGLE LAKE MN 56024

JERALD & PHYLLIS KUEHN REV TRUST
36923 COUNTY ROAD 15
SAINT PETER MN 56082

DAVID & MARY MOGENSEN REV TRUST
46599 391ST AVE
SAINT PETER MN 56082

NATHAN & MACEYLYN NEWHOUSE
36815 COUNTY ROAD 15
SAINT PETER MN 56082

BARBARA OLMANSON
40497 COUNTY RD 20
SAINT PETER MN 56082

VERL & SANDRA PETTIS
36753 COUNTY ROAD 15
SAINT PETER MN 56082

LOREN STAUFF REV TRUST
1220 STATE HIGHWAY 99 E
CLEVELAND MN 56017

MARK & JACALYN WETTERGREN
42238 371ST AVE
SAINT PETER MN 56082

SCOTT & AMY WOLFE
124 LYNX LN
MANKATO MN 56001

TRAVERSE TOWN BOARD
41416 403RD AVE
SAINT PETER MN 56082

ATTACHMENT E
Notification List



ATTACHMENT F.1
Survey

PROPOSED DESCRIPTION

That part of the Northwest Quarter of the Southwest Quarter and that part of the Southwest Quarter of the Southwest Quarter of Section 7, Township 110 North, Range 26 West, Nicollet County, Minnesota, described as follows: Commencing at the West Quarter Corner of said Section 7; thence South 00 degrees 08 minutes 08 seconds West (bearing based on Nicollet County Coordinate System NAD83, 1996 Adjustment) on the west line of said Section 7, a distance of 693.16 feet; thence South 88 degrees 56 minutes 50 seconds East, a distance of 1131.42 feet to the point of beginning; thence continuing South 88 degrees 56 minutes 50 seconds East, a distance of 66.00 feet to the east line of said Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter; thence South 00 degrees 03 minutes 20 seconds East on said east line, a distance of 925.05 feet; thence North 88 degrees 56 minutes 50 seconds West, a distance of 410.80 feet; thence North 00 degrees 08 minutes 07 seconds East, a distance of 622.78 feet; thence South 89 degrees 12 minutes 43 seconds East, a distance of 382.65 feet; thence North 00 degrees 03 minutes 20 seconds West, a distance of 267.46 feet; thence North 88 degrees 56 minutes 50 seconds West, a distance of 39.96 feet; thence North 00 degrees 03 minutes 20 seconds West, a distance of 33.01 feet to the point of beginning.

Said parcel contains 6.07 acres of land.

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND

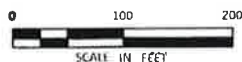
REVISED ORIGINAL SURVEY: 5-28-2021

SURVEYOR'S CERTIFICATION

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

Michael M. Eichers
Michael M. Eichers
License Number 46564

09/18/2020
Date



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CERTIFICATE OF SURVEY
TRAVERSE TOWNSHIP, NICOLLET COUNTY, MINNESOTA

BOLTON & MENK

1950 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

THAT PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 110 NORTH, RANGE 26 WEST, TRAVERSE TOWNSHIP, NICOLLET CO., MN FOR: JERRY KUEHN

506122530M

Co Rd 15



Max
10x6

Hse

Driveway parking
2 car maximum
120 sq ft ea
240 sq ft total

4-Mach
shed
16x42

gar

Bulk food
storage on
pallets in garage

Drive

NY-DI
corn crib
20x22

Food is stored
in sealed containers
in each Kennel on
daily basis

Kennel runs with roof
and retractable sound control
curtain lowered at night

4-E am
30x36

sil

NY-milk
hse 10x14

NY: 10 m

Fenced
in Kennel
runs

Nursery

Kennel

gar

solid
wood fence
for sound
control
6' tall

water
source
from well
for both bldgs.

Antara
holding tank
for Kennels

exercise area



ATTACHMENT F.2
Site Plan

May 5, 2021

Jana & Jim Moeding
2056 60th Ave NW
Montevideo MN 56265

Jon Hammel
Nicollet County Planning
501 S. Minnesota Avenue
St. Peter, MN 56082

Dear Mr. Hammel,

Attached, please find the enclosed application and associated documents for our proposed Variance and Conditional Use Permit for the property at 36923 County Road 15, St. Peter, MN.

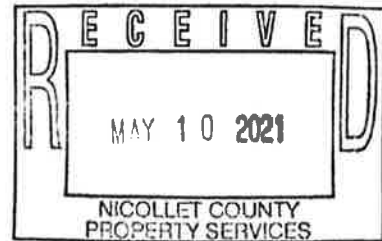
I will remit the necessary fees upon your request.

Please let me know if you have any questions.

Sincerely,



Jana Moeding
Encl.



ATTACHMENT F.3
Written Proposal

Rosewood Kennel Business Plan Review

1. Business Model

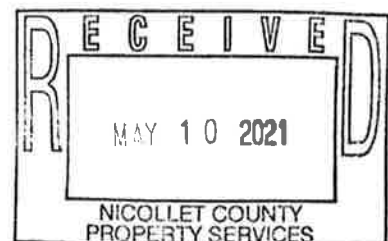
- a. Rosewood Kennel was started in 2006 in Montevideo MN by Jim and Jana Moeding for the purpose of selling Goldendoodle Puppies to families that may have allergies, or other special needs that would be helped by having a hypoallergenic puppy join their family.
- b. We breed a Golden Retriever and a Poodle. We will be housing 18 or less adult dogs and offering litters of puppies for sale occasionally throughout the year.
- c. Jana has 15 plus years of experience in breeding dogs. We only sell one type of breed so we know the background and temperaments of all of our dogs. We only breed the females for 5 years then we rehome them into families free of charge.
- d. We are not open to the public so traffic on County Rd 15 will be very limited. Families will meet the puppies at 6 weeks of age and then return at 8 weeks to pick up. We do not plan to install a permanent sign but will place a temporary sign at the end of the driveway to guide families to the correct location.
- e. Jana has a clinical background and has taken 2 complete vet tech college courses. She has experience with helping our vets with C-sections and does her own ultrasounds and other medical procedures for the care of our dogs.
- f. We have been licensed by the Minnesota Board of Animal Health and to date we have not received a sine deficiency.
- g. Animal waste will not be allowed to accumulate on the ground. We will pick up waste, and wash and disinfect the kennels daily. The wastewater will go into a holding tank. Any solid waste will be bagged and picked up by the waste management company on their scheduled route.

2. Ownership and Management

- a. Rosewood Kennel is jointly owned by Jana and Jim Moeding as the sole proprietors.
- b. Jana is in charge of the breeding program and the day to day business operations and Jim is responsible for daily cleaning and maintenance and transportation.

3. Facilities and noise control

- a. We propose to use an existing 20' X 40' building to house the dogs. We will install windows, drains, doors, exhaust fans, a heating system and air conditioning to the building. We will have gravel and concrete on the ground outside the building and connect drains to bring the wastewater to the holding tank. The building will be insulated for comfort as well as sound control. An adjacent building will contain 4-5 nursery bays.
- b. We will cover the outside kennels with a roof and the exposed ends will be covered to also keep the sound from traveling.
- c. A wooden fence will be erected to also help keep the sound from traveling outside the immediate area of the kennel. Sound control is of the utmost importance to us.



Application for Variance and Conditional Use Permit to Operate Rosewood Kennel

Applicants & Property Owners

James and Jana Moeding
36923 County Road 15
St. Peter, MN
Request

Request for review and approval of a Variance and Conditional Use Permit to operate a dog kennel. The proposed kennel will accommodate 18 or less adult dogs and will on occasion offer litters of puppies for sale.

The property address is 36923 County Road 15, St. Peter, MN.

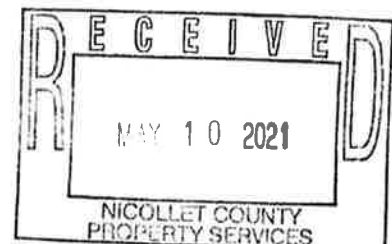
Our Business

We started Rosewood Kennel in 2006 in rural Montevideo, MN. Our youngest daughter has asthma and allergies and our dog at that time was a Golden Retriever. We wanted to find a dog that was more hypoallergenic for our daughter's comfort and well-being. Since we always had Golden Retrievers growing up, we wanted to find a similar dog, but one that did not shed. We stumbled upon a breeder that advertised a dog that had the loving attributes of the Golden Retriever and intelligence of a Poodle but did not shed, or shed very minimally and they called it a Goldendoodle. In all of my 67 years of having dogs never had I owned one as loving and dedicated to my family as our Goldendoodle. The best part was that our daughter showed no allergy issues to him. She has had her own now for the past 14 years without issue.

I began my research and I wanted to make sure I would be producing the healthiest, most socialized puppies I could. In learning about Golden Retrievers and Poodles and their genetic predispositions I knew that genetic testing was the very best way to ensure we produced quality puppies. Careful selection of well bred, healthy puppies also proved crucial. I developed a website and launched it a year prior to purchasing any dogs to raise awareness of a healthy alternative for those wanting one of the best family dogs available and putting them in families that might not otherwise be able to have one due to allergy issues.

Ownership and Management

The Business is a joint ownership with Jana Moeding and Jim Moeding as the proprietors. Jana will run the day-to-day operations, and Jim will assist in daily cleaning duties and maintenance of the building and property. There will not be onsite visits except for that time when the puppies turn 6 weeks old and are matched to their families. At that time one family consisting of 2 adult members, will be allowed to meet the puppies where we will evaluate the interaction and family dynamic along with our temperament evaluation, and we will begin the matching process. Once the families have met the puppies, we will notify them of their match. We feel this method of placing puppies is far more successful than assigning them in order of when the applications are received. We are very careful in our process as this is a long commitment for the family and the dog.



We offer our puppies at a very reasonable price compared to other breeders because we want everyone to be able to adopt one of our puppies, not just those that have a larger discretionary fund.

Our Passion

Hypo-allergenic puppies can be trained to be both service dogs and therapy dogs. We donate a puppy every year to different organizations that train the puppies and place them, free of charge, to special needs families. We have dogs that have been placed with epileptic children and can alert parents prior to the child having a seizure, another that is with a hearing impaired adult, several that have been placed with autistic children, one that can detect a diabetic reaction before it happens in a Brittle Diabetic adult, several that have been trained to comfort soldiers coming home with PTSD. We have one in the Marshall MN School System for At Risk children, one that is at the U of M in Morris that is with the Police Department that helps in dealing with students that may have experienced a violent crime, and the list goes on. We have many that are therapy dogs. Our Veterinarian has one of our Goldendoodles and his wife uses theirs in therapy for Hospice Patients and 2 of our dogs are in Funeral Homes as comfort dogs. The best part of this is that these dogs can be in families or in facilities where there can be or are allergy concerns! We do not breed a wide variety of dog types, but primarily focus on breeding Goldendoodles. In this way, we can give expert advice on the breed. We do breed many different sizes however, and this enables apartment or condo dwellers to have a wonderful dog at a smaller size or those who may want a hunting or running buddy in a larger size.

We do not do formal training on site but do temperament assessments to match the very best puppy with a family or to ascertain which might make the best choice for a Service Dog. We also work on beginning potty training.

I have completed two Vet Tech Courses; do my own Ultrasounds, shots, and dew claw removals. Since I have a medical background I feel very competent in my experience. I am typically present in surgery anytime our females have a C Section and help with the puppies.

We have been breeding for over 15 years and are licensed by The Minnesota Board of Animal Health. We have never been cited for an infraction. It is our desire to bring the same level of quality and care to our new location. Our reason for relocating is to be nearer to both of our daughters, their husbands and our grandchildren. Our son-in-law is a licensed contractor in the Lake Crystal/Mankato area so we hope to have this work done in as timely a manner as possible.

We advertise only on our website. We do not run ads or use Facebook to sell. Our goal is to find quality, loving families and to not merely sell puppies. We have a lengthy application to vet families. We will turn down applicants if we do not feel comfortable that they will provide loving, safe homes for our puppies. Each of our litters are spoken for prior to their births and we have a large wait list.

All of our adult dogs are raised as puppies so we can form their temperaments and personalities. They are all genetically tested prior to breeding for each disease that the breed can be susceptible to such as Hip Dysplasia, or Eye Problems, etc. If they do not pass their testing they are given away with full disclosure and a spay/neuter. We offer a 2 to 3 year genetic health warranty on all of our puppies. We also will take any of our puppies back if there is an issue in the family, though it is a exceedingly rare occurrence. Once that puppy is evaluated, and we feel



MAY 10 2021



comfortable in doing so, we will rehome it. Our adult dogs are rehomed into families after 5 years of age so that they have the majority of their lives with a family. We do not charge for these dogs because we want them in deserving families. Because of this we have younger dogs coming up in the ranks to replace those leaving at age 5. We never overbreed a dog. They are vetted regularly and loved. I spend a great deal of time every day with them. Neither they, nor our own dogs are ever allowed to run loose. We have never had a complaint in this or any other regard in the fifteen years we have lived in rural Montevideo.

The Target Market

At the present time we have dogs all over the United States. Most of the placements out of our Tri State area are referrals from friends and families. We have a Pet Nanny that flies out of state, long distance puppies in the cabin with her. We also have an individual that will drive a puppy anywhere in the US if that is preferred. Everything we do is in the best interest of the puppy and the family they are adopted by. In one of our recent litters 9 out of 10 of the puppies went to families as a second dog from us. Word of mouth referrals are our best advertising.

Facilities

The Business plans to utilize our 20' by 40' building, located in the middle of our property. The buildings are well within the required setbacks. As evidenced by the attached letter, we have the full support of the landowner surrounding the property for a Variance since the setback falls short of the required 100 ft. The kennel would have 10 5'x6' indoor kennels, and 10 6'x10' outside kennel runs. In addition, there would be 4 or 5 nurse kennels, which are used for whelping litters in the adjacent building. There will be a quarantine kennel located in a separate area of the building for newly acquired dogs. The indoor space will be heated and air conditioned with exhaust fans. The facility will have sufficient property fenced in to exercise several dogs at a time during the day. Finally, the Business will be putting in a 2,000-gallon holding tank that will be used to contain all water used by the kennel and will be pumped out when full. The Business would expect this facility to take several months to remodel after approval of the Variance and Conditional Use Permit and depending on factors outside the Business' control such as weather and availability of construction materials that could be reduced due to COVID and closing of the home.

Currently there is a feedlot onsite and it has been requested by the individual operating it as well as the seller that it remains. Though it would generate an additional income for us, we are willing to terminate the arrangement in order to enable us to continue operating our kennel.

Attached is a site plan map showing the proposed location of the new facility.

Noise Control

An aspect of any kennel is trying to keep noise levels down. To do this, the Business would install noise insulating walls in the facility to reduce any sound in the interior from going outside. Exterior kennels will also have roofs to further facilitate this. Privacy fencing will be installed around the facility to help noise rebound back towards the facility instead of to neighboring properties. Finally, the outside kennel runs will have additional roll down type doors that can be closed to help reduce the amount of sound generated by dogs that are outside. There are also large numbers of trees surrounding the property that will also insulate against the noise.

MAY 10 2021

The dogs will be allowed to be outside from 7 a.m. to no later than 9 p.m., but otherwise will be locked inside. If necessary, we will get bark collars for any dog needing one.

Waste Disposal

Any waste generated by the animals is picked up on a daily basis, bagged and placed into a dumpster and emptied by the local refuse company at least once every two weeks. Inside and outside kennels are cleaned and disinfected daily with the water going into a holding tank. Our long range plans will be to add concrete with drains outside as well as time and weather allows. No waste will go into the ground.

Customers

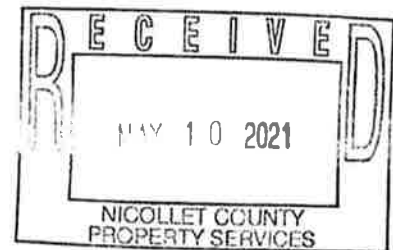
On a yearly average, there would be less than two customers at the kennel at one time and only once the puppies turn 6 weeks of age and have had their first immunizations. Once the puppies are 8 weeks old the same type of schedule will be observed. Customers come by appointment only. Since we have a private road this should not affect the neighboring homes.

The Business will have a sign placed on the property only as a means to guide people in. We can make the sign portable and put it out only when we expect a visit if that is more satisfactory. Visitors are not allowed to drop in. If a sign is not appropriate in the county, we will not put it up. Again, it would only be allowed within our yard if approved. Our advertising is done by word of mouth, or on our personal website.

State Licensing

As previously stated we are licensed by the State of Minnesota and have been for many years. An inspection by the Minnesota Board of Animal Health is done yearly. A yearly site visit from our veterinarian is also done.

We respectfully request the issuance of a Variance and Conditional Use Permit for our Rosewood Kennel facility.



References

- ❖ Jana was great to work with. On the pickup day, she hugged each puppy with tears in her eye before giving them to their new owners. This told us a lot about the genuine love she has for her dogs. Our vet was also impressed with the care our goldendoodle had received from Rosewood Kennels.

As for the goldendoodle breed, Remi, our 4 mo old teddy bear black goldendoodle has been one of those true joys of life. Even my wife, who previously had nothing to do with our labs, has allowed Remi the run of the house. Absolutely no shedding, and easy to train due to her innate intelligence.

Jana had her 80% potty trained at 7 weeks and also trained to use a doggy door. I have highly recommended Rosewood Kennel to friends as their first question after meeting Remi is usually "where did you get such a beautiful dog?"

Riley Uglum

- ❖ We picked up our standard goldendoodle puppy, Mulligan, from Rosewood Kennels last year at this time. We drove (all day!) to their home to pick him up. I found the facility to be clean, spacious and appropriate in every way. The kennel building is about 10 steps from their home, and many of the breeding dogs were in the fenced area playing.

It was very clear to me that these dogs are part of their life, not simply a business. We stayed at their home for over an hour. There was a newer litter of minis actually in their kitchen for close watching.

There was a new European Golden puppy in the house, I know she is now a breeding dog, too. Their pet Goldendoodles were in the house, and appear to be members of the family. I had no concerns whatsoever, and was pleased to know our puppy had a great start. He showed little fear, and quickly bonded to us.

We had a golden retriever for 14 years, she just passed away of lymphoma. I knew I wanted to get a puppy before she died. I researched breeds extensively, and decided on a goldendoodle. I feel very fortunate that I found Jana.

Mulligan is a wonderful dog, a joy to our family. He was a very healthy puppy, our veterinarian has been impressed by him since day one. I also brought the contract to the vet to review, and he said it was one of the best puppy contracts he had seen.

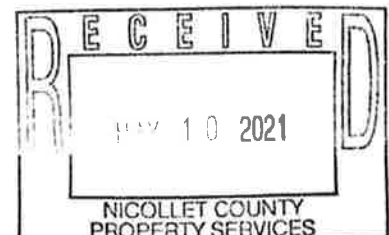
Mulligan house trained very easily and rings bells to go outside, which is perfect for us. He rings the bells, we stop whatever we are doing to put him out. He hasn't had an accident in the house since he was 4 months old. We recommend Rosewood Kennel to everyone we know and will be back for another puppy in the near future.

Cindy

- ❖ We can't imagine a more wonderful dog than our Scout.

She is smart, loving, and affectionate, and we credit Jana for breeding such wonderful puppies and socializing them to be such great companions.

Pat



- ❖ Just a quick update to show you how cute Koda is.

He just finished his 3rd round of dog training @ Search and Rescue and is doing really well. Very smart and friendly dog... and of course adorable. Not sure of his weight, but I'd say between 55/60 lbs.

We adore him and so does anyone who meets him. Still no shedding, super soft fur, and anyone w/ allergies can be around him w/ no side effects.

How perfect of a dog can you get?

The Thomas Family

- ❖ As first time dog owners, we are very pleased with our new golden doodle, Riley, which we got from Jana and Jim Moeding, of the Rosewood Kennels.

Jana was wonderful to work with; she answered all of our questions when we were trying to decide if this was the right breed for us and helped us through the process all along the way.

Waiting for the babies to be born brought back memories of being an expectant mother and Jana kept us informed all along the way. And then the birth came and we got pictures within the first few days and updates at least weekly so we could see the puppies grow. The dogs were "assigned" to their owners on the basis of their preferences and we couldn't have been given a better puppy for our family and lifestyle.

Our new puppy is now four months old and is very well mannered and a wonderful dog for our family of three active boys.

He is definitely a cutie and also very much a lover.

We couldn't be more pleased!!

Mike and Melissa

- ❖ We are so happy to have gotten our Goldendoodle, Molly, from Rosewood Kennel.

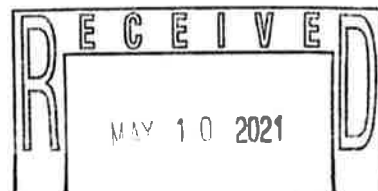
Jim and Jana are committed to breeding and raising happy, healthy, friendly dogs. They care about each of their puppies (Jana had tears in her eyes when she handed us our Molly) and they are extraordinarily caring and helpful even after the pups are placed. They hand-raise their puppies and are masterful at choosing your puppy to match the traits you are seeking.

We wanted a moderately active, affectionate dog for a first-time dog-owning family, and our lovely Molly is the perfect dog for us. She is a fluffy ray of golden sunshine, smart, affectionate, playful and beautiful. She is well-adjusted, learns quickly and was very easy to train. And she doesn't shed!

We thank our lucky stars that we discovered Rosewood Kennel and wholeheartedly recommend them to anyone seeking this extraordinary breed of dog.

Renee and Adam

***If interested, you can read more on our webpage, www.goldendoodlepuppies.net



April 30, 2021

To Whom This May Concern:

We are the owners of the property at 36923 County Rd 15, St Peter and also own all of the surrounding land (Parcel 12.107.1105). We are happy to AGREE to the 40' VARIANCE requested by James and Jana Moeding for their DOG BREEDING BUSINESS in Nicollet County.

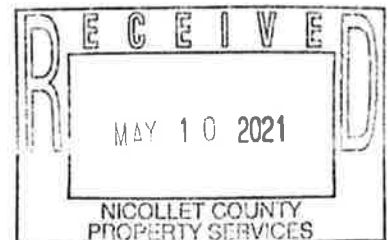
If you have any additional questions, feel free to contact us.

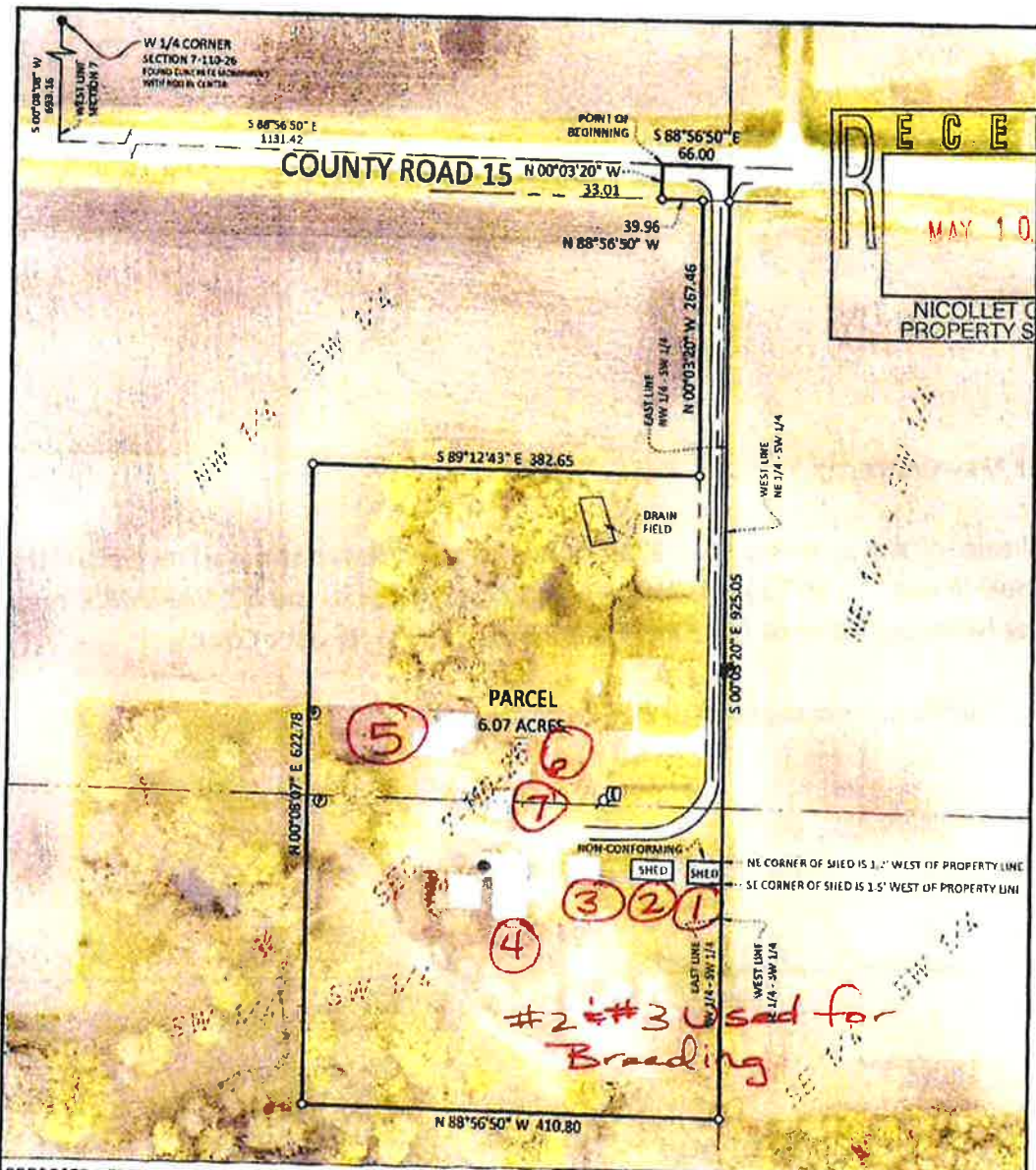
Thank you,

Jerald H Kuehn 5/1/21
Jerald H Kuehn Date

Phyllis A Kuehn 5/1/21
Phyllis A Kuehn Date

507-271-8510





PROPOSED DESCRIPTION

That part of the Northwest Quarter of the Southwest Quarter and that part of the Southwest Quarter of the Southwest Quarter of Section 7, Township 130 North, Range 26 West, Nicollet County, Minnesota, described as follows: Commencing at the West Quarter Corner of said Section 7; thence South 00 degrees 08 minutes 08 seconds West (bearing based on Nicollet County Coordinate System NAD83, 1996 Adjustment) on the west line of said Section 7, a distance of 693.16 feet; thence South 88 degrees 56 minutes 50 seconds East, a distance of 1131.42 feet to the point of beginning; thence continuing South 88 degrees 56 minutes 50 seconds East, a distance of 66.00 feet to the east line of said Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter; thence South 00 degrees 03 minutes 20 seconds East on said east lines, a distance of 925.05 feet; thence North 88 degrees 56 minutes 50 seconds West, a distance of 410.80 feet; thence North 00 degrees 08 minutes 07 seconds East, a distance of 622.78 feet; thence South 89 degrees 12 minutes 43 seconds East, a distance of 382.65 feet; thence North 00 degrees 03 minutes 20 seconds West, a distance of 33.01 feet to the point of beginning.

Said parcel contains 6.07 acres of land

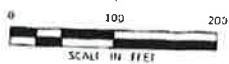
LEGEND

- 3/4" IRON PIPE MONUMENT SET
- MARKED BY LIC. NO. 46564
- MONUMENT FOUND

SURVEYOR'S CERTIFICATION

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

Michael M. Fishers
Michael M. Fishers
License Number 46564
09/18/2020
Date



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THAT PART OF THE NW 1/4 OF THE SW 1/4 AND THAT PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 130 NORTH, RANGE 26 WEST, TRAVERSE TOWNSHIP, NICOLLET CO., MN FOR: JERRY KULIN

Out buildings numbered



Overview



Legend

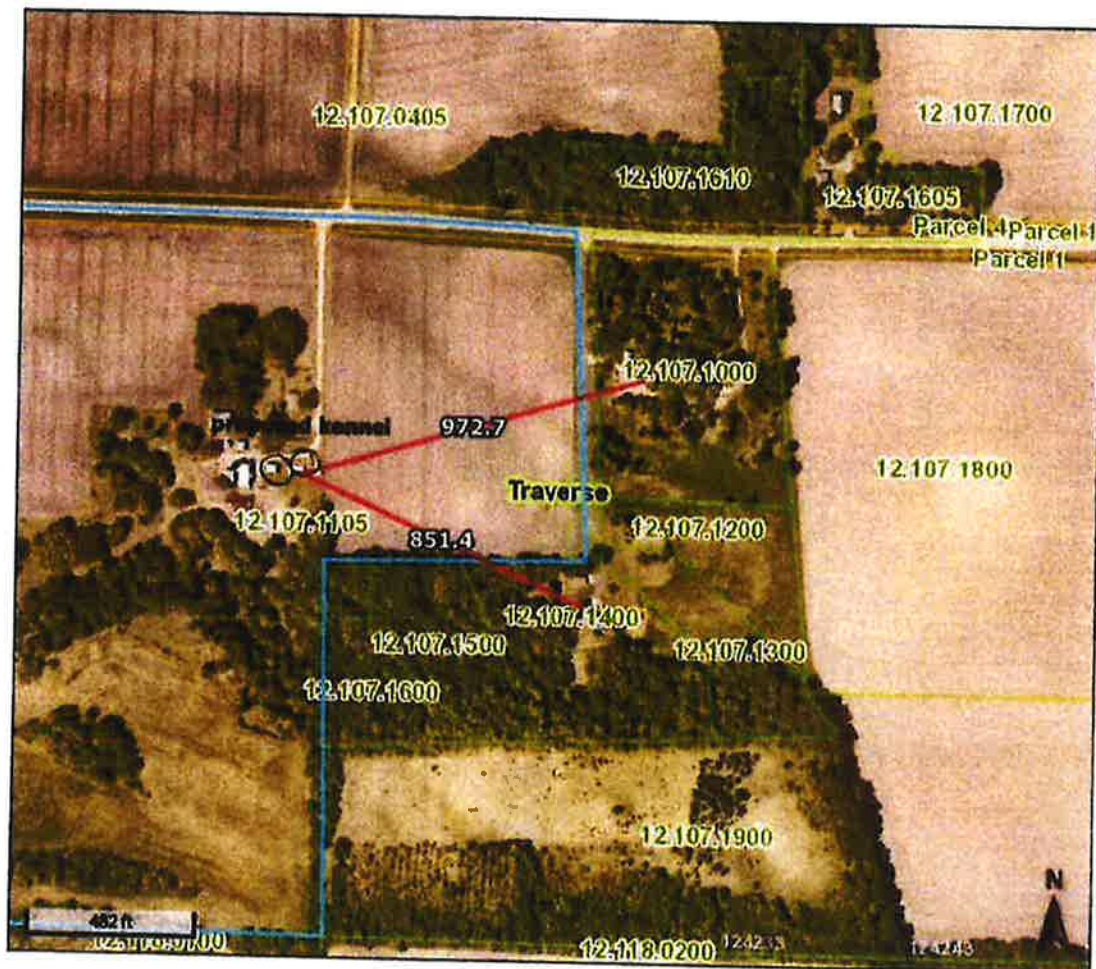
Cartography

- <all other values>
- Lot Dim Carto 100
- Lot Dim Carto 400
- Lot Number Carto 400
- Misc Dim Carto 10
- Misc Dim Carto 40
- Misc Text Carto 1C
- Misc Text Carto 4C
- Mon Carto
- Parcel Dim Carto 100
- Parcel Dim Carto 400
- Parcel Owner Hool 100
- Parcel Owner Hool 400
- Proof Notes Carto 100
- Proof Notes Carto 400
- Road Dim Carto 1C
- Road Dim Carto 4C
- Unknown Carto
- Right of Way
- Parcels

Distance to nearest dwellings



Parcel ID	121071105	Alternate ID	1407300014	Owner Address	KUEHN REV TRUST, JERALD H & PHYLLIS A
Sec/Twp/Rng	07/110/026	Class	2AREM-Agricultural Homestead - Remainder		36923 COUNTY ROAD 15
Property Address	36923 COUNTY ROAD 15	Acreage	65.8		SAINT PETER MN 56082
District	ST PETER				
Brief Tax Description	0508 TRAVERSE W 1/2 W 1/4 LYG S OF SA 15 "EX ROW PLAT 13" ACRES 50.39 & TRACT COMM CENT SEC SLY 781.80'; SLY 673.73'; WLY 574.92'; SLY 179.59'; W 322.17'; & W 411.21' TO POB; E 411.21'; & 322.17'; NLY TO N LN S 3/4 OF E 1/2 SW 1/4 ALONG SAID N LINE TO INTER N LINE & W LN OF E 1/2 SW 1/4 & S TO POB. ACRES 15.41 TOTAL ACRES 65.80 (Note: Not to be used on legal documents)				



Overview



Legend

Cartography

- <all other values>
- Lot Dim Carto 100
- Lot Dim Carto 400
- Lot Number Carto 400
- Misc Dim Carto 10
- Misc Dim Carto 40
- Misc Text Carto 1C
- Misc Text Carto 4C
- Mon Carto
- Parcel Dim Carto 100
- Parcel Dim Carto 400
- Parcel Owner Hool 100
- Parcel Owner Hool 400
- Proof Notes Carto 100
- Proof Notes Carto 400
- Road Dim Carto 1C
- Road Dim Carto 4C
- Unknown Carto
- Right of Way
- Parcels

location of Kennel

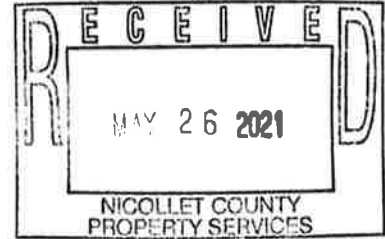


Parcel ID	121071105	Alternate ID	1407300014	Owner Address	KUEHN REV TRUST, JERALD H & PHYLLIS A
Sec/Twp/Rng	07/110/026	Class	2AREM-Agricultural Homestead - Remainder		36923 COUNTY ROAD 15
Property Address	36923 COUNTY ROAD 15 ST PETER	Acreage	65.8		SAINT PETER MN 56082
District	0508 TRAVERSE				
Brief Tax Description	W 1/2 W 1/4 LYG S OF SA 15 "EX ROW PLAT 13" ACRES 50.39 & TRACT COMM CENT SEC SLY 781.80'; SLY 673.73'; WLY 574.92'; SLY 179.59'; W 322.17'; & W 411.21' TO POB; E 411.21'; & 322.17'; NLY TO N LN S 3/4 OF E 1/2 SW 1/4 ALONG SAID N LINE TO INTER N LINE & W LN OF E 1/2 SW 1/4 & S TO POB. ACRES 15.41 TOTAL ACRES 65.80				
	(Note: Not to be used on legal documents)				

Date created: 4/28/2021

Last Data Uploaded: 4/15/2021 3:54:22 AM

Applicant and Property Owners
James and Jana Moeding
36293 County Road 15
St. Peter, MN



RE: Additional Information/Revisions for Conditional Use Permit and Variance
For Rosewood Kennel

Variance:

1. Survey – will be submitted by realtor on or before Friday, May 28, 2021
2. Permission Statement/copy of Purchase Agreement – will be submitted on or before Friday, May 28, 2021

Conditional Use Permit:

1. Permission Statement/Copy of Purchase Agreement
2. Number of unsterilized females in kennel: 13
3. Revised site plan
 - a. Outdoor runs or exercise areas – see attached
 - b. Parking area – see attached
 - c. Food Storage – see attached
 - d. Watering facilities – see attached
 - e. Holding tank – initially we will be picking up all waste. Long term plan is to install a holding tank for the kennels. - see attached for future holding tank
 - f. Fencing – see attached
4. A phone number for kennel owners/operators – this may change once we move since we will be relocating to a different area code. Will notify Property Services if and when this happens. Current Phone Number: 320-226-7876 (c) or 320-269-7716.
5. Number of employees not including owners – since this is a family run business we are the main employees however, we will have a relief employee for when we have to be gone from the kennel.
6. Hours of operation, days of the week – what times will customers be allowed to visit the kennel: We are open from 9-5, 6 days per week by appointment only. We are not open to the public. Visits occur when puppies are 6 weeks old. Individuals will come out, one

family at a time by appointment. They will return when puppies turn 8 weeks old to pick up, again by appointment, one family at a time.

7. Estimated times of day and maximum amount of all vehicle traffic to and from the site related to the kennel operations: Appointments will be late morning to late afternoon. No more than one to two cars at a time. Traffic will be less than a regular farm operation.
8. The square footage and type of surface to be used for parking/business traffic: Since only 1 or 2 cars will be at the kennel at one time we will be using our driveway. We are allowing 240 sq ft in front of our garage. The driveway is gravel.

ADDENDUM TO PURCHASE AGREEMENT

This form approved by the Minnesota Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form. © 2020 Minnesota Association of REALTORS®, Edina, MN

1. Date May 26th, 2021

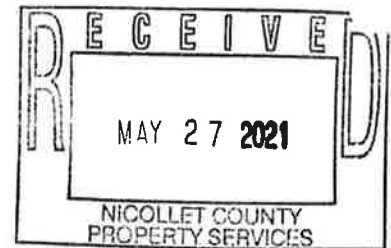
2. Page 1

3. Addendum to Purchase Agreement between parties, dated April 25th 2021
 4. (Date of this Purchase Agreement), pertaining to the purchase and sale of the Property at
 5. 36923 County Road 15, St. Peter, MN

6. In the event of a conflict between this Addendum and any other provision of the Purchase Agreement, the language
 7. in this Addendum shall govern.

8. We the seller(s), Jerald and Phyllis Kuehn agree to allow a Variance and a Conditional Use
 9. Permit for the buyer(s), James and Jana Moeding to continue their dog breeding business on the
 10. property at 36923 County Road 15, St Peter, MN in the outbuildings on the east side of the
 11. property line.

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31. [Signature] 05/26/2021
(Seller) 2021 6:37:25 PM CDT (Date)

[Signature: James Moeding] 05/26/2021
(Buyer) 2021 1:48:03 PM CDT (Date)

32. [Signature] 05/26/2021
(Seller) 2021 6:32:34 PM CDT (Date)

[Signature: Jana Moeding] 05/26/2021
(Buyer) 2021 1:44:53 PM CDT (Date)

33. **THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER(S) AND SELLER(S).**
 34. **IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL.**

MN-APA (8/20)

ATTACHMENT F.4
Permission Statement



**AFTER-THE-FACT
CONDITIONAL USE PERMIT**

**LEVEL 2 HOME OCCUPATION
SOUND AND LIGHTING BUSINESS**

BRIAN MOCK

PLN21-23

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	PLN21-23, Conditional Use Permit
APPLICANT/LANDOWNER:	Brian Mock
LOCATION:	Lot 2 of Block 1 of Mattes Subdivision in Belgrade Township
PARCEL NO:	01.643.0020
EXISTING ZONING:	R-1, Urban/Rural Residential
HEARING DATE:	June 21, 2021

REQUEST

The applicant has submitted a request for an after-the-fact conditional use permit for a Level 2 Home Occupation. The business is known as Icabod Productions, LLC and has been operating onsite for 22 years. Property Services has no history of a complaint against the property during this time. The business is a stage, sound, and lighting equipment supplier for bands and concerts. The applicant does not manufacture or sell equipment. The equipment is stored on the property and transported to the location of a show. Once the show is over, the equipment is transported back to the property and stored onsite until the next show.

The business currently utilizes 3,987 square feet of floor use area. This includes 1,907 square feet of interior space used for equipment storage and as a workshop, and 2,080 square feet of exterior truck and trailer parking. The truck and trailers are licensed and road ready. The exterior parking area is not located in the front yard of the property. There is no area in the applicant's dwelling which is utilized solely for the business. The proposal involves no new construction. The business is partially screened by existing vegetation and the applicant's dwelling. The applicant intends to maintain the vegetative screening. No signage is proposed.

The applicant is the only full-time employee of the business. In a normal year (pre-Covid-19 pandemic), the applicant employed up to two (2) part-time workers. The number of traffic trips varies by season and day of the week, but generally speaking the business may generate up to two (2) to three (3) trips per day.

The business does not use any hazardous materials. The applicant drops off recycling at the North Mankato center and uses a dumpster for garbage from the house and shop. The business will not generate any noise, vibration, glare, fume, odor, electrical interference, or otherwise present a nuisance at any level greater than the level associated with other allowed uses.

After-the-Fact Variance:

In May of 2021, the applicant requested and was granted an after-the-fact variance to operate his business. The after-the-fact variance request included:

- Allowing more than one person, other than the permanent occupants of the dwelling, to be employed in conjunction with a home occupation. [Zoning Ordinance, Section 718.5(1)] This will allow the applicant to have 1-2 temporary workers.
- Allowing more than 25% of the gross floor area of the dwelling to be used for the conduct of a home occupation. [Zoning Ordinance, Section 718.5(3)] This will allow the applicant to utilize the requested amount of square footage for the business, as noted above.
- Allowing a change in the outside appearance of the premises or other visible evidence of the conduct of the home occupation. [Zoning Ordinance, Section 718.5(4)] This will allow the applicant to have outside storage and parking, as noted above.

Home Occupation Standards in the R-1 and R-2 Residential Districts:	
No more than 1 person other than the permanent occupants of the dwelling shall be employed in conjunction with the home occupation.	<i>Variance</i>
The home occupation shall be incidental and subordinate to the use of the premises for residential purposes.	Meets standard
No more than 25% of the gross floor area of the dwelling unit shall be used for the conduct of the home occupation.	<i>Variance</i>
There shall be no change in the outside appearance of the dwelling unit or the premises, or other visible evidence of the conduct of such home occupation, except as allowed in Section 735.7(2).	<i>Variance</i>
No noise, vibration, glare, fume, odor, or electrical interference detectable beyond the limits of the dwelling/house associated with that allowed uses in the district.	Meets standard
No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street in other than the front yard.	Meets standard
No home occupation shall cause an increase in the use of any 1 or more utilities so that the combined total use for the dwelling and home occupation purposes exceeds the average for the residences in the neighborhood.	Meets standard

Existing Land Use:

The existing land use is residential. The property contains the applicant's dwelling and a pole shed. The property contains 1.32 acres and is zoned R-1, Urban/Rural Residential.

Surrounding Land Use:

The surrounding land use is a mix of agricultural, residential, and natural environment.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505 of the Zoning Ordinance and Minnesota State Statute §394.26.

CONDITIONAL USE PERMIT CRITERIA

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

True, because:

- Level 2 Home Occupations are a conditionally permitted use in the R-1 Urban/Rural zoning district.
- In May of 2021, the applicant was granted an after-the-fact variance to three (3) standards for home occupations in the R-1 district (see above).
- The proposal meets the remaining applicable setbacks and standards of the Zoning Ordinance for Level 2 Home Occupations.

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

True, because:

- The size and function of the business is not unreasonable for the surrounding infrastructure.
- The applicant will not exceed the allowed maximum number of traffic trips for a Level 2 Home Occupation.
- All parking for the home occupation is located off-street.
- Belgrade Township was noticed of the request, and has not provided comment.

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

True, because:

- Level 2 Home Occupations are a conditional use in the R-1 zoning district.
- The primary use will remain residential. The applicant lives onsite and the home occupation will be incidental and subordinate to the use of the premises for residential purposes.
- The home occupation will be partially screened by existing vegetation and buildings.

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

True, because:

- Existing vegetation and buildings partially screen the business. The applicant will maintain the existing screening.
- Outside storage will consist of licensed and road ready pickup trucks and trailers.
- There are other machine sheds in the area.

- The applicant is not proposing any signage for the business.

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

True, because:

- The applicant was granted an after-the-fact variance to three (3) of the standards (see above). The requested use meets the remaining applicable setbacks, standards, and requirements found in Sections 604 and 718 of the Zoning Ordinance for home occupations in the R-1 zoning district.
- The request meets the standards of Section 505 of the Zoning Ordinance, pertaining to the approval and issuance of conditional use permits.

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

True, because:

- The plan notes the importance of agriculture to the county and to the local economy. The proposal does not include the development of any agricultural lands.
- The proposal does not appear to increase the potential for land use conflict. The business has been operating onsite for 22 years and Property Services has no record of any complaint being received during this timeframe.

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

True, because:

- The business will not produce any noxious fumes or odors.
- The business will not create any hazardous materials, vibration, glare or electrical interference.
- Waste materials will be recycled or disposed of by a sanitation company.
- Exterior storage consists of a truck and trailers associated with the business.
- The exterior storage space is not located in the front yard of the property.

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

True, because:

- The surrounding land use is agricultural, residential, and natural environment.
- Level 2 Home Occupations are a conditional use in the R-1 zoning district.
- There are other detached accessory structures (i.e. sheds) in the area.

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

True, because:

- The business will not produce any hazardous materials.
- Waste associated with the home occupation will be recycled or disposed of in a dumpster serviced by a sanitation company.

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

Will Not – True, because:

- The request is proposed to meet the applicable standards for home occupations, with no apparent adverse effects to the public health, safety, and welfare.

RECOMMENDATIONS

If approved, staff recommends the following conditions be attached to the conditional use permit:

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The conditional use permit will be periodically reviewed by the county to ensure compliance with the permit and permit conditions.
3. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. The applicants must maintain the existing level of screening. Additional screening may be added.
5. Any sign for the business to be located on-site must adhere to the signage standards set forth in the Nicollet County Zoning Ordinance. A zoning permit shall be required prior to placement of any such signage.
6. The disposal of solid waste associated with the business must meet all applicable regulations, including the Nicollet County Solid Waste Ordinance and Minnesota Pollution Control Agency Rules.
7. Home occupation activities shall not result in debris, mud, or other materials accumulating on public roadways. Any such accumulation shall be removed immediately by the applicant.

8. Any structural alteration, expansion, intensification of use, or similar change, beyond that which has been proposed by the applicant, shall be treated in the same manner as a request for a new conditional use permit.
9. The applicants must make application for an after-the-fact zoning permit for the Level 2 Home Occupation within sixty (60) days of approval of this conditional use permit.
10. If applicable, the applicants must submit to the Property Services Division verification from a building official or architect licensed in the State of Minnesota that the property/structures are in compliance with the standards and requirements of the Minnesota Accessibility Code prior to issuance of the conditional use permit. If the business is found to be noncompliant, the applicant must bring the property/structures into compliance and submit verification of compliance prior to issuance of the conditional use permit.
11. If applicable, the applicants must submit to the Property Services Division verification from a building official or architect licensed in the State of Minnesota that the structures utilized for the business have been reviewed by a design professional. Alternatively, verification can be submitted the structure is exempted from review by a design professional. This must be completed prior to issuance of the conditional use permit.

Parcel No: 01.643.0020
Map No: 2104301002

Applicant/Landowner: Brian Mock

PLN21-23

- ATTACHMENT A Application**
- ATTACHMENT B Criteria for Conditional Use Permit**
- ATTACHMENT C Location Map**
- ATTACHMENT D Aerial**
- ATTACHMENT E Neighbor Notification List**
- ATTACHMENT F Documents Submitted by Applicant**
 - F.1 Written Proposal**
 - F.2 Floor Use Area**
 - F.3 Neighbor Comments**
 - F.4 Screening Plan**



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

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$1,046.00

Map#: 2104301002
Parcel#: 016430020
Permit#: PLN21-00023
Date: May 20, 2021

Applicant: MOCK BRIAN D, , 52678 409TH AVE, NORTH MANKATO MN 56003
Phone: 380-5771
Owner: MOCK BRIAN D, 52678 409TH AVE, NORTH MANKATO MN 56003
Property Address: 52678 409TH AVE, N MANKATO MN 56003
Abbreviated Legal Description: SubdivisionName MATTES SUBDIVISION SubdivisionCd 01643 LOT 2 BLK 1
(CONTAINING 1.32AC WITHOUT RD)
Township: Belgrade Township

Record Type: Conditional Use
Category: Home Occupation, Level 2
Project Description: After-the-fact conditional use permit for a Level 2 Home Occupation sound and lighting business with a maximum floor use area of 5,000 square feet.

Planning Commission Hearing Date: 06/21/2021
Board of Commissioners Date: 07/13/2021



APPLICANT SIGNATURE

5.20.21
DATE

ATTACHMENT A
Application



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

Name of Applicant/

Date: June 21, 2021

Property Owner: Brian Mock

File #: PLN21-23

Use Requested: After-the-fact conditional use permit for a Level 2 Home Occupation sound and lighting business

FINDINGS OF FACT

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

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u> Level 2 Home Occupations are a conditional use in R1 Meets setbacks and standards for L2 Home occupations.
David Hermanson	☒	☐	☐	☐	
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u> Size and function is not unreasonable for infrastructure Belgrade township did not comment.
David Hermanson	☒	☐	☐	☐	
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

	YES	NO	ABSTAINED	ABSENT	<u>WHY:</u> Partially screened by existing vegetation and buildings.
David Hermanson	☒	☐	☐	☐	
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: existing vegetation and
blogs screen the area.
Existing vegetation will
remain.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: request meets section
505 of zoning ordinance
and for home occupations.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: proposal does not include
development of ag lands.
Has been operating onsite
for 22 yrs.

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

	YES	NO	ABSTAINED	ABSENT
David Hermanson	☒	☐	☐	☐
David Wendinger	☒	☐	☐	☐
Justin Laven	☒	☐	☐	☐
Marie Dranttel	☒	☐	☐	☐
Ron Regenscheid	☒	☐	☐	☐
Dave Ubel	☐	☐	☐	☒

WHY: business will not create
any noise odor or glare.
Waste material disposed of
by sanitation company.

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	surrounding land use is residential and ag. other detached structure in area. L2 home OCC's a conditional use in R.T district
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	business will not produce any hazardous materials. Waste disposed of in proper manner.
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

	YES	NO	ABSTAINED	ABSENT	WHY:
David Hermanson	☒	☐	☐	☐	meets all standards for home occupations.
David Wendinger	☒	☐	☐	☐	
Justin Laven	☒	☐	☐	☐	
Marie Dranttel	☒	☐	☐	☐	
Ron Regenscheid	☒	☐	☐	☐	
Dave Ubel	☐	☐	☐	☒	

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

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:

(☒ APPROVES) (☐ DENIES)

THE REQUESTED CONDITIONAL USE PERMIT

This decision is based on:

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

Viewed by Members of Board:

☐ Hermanson
☐ Wendinger
☐ Laven
☐ Dranttel
☐ Regenscheid
☐ Ubel

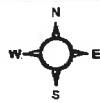
Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date: _____ Chair: _____



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

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



0 1,000 2,000 Feet

ATTACHMENT C Location Map



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

1:600

1 inch = 50 feet



0 25 50 Feet

ATTACHMENT D Aerial

ALBRECHT FAMILY TRUST
502 MOUNT CURVE BLVD
SAINT PAUL MN 55116

DONNA APPEL
40683 PURRIER CT
NORTH MANKATO MN 56003

CHAD & MICHELLE BERGER
52547 RAVINE RD
NORTH MANKATO MN 56003

ROGER BRUNS
43093 US HIGHWAY 14
NORTH MANKATO MN 56003

JOYCE CURRIE
40797 PURRIER CT
NORTH MANKATO MN 56003

THORVALD DAHLE & COLLEEN GEFFE-
DAHLE
52584 RAVINE RD
NORTH MANKATO MN 56003

LARRY & ROBIN EPPARD
52556 RAVINE RD
NORTH MANKATO MN 56003

FREDERICK LIVING TRUST
38305 490TH ST
SAINT PETER MN 56082

CONNIE HENDRICKSON
6501 116TH AVE N
CHAMPLIN MN 55316

JOHN AND MARY DEPUYDT LLC
41183 520TH ST
NORTH MANKATO MN 56003

JOSHUA KIRBY
52765 409TH AVE
NORTH MANKATO MN 56003

JASON & KARI LOE
52825 409TH AVE
NORTH MANKATO MN 56003

MOLLY LOE
117 GOLDFINCH CT
MANKATO MN 56001

WILLIAM & JANET LOWE
52429 409TH AVE
NORTH MANKATO MN 56003

WILLIAM & NANCY MATTES
52702 409TH AVE
NORTH MANKATO MN 56003

BRIAN MOCK
52678 409TH AVE
NORTH MANKATO MN 56003

DAVID & PATRICIA NEUBERT
52632 409TH AVE
NORTH MANKATO MN 56003

CRAIG & KAREN SMITH
41296 JUDSON BOTTOM RD
NORTH MANKATO MN 56003

GERALD & SHARON STOFFREGEN
52682 409TH AVE
NORTH MANKATO MN 56003

RAYMOND & DONNA VEROEVEN
52618 409TH AVE
NORTH MANKATO MN 56003

PETER & LISA WEBER
52598 RAVINE RD
NORTH MANKATO MN 56003

WALTER & LINDA WOLFF REV TRUST
61403 KNIGHT OWL LN
MADISON LAKE MN 56063

GERALD YETTER
40859 PURRIER CT
NORTH MANKATO MN 56003

BELGRADE TOWNSHIP
38310 490TH ST
SAINT PETER MN 56082

BELGRADE TOWNSHIP
53491 409 AVE
NORTH MANKATO MN 56003

ATTACHMENT E
Notification List



Hi Jon,

Here are the answers to the home occupational business form you gave me.
If you need anything else, please call or email anytime. As I mentioned, I have been here for 22 years and have never had a complaint.

Thanks

Brian

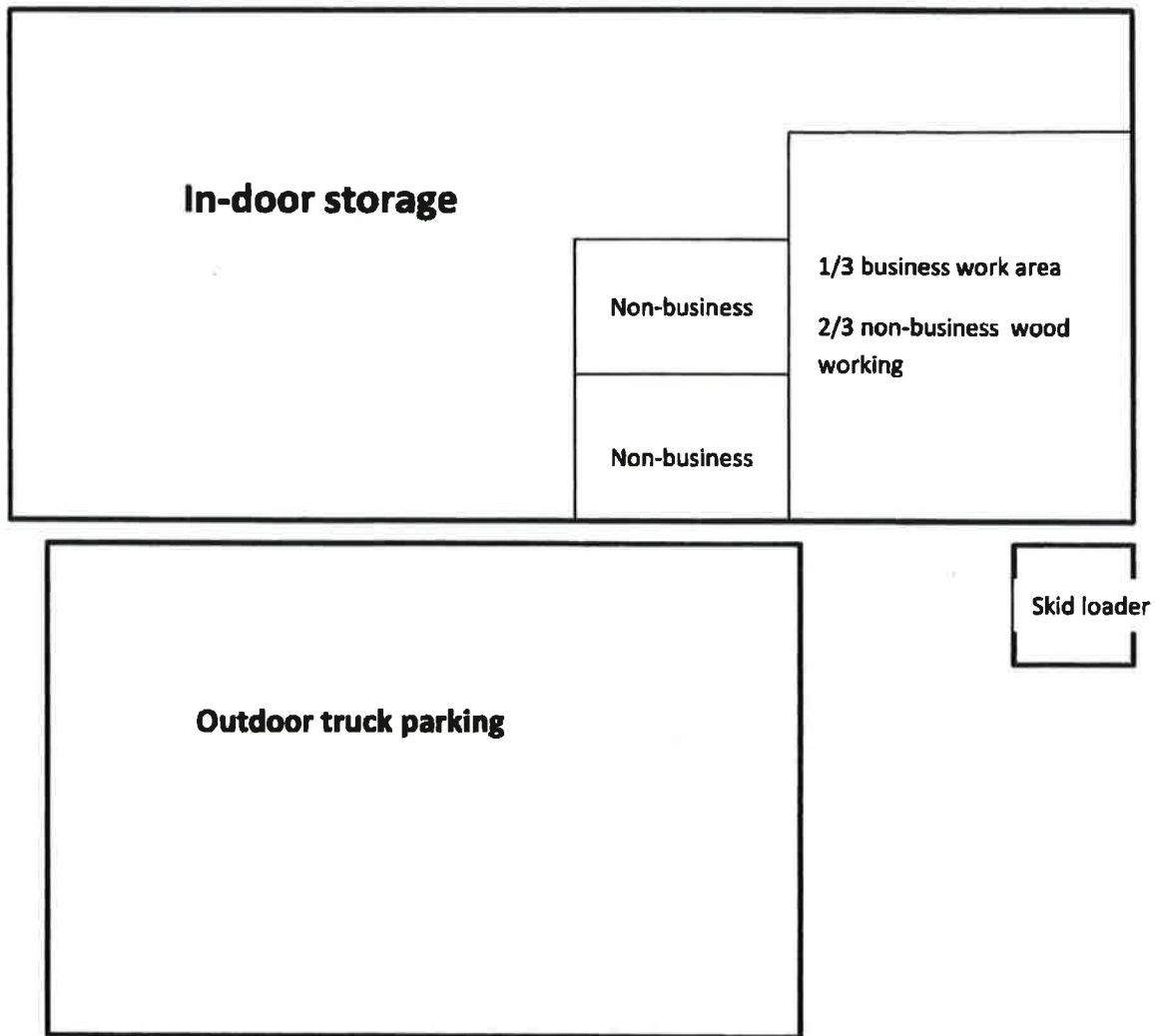
- #1, Brian Mock 507-380-5771
Icabod Productions LLC icabodproductions@gmail.com
52678 409th Ave.
N. Mankato, MN 56003
- #2 I am a stage, sound and lighting equipment supplier for bands and concerts.
I do not manufacture or sell equipment.
- #3 3,000 sq.ft of indoor storage, 2,500 sq.ft of outdoor parking. The outdoor area is mainly for the truck and trailer parking. The main activity of my business is taking the equipment in a truck to another location to be used at that location. The indoor space is for storage and maintenance of equipment.
- #4 At this time because of covid I am pretty much shut down. I am the only worker until we can get back to work. In a normal year, I have 2 part time workers besides myself. I live in the house on the property.
- #5 usually 2-3 traffic trips per day. This can vary in the winter, as we are slow and a lot of days it's just myself and I may not leave the property at all.
- #6 I have minimal nuisance. 95percent of our work is done inside the shop which is insulated. The only thing outside is driving a truck in or out of the property. We don't leave trucks idling and they all have mufflers.
- #7 I keep the outside grounds kept up. Grass mowed, trees trimmed. As I stated, the outside is for parking the trucks. I live on the property and don't want it to look like a junk yard. No signs will be put up. I don't like advertising where my equipment is stored.
- #8 NO hazardous materials.
- #9 I recycle everything I can and deposit it at the N. Mankato recycling center.
I have a 2yard dumpster for everyday garbage, and is dumped once per month.
The dumpster services the house and the shop.

ATTACHMENT F.1
Written Proposal

Business storage and work area =1907 square feet.

Truck and trailer parking = 2080 square feet.

Total Business area = 3,987 square feet.



**ATTACHMENT F.2
Floor Use Area**

May 8, 2021

Belgrade Township

Regarding Brian Mock

As a neighbor of Brian and his company Ichabod Inc, I need Nicollet Belgrade Township to know what good neighbors Brian and Lori make. We do not have a problem with noise or traffic. He works on his own equipment and that is it. He also plows the snow for the Verovens and Stoffregens. Brian has also asked if we need help with anything. These are the kind of neighbors we need.

Covid-19 has put his work on hold this past year. Maybe it will pick up once restrictions are off. Maybe will go back into lock down. This is not the time to up taxes on a one man small business.

Sincerely.

Nancy Mattes *Bill Mattes*

Nancy and Bill Mattes

52702 409th Avenue

North Mankato, MN



ATTACHMENT F.3
Neighbor Comments

May 8, 2021

RE: Brian Lori Mock



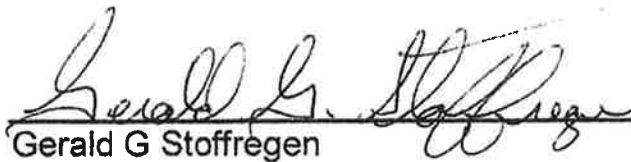
To Whom It May Concern:

Brian and Lori Mock are our neighbors to which we share a driveway with. Brian has run his business out here for over 20 years. During that time, we have never had any issues with him regarding that or anything else. He has always been very conscientious with neighbors when it comes to his business.

Brian and Lori are wonderful neighbors to have, and we get along great with them. They are willing to help anyone around them when needed. For example, last year when our lawn mower broke down, they came over and mowed our lawn until we could get it fixed. Brian also helps plow snow for surrounding neighbors.

If you have any questions, please contact us.

Sincerely,
Gerald & Sharon Stoffregen


Gerald G Stoffregen


Sharon M Stoffregen

52682 409th Avenue

North Mankato, MN 56003

507/625-3544

Jon Hammel

From: Brian Mock <icabodproductions@gmail.com>
Sent: Wednesday, March 24, 2021 10:20 AM
To: Jon Hammel
Subject: Re: Sight of business

Hi Jon.

Yes, I'm keeping all vegetation and I maintain it. Besides hiding my assets for security. It also helps with the dust being my house is so close to the road. Anytime a tree has fallen during a storm I've replaced it. I also pay to have dust control sprayed on the road.

Brian.

Sent from my iBrain

On Mar 24, 2021, at 9:09 AM, Jon Hammel <Jon.Hammel@co.nicollet.mn.us> wrote:

Hi Brian,

Do you intend to maintain the vegetation screening your property?

Jon

From: Brian Mock [<mailto:icabodproductions@gmail.com>]
Sent: Friday, March 19, 2021 10:02 PM
To: Jon Hammel
Subject: Sight of business

Hi John.

This picture you sent me shows all of my property have trees and bushes surrounding it, plus my house that I live in is on the road side of the property. The driveway is really the only place you can see into the yard.

Please let me know if you need anymore info.

Thanks

Brian.

ATTACHMENT F.4
Screening Plan

Total Control Panel

[Login](#)

To: jon.hammel@co.nicollet.mn.us
From: icabodproductions@gmail.com

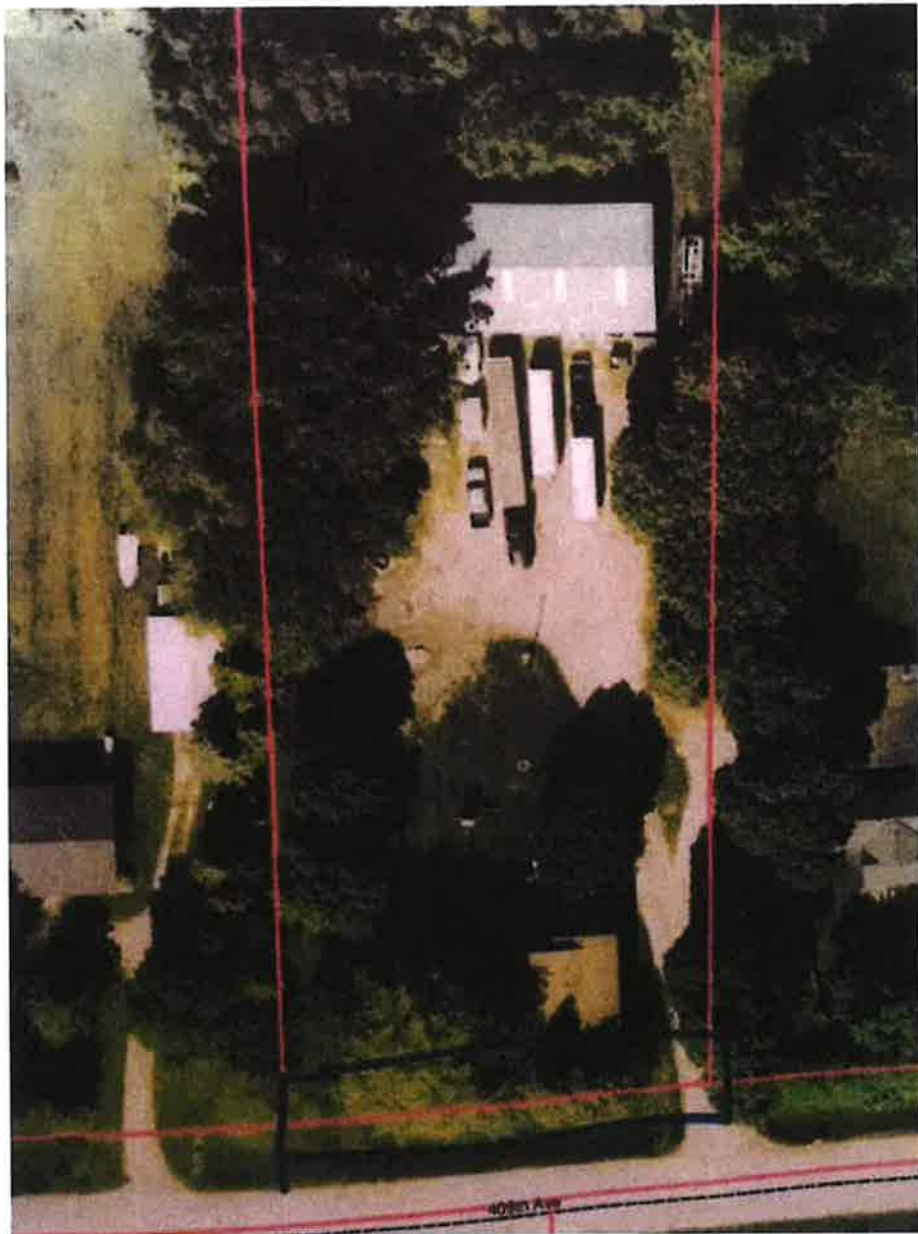
[Remove](#) this sender from my allow list

You received this message because the sender is on your allow list.

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May 2021 Permits

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD21-00087	Renewable Energy Permit	Construct a 39.6kW roof mounted small solar energy system. See attachments for details. Cost: \$53,000.	43141 County Road 15 St Peter, MN 56082	SEITZER PETER T & ANN M SEITZER
BLD21-00088	SSTS Compliance Inspection	Compliance inspection for Property Transfer	61653 VALLEY HIGH RD NEW ULM, MN 56073	KALIS TROY D & JENIFER R
BLD21-00089	SSTS Compliance Inspection	Compliance inspection for Property Transfer	38372 471ST AVE NICOLLET, MN 56074	ALLERSON JEFFERY T & RAINY L ALLERSON
BLD21-00090	SSTS Compliance Inspection	Compliance inspection for Property Transfer	36252 425TH AVE ST PETER, MN 56082	NORELL MARGARET E
BLD21-00091	SSTS Permit	Replacement septic system for a 5 bedroom house. New at-grade soils treatment area, new 1500/2 septic tank and new 1000 pump tank.	34161 425th AVE LeSueur, MN 56058	BRANDT BRIAN J
BLD21-00092	SSTS Permit	New Septic system for hog barn office. New septic tank, new pump tank and new mound soil treatment area.	34701 481ST AVE GAYLORD, MN 55334	LI FARMS LLC
BLD21-00093	SSTS Permit	Replacement septic system for a 3 bedroom house. New septic tank, new pump tank, new mound soil treatment system over part of the old drainfield.	41980 581ST AVE NEW ULM, MN 56073	WALSER LORI A
BLD21-00094	SSTS Permit	Replacement septic system for a 5 bedroom house. New septic tank, new pump tank, new split at-grade soil treatment area. Soil correction to remove fill and make level pressure distribution.	61430 COUNTY ROAD 21 NEW ULM, MN 56073	SCLUMBERGER ELDOR LIVING TRUST
BLD21-00095	Structure Permit	Construct a 40' x 60' (2,400 sf) storage shed. Concrete floor. Insulated. Will have electrical and water service. Contractor is Les Wendinger.	51961 COUNTY ROAD 15 NEW ULM, MN 56073	HAAS JEFF M
BLD21-00096	SSTS Permit	Tank replacement for existing house with existing inspected compliant drainfield. Drainfield use less than 33% at inspection.	39265 472ND LN ST PETER, MN 56082	BORCHERT GREGORY P & CARRI LYNN BORCHERT
BLD21-00097	SSTS Permit	Replacement septic for a 4 bedroom house. New septic tank and new pump tank. New mound soil treatment system designed for this location.	47223 391ST LN ST PETER, MN 56082	FLYNN JOSEPH & CASSIE FLYNN
BLD21-00098	Structure Permit	After the fact zoning permit for a deck addition. See PLN21-00004 for details.	61232 COUNTY ROAD 21 NEW ULM, MN 56073	FRANTA JAMIE
BLD21-00099	SSTS Compliance Inspection	Compliance inspection for Property Transfer	39783 561ST AVE NEW ULM, MN 56073	SEIBEL LARRY S W & LOIS L SEIBEL
BLD21-00100	SSTS Compliance Inspection	Compliance inspection for house addition and variance	61232 COUNTY ROAD 21 NEW ULM, MN 56073	FRANTA JAMIE
BLD21-00101	SSTS Permit	Replacement system for a 3 bedroom house. New 1500/2 septic tank new 750 pump tank. New soil treatment area.	56432 County Road 15 New Ulm, MN 56074	SIMMET LIVING TRUST GREGORY R
BLD21-00102	Structure Permit	Construct a 20' x 35' (700 sf) replacement hunting shack. Original shack destroyed by fire Nov. 2020. No closer to OHWI than original shack. String test applied. Applicant will utilize a portable toilet for sewage treatment.	43439 507TH LN NEW ULM, MN 56073	NELSON POINT WILDLIFE ASSOCIATION INC
BLD21-00103	SSTS Permit	Replacement septic system for a 4 bedroom house and garage with bathroom. New 2250/2 Septic tank and new 500 pump tank to a new mound soil treatment area on 24 inches of sand	38311 TIMBER TRL ST PETER, MN 56082	LANGWORTHY PAUL A & DIANA M LANGWORTHY
BLD21-00104	SSTS Compliance Inspection	Compliance inspection for Zoning Permit	58131 COUNTY ROAD 21 NEW ULM, MN 56073	WACHTER JARED & GRACE OUYANG
BLD21-00105	Renewable Energy Permit	Construct a 10kW AC roof-mounted, small solar energy system. See attachments for details. Cost \$59,000.	58131 COUNTY ROAD 21 NEW ULM, MN 56073	WACHTER JARED & GRACE OUYANG
BLD21-00106	Structure Permit	After-the-fact zoning permit for a 616 square foot dwelling addition/sun room/porch.	44170 571ST AVE NEW ULM, MN 56073	BOOTH TROY C
BLD21-00107	Structure Permit	Construct a 64' x 92' (5,888 sf) dairy barn addition with a 14' x 22' (308 sf) pit room and a 150' x 300' x 18' earthen basin. No change in animal units. See PLN21-15 for details.	45612 380TH ST NICOLLET, MN 56074	SWENSON PAUL H & CYNTHIA L SWENSON
BLD21-00108	SSTS Permit	Replacement septic system for a 5 bedroom house	35705 521ST AVE LAFAYETTE, MN 56054	MARTIN DAVID L
BLD21-00109	Structure Permit	After-the-fact. Construct two 30' x 18' grain bins on property. 10,000 bushel capacities.	41230 441ST AVE NICOLLET, MN 56074	HAVEMEIER WAYNE E & SHELLEY R HAVEMEIER
BLD21-00110	Sign Permit	311 sign and post for New Sweden Substation.	0	OLSEN LAVONNE
BLD21-00111	Structure Permit	Construct two replacement grain bins. No closer to lot lines than existing bins. Diameters 27' and 42' with 71,000 bu capacity. Contractor is UFC Lafayette.	0	DUMMER FAMILY REVOCABLE LIVING TRUST
BLD21-00112	Structure Permit	Construct a 16' x 24' (384 sf) garden shed for storage. No elec. No water. To be built by applicant.	41656 JUDSON BOTTOM RD N MANKATO, MN 56003	GUERTIN VINCENT R & CATHERINE M KUSS
BLD21-00113	SSTS Compliance Inspection	Compliance inspection for property transfer- House burned down and property not developed at this time. Status of the system is unknown. Inspection required if the system is to be used in any fashion. New design required for new home construction.	56510 COUNTY ROAD 15 NEW ULM, MN 56073	ANDERSON JEFFREY L & JOY J ANDERSON
BLD21-00114	Sign Permit	Construct a double sided illuminated sign for home occupation photography business. Lighting shall be directed away from public roads. Single side of sign not to exceed 20 square feet. Cost \$750.	41297 US HIGHWAY 14 N MANKATO, MN 56003	SCHULTZE LUCAS S & SHERRY L SCHULTZE
BLD21-00115	SSTS Compliance inspection	Compliance inspection for contract for deed property transfer	36842 STATE HIGHWAY 22 ST PETER, MN 56082	BJORKLUND MARSHALL PA & KELLY J BJORKLUND
BLD21-00116	SSTS Compliance Inspection	Compliance inspection for property transfer. May end up with an abandonment and a new house built later.	42595 502ND ST N MANKATO, MN 56003	VULCAN BRYAN & DARLA VULCAN
BLD21-00117	SSTS Permit	Holding tank for new shed bathroom	39518 391ST AVE ST PETER, MN 56082	POWERS FREDERICK & CHRISTINE POWERS

<u>BLD21-00118</u>	SSTS Permit	Replacement septic system for a 3 bedroom house. New 1500/2 septic tank and new 500 pump tank. New Pressure bed sized for this house and location	67317 COUNTY ROAD 21 FAIRFAX, MN 55332	MOWAN JON JAY
<u>BLD21-00119</u>	SSTS Compliance Inspection	Compliance inspection for property transfer	16842 STATE HIGHWAY 22 ST PETER, MN 56082	BJORKLUND MARSHALL PA & KELLY J BJORKLUND
<u>BLD21-00120</u>	SSTS Compliance Inspection	Compliance for property transfer and redevelopment	56510 COUNTY ROAD 15 NEW ULM, MN 56073	ANDERSON JEFFREY L & JOY J ANDERSON
<u>BLD21-00121</u>	SSTS Compliance Inspection	Compliance inspection for property transfer.	47130 391ST LN ST PETER, MN 56082	MUNSTERMAN EUGENE W & SUSAN M MUNSTERMAN
<u>BLD21-00122</u>	SSTS Permit	Replacement septic system for a 4 bedroom house. New Septic tank and New Pump tank. New mound soil treatment area. Variance application for the less than 200 feet to the OHWL of Fritche Creek.	41427 595TH LN NEW ULM, MN 56073	LONG DANIEL W & JULIE R LONG
<u>BLD21-00123</u>	SSTS Compliance Inspection	Compliance inspection for property transfer	37800 561ST AVE LAFAYETTE, MN 56054	YOST FRANK
<u>BLD21-00124</u>	SSTS Permit	Replacement septic for a 3 bedroom house. New Combination tank 2250/3 and rebuilt mound soil treatment area.	52765 409TH AVE N MANKATO, MN 56003	KIRBY JOSHUA
<u>BLD21-00125</u>	SSTS Compliance Inspection	Compliance inspection for property transfer	60588 VALLEY HILLS DR NEW ULM, MN 56073	HOLM HAROLD H & MARY ANN L HOLM
<u>BLD21-00126</u>	Structure Permit	Construct two total confinement swine barns (132' x 330' (includes office) and 143' x 520') with two below barn concrete tank liquid manure storage areas (132' x 2' and 1423' x 520' x 10'). The total proposed animal units will increase from 51.8 to 979.2 (2,328 - 300+ pds. and 160 - 55-300 pds.). Additional structures include: load out - 90' x 48' (4,320 sq. ft.), Hallway - 7' x 62' (434 sq. ft.), Compost - 24' x 100' (2,400 sq. ft.), and Tractor Shed - 38' x 52' (1,872 sq. ft.)	14701 481 Ave Gaylord, MN 55334	LJ Farms LLC
<u>BLD21-00127</u>	Structure Permit	Construct a 14' x 16' (224 sf) 3-season porch on north side of dwelling. Dwelling is connected to city water and sewer. Will be built by applicant. Cost will be \$18,000.	39750 PLEASANT VIEW DR NORTH MANKATO, MN 56003	BURNETT BRUCE & JUDITH BURNETT
<u>BLD21-00128</u>	Structure Permit	Construct a 12' x 20' (240 sf) garden shed.	38885 506TH ST N MANKATO, MN 56003	HOWE CHRISTIAN R & SANDRA K HOWE
<u>FDL21-00003</u>	Feedlot Construction	Construct 53' x 133'4" total confinement swine finishing barn with 8' underfloor pit. Animal units 740.4.	35144 693RD AVE FAIRFAX, MN 55332	RIEKE JOHN & VALERIE RIEKE
<u>FDL21-00004</u>	Feedlot Construction	Establish a new swine feedlot with the construction of a 134'4" x 189' barn and a 184' x 217' barn housing a total of 1625 breeding swine.	0	PETERS FAMILY LLLP
<u>FDL21-00005</u>	Feedlot Construction	Construct a breeding hog facility with the construction of a 132' x 330' swine barn with a 2' pit that flushes to a 142' 8" x 520' swine barn with a 10' pit. Swine over 300 lbs. 931.2 au and swine between 55 and 300 lbs. 48 animal units. Total 979.2 animal units.	MN	
<u>FDL21-00005</u>	Feedlot Construction	Construct a breeding hog facility with the construction of a 132' x 330' swine barn with a 2' pit that flushes to a 142' 8" x 520' swine barn with a 10' pit. Swine over 300 lbs. 931.2 au and swine between 55 and 300 lbs. 48 animal units. Total 979.2 animal units.	MN	HERMEL FARMS LLC
<u>FDL21-00005</u>	Feedlot Construction	Construct a breeding hog facility with the construction of a 132' x 330' swine barn with a 2' pit that flushes to a 142' 8" x 520' swine barn with a 10' pit. Swine over 300 lbs. 931.2 au and swine between 55 and 300 lbs. 48 animal units. Total 979.2 animal units.	14701 481ST AVE GAYLORD, MN 55334	
<u>FDL21-00005</u>	Feedlot Construction	Construct a breeding hog facility with the construction of a 132' x 330' swine barn with a 2' pit that flushes to a 142' 8" x 520' swine barn with a 10' pit. Swine over 300 lbs. 931.2 au and swine between 55 and 300 lbs. 48 animal units. Total 979.2 animal units.	14701 481ST AVE GAYLORD, MN 55334	HERMEL FARMS LLC

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:	
Rush River Clean Water Partnership Dissolution Agreement	
Primary Originating Division/Dept.: PPSP Property Services	Meeting Date: 07/13/2021
Contact: Mandy Landkamer Title: PPSP Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested 5 minutes	
Presenter: Mandy Landkamer Title: PPSP Director	Attachments: ☒ Yes ☐ No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: Consideration of the attached Rush River Clean Water Partnership Dissolution agreement. The Rush River and High Island Creek Joint Powers met in April of 2021 to discuss dissolution of the joint power entities and the distribution of any remaining funds left in the accounts associated with the various watershed grants that these groups had governed over. The group did decide that dissolution was the right course of action, as there is currently no grant funding associated with these joint powers. The group also agreed that any remaining funds should be distributed to all contributing entities according the percentage of contribution. Nicollet County's contribution was 5.1% and will be refunded \$1,318.83.	
Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None	
Prior Board Action Taken on this Agenda Item: ☐ Yes ☒ No	
If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: ☐ Yes ☐ No ☒ N/A	
ACTION REQUESTED: Approval of the Rush River Clean Water Partnership Dissolution agreement.	
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

AGREEMENT FOR DISSOLUTION
OF
JOINT POWER ENTITY

The undersigned, member entities do hereby adopt the following Agreement for Dissolution:

ARTICLE I

The name of the joint powers entity being dissolved is

THE RUSH RIVER CLEAN WATER PARTNERSHIP

ARTICLE II

The joint powers entity was created on February 12, 2008.

ARTICLE III

All of the member entities approve dissolution of the joint powers entity.

ARTICLE IV

All know debts, obligations, and liabilities of the joint powers entity have been paid and discharged, or adequate provision has been made for payment or discharge.

ARTICLE V

The remaining property and assets of the joint power's entity will be distributed among the member entities in proportion to the total contribution of the member entities, pursuant to 13.2 of the joint powers agreement. The fiscal agent will do the distribution.

ARTICLE VI

There are no pending legal, administrative or arbitration proceedings by or against the joint powers entity.

ARTICLE VII

The affairs of the joint powers entity will be fully wound up on or before July 1, 2021

IN TESTIMONY WHEREOF, the undersigned as member entities, have set their hands on the date indicated.

COUNTY OF SIBLEY

By _____
Its Chairperson

By _____
Its County Administrator

Date: _____

Approved as to form

County Attorney

COUNTY OF NICOLLET

By _____
Its Chairperson

By _____
Its County Administrator

Date: _____

Approved as to form

County Attorney

OFFICIAL PROCEEDINGS OF THE NICOLLET
COUNTY DRAINAGE AUTHORITY
JUNE 22, 2021

The Nicollet County Drainage Authority met in regular session on Tuesday, June 22, 2021 at 10:00 a.m. with Chair Terry Morrow presiding. Commissioners John Luepke, Jack Kolars, Marie Dranttel and Denny Kemp were present. Also present were Interim County Administrator Mandy Landkamer, Recording Secretary Abigail Lewis and County Attorney Michelle Zehnder Fischer.

The meeting was held via teleconference pursuant to Minnesota Statute 13D.021 due to the coronavirus pandemic. Zoom meeting technology was used to conduct the meeting.

Agenda

Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the agenda. Motion carried with all voting in favor on a roll call vote.

Consent Agenda

Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the consent agenda items as follows: approval of the June 8, 2021 Drainage Authority minutes. Motion carried with all voting in favor on a roll call vote.

CD48A Public Hearing for Reestablishment of Records

Engineer Chris Otterness, from Houston Engineering, provided an overview of the engineer's investigation and report of findings for reestablishment of record concerning Nicollet County Ditch #48A.

Chair Morrow opened the public comment portion of the meeting at 10:34 a.m. With no public comments made or received prior to the meeting, Chair Morrow closed the public comment portion of the meeting at 10:35 a.m.

Motion by Commissioner Morrow and seconded by Commissioner Luepke to reestablish the drainage records for CD 48A because records establishing the alignment, cross-section, profile or right-of-way of the drainage system have been lost, destroyed or otherwise incomplete and further that the recommended reestablished drainage system records by a professional engineer is supported by existing records and evidence for Nicollet County Ditch #48A. Motion carried with all voting in favor on a roll call vote.

At 10:46 a.m. Chair Morrow closed the CD48A public hearing for reestablishment of records.

Adjourn

Motion by Commissioner Luepke and seconded by Commissioner Kemp to adjourn the Drainage Authority Meeting. Motion carried with all voting in favor on a roll call vote.

Chair Morrow adjourned the meeting at 10:48 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

JACI KOPET
CLERK TO THE BOARD

Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item:

Set the date for the Final Hearing for Redeterminations on Various County Ditch's

Primary Originating Division/Dept.: Public Services

Meeting Date: 07/13/2021

Contact: Jaci Kopet

Title: Public Services Manager

Item Type: Regular Agenda
(Select One)

Amount of Time Requested 5 minutes

Presenter: Jaci kopet

Title: Public Services

Attachments: ☐ Yes ☒ No

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

BACKGROUND/JUSTIFICATION:

The ditch viewers have submitted their final reports for the redeterminations of CD4A, CD13A, CD29A, CD33A, CD48A, and CD51A. I would like to set the public hearing for August 24 2020 at 10:00 am

Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None

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

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

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

ACTION REQUESTED:

Approval of date and time of hearing

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FUNDING

Drainage Authority Dollars =

Grant

(Select One)

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease" specify:

Total

Related Financial/FTE Comments:

Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item:

Consider Approval of Findings of Fact and Order for the Reestablishment of CD48A

Primary Originating Division/Dept.: Public Services

Meeting Date: 07/13/2021

Contact: Jaci Kopet

Title: Public Services Manager

Item Type: Regular Agenda
(Select One)

Amount of Time Requested 5 minutes

Presenter: Jaci Kopet

Title: Public Services Manager

Attachments: ☐ Yes ☒ No

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

BACKGROUND/JUSTIFICATION:

On September 22, 2020, the Drainage Authority ordered a Reestablishment of Drainage Records for CD48A, pursuant to Minnesota Statutes 103E.101, Subd. 4a.

Chris Otterness, Houston Engineering Inc, was appointed as the engineer to prepare the report.

On June 22, 2021, a public hearing was held and the Drainage Authority approved the reestablishment of records according to Chris Otterness's report.

Attached are the Findings of Fact and Order Reestablishing the Drainage System Records for CD48A for your consideration. These findings were prepared by Kurt Deter, Rinke Noonan Law Office.

If approved, the 30 day appeal will start from today's date.



Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None

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

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

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

ACTION REQUESTED:

The Drainage Authority will make a decision to accept or reject the engineers report.

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FUNDING

Drainage Authority Dollars =

Grant

(Select One)

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease" specify:

Related Financial/FTE Comments:

Total

**BEFORE THE NICOLLET COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR NICOLLET COUNTY DITCH #48A**

**Findings of Fact and Order Reestablishing
Drainage System Records, Pursuant to
Minnesota Statutes 103E.101, Subd. 4(a)**

1. The Nicollet County Board of Commissioners is the Public Drainage Authority for Nicollet County Ditch #48A, operating under Minnesota Statutes 103E.
2. That Nicollet County staff and the appointed engineer investigated the Nicollet County Ditch #48A records and found that the records establishing the alignment, cross section, profile, and right-of-way of the drainage system were lost, destroyed or otherwise incomplete.
3. In order to proceed with any requested repairs by landowners within the system, the Drainage Authority determined that reestablishment of the records was necessary to proceed with such a repair.
4. That professional engineer Chris Otterness of Houston Engineering was appointed to conduct an investigation and prepare a written report of findings supported by existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings, test pits, culvert dimensions and invert elevations for the reestablishment of the record.
5. The intent of the engineer's appointment on these proceedings was to reconcile the historical record of the drainage system with the functional alignment, dimension and grade of the system to describe the as-constructed or subsequently improved condition.
6. The Drainage Authority, by Order, set a public hearing for review of the Engineer's Report and provided notice and location of the hearing to the Commissioner of Natural Resources, Executive Director of the Board of Water & Soil Resources and all property owners benefitted or damaged by the drainage system.

7. Notice of the public hearing was properly provided as required by law.
8. The Drainage Authority held a Public Hearing on June 22, 2021, at 10:00 a.m.
virtually as allowed and provided by law.
9. At the Public Hearing, Chris Otterness presented the Engineer's Report of Findings.
10. Engineer Otterness correlated the original ditch records with the current ditch alignment and use of borings to determine the ditch alignment and elevations.
11. Engineer Otterness' full report is hereby incorporated by reference.
12. The hearing was open for all those who wish to comment and there was no public input concerning the evidence or report submitted by Engineer Otterness.

ORDER

1. Motion was made by Commissioner Morrow and seconded by Commissioner Luepke to reestablish the drainage records for Nicollet County Ditch #48A because records establishing the alignment, cross section, profile or right-of-way of the drainage system have been lost, destroyed, or otherwise incomplete and further that the recommended reestablishment drainage system records by a professional engineer is supported by existing records and evidence for Nicollet County Ditch #48A. Motion carried with all voting in favor on a roll call vote.
2. The Nicollet County Board of Commissioners, acting as Drainage Authority for Nicollet County Ditch #48A further directs the filing of these Findings of Fact and Order to reflect the reestablishment of the drainage system records, and shall constitute the official drainage system records in all subsequent proceedings.

Dated this ____ day of _____, 2021.

NICOLLET COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR NICOLLET COUNTY DITCH
#48A

By _____
Terry Morrow
Its Chairperson