PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: May 4, 2021 9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN
*Virtual meeting held due to Peacetime Emergency Declaration in response to COVID-19 Pandemic.

Members Present via Computer:
Dewey Severson, Eric Johnson, Robert Burns, Teresa Walter, and Greg Myhre

Others Present via Computer/Phone:
Auditor/Treasurer Donna Trehus, Reporter Craig Moorhead, Reporter Charlene Selbee, Finance Director Carol Lapham, Human Resources Director Theresa Arrick-Kruger, Public Health and Human Services Director John Pugleasa, Board Clerk/Houston County EDA Director Allison Wagner, County Engineer Brian Pogodzinski, Chief Deputy Recorder Mary Betz

Presiding: Chairperson Burns

Call to order.

Pledge of Allegiance.

Motion was made by Commissioner Johnson, seconded by Commissioner Severson, motion unanimously carried to approve the agenda.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes

Motion was made by Commissioner Walter, seconded by Commissioner Severson, motion unanimously carried to approve the board meeting minutes from April 27, 2021.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes

Public Comment: No public comments were made.

Public Health and Human Services Director Pugleasa provided an update on the COVID-19 pandemic and response from Public Health and Human Services. He said that as of May 3, 2021 63% of Houston County's population 16 and over had received their COVID-19 vaccination. That number put Houston County 7th in the State of Minnesota. Pugleasa said that 95% of Houston County's 65 and older population had received a vaccination. That number was 4th in the State. 51% of Houston County's overall population had been vaccinated. Pugleasa estimated that around 75% of the County's population should be vaccinated to reach heard immunity. He said the Pfizer vaccine could be approved for 12-15 year olds soon, and that vaccinating school aged students

prior to the next school year would help the County reach heard immunity. Pugleasa also noted that there were some people in the community both young and old who were unable to be vaccinated. He said that if others who could get vaccinated did receive the vaccine it would help protect those in the community who were unable to receive the vaccine.

CONSENT AGENDA

Commissioner Severson moved, Commissioner Myhre seconded, motion unanimously carried to approve the consent agenda. Items approved are listed below.

1) Hire Lee Langager as a probationary Technical Clerk, B21, Step 4, effective May 5, 2021 conditioned upon successful completion of background check. (Kruger)
2) Reassign Tami Triplett from an Accounting Technician, B23, to probationary Collections Officer, B23, effective May 5, 2021 (lateral transfer). (Kruger)
3) Initiate a competitive search for an Accounting Technician, B23. (Kruger)
4) Authorize Auditor/Treasurer to conduct a public sale for property located in the City of Houston at 315 S Chase Street, pursuant to M.S. 282.01; to be held at 10:00 a.m. on Monday, June 7, 2021, in the Commissioners Room at the Houston County Historic Courthouse. (Trehus) See Resolution No. 21-23 below.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes

Resolution No. 21-23

BE IT RESOVED THAT Parcel #24.0222.000 of tax-forfeited land, located in the City of Houston, Minnesota be classified as non-conservation land: that the minimum sale price be set at $33,300.00, and that authorization for a public sale of this land be granted, pursuant to M.S. 282.01; that the sale will be held at 10:00 a.m. on Monday, June 7, 2021, by the Houston County Auditor-Treasurer in the Commissioners Room at the Houston County Courthouse; the property will be sold for not less than the minimum sale price; and full payment of the purchase price and the additional costs shall be due at the time of sale.

WHEREAS, Parcel ID #24.0222.000 consists of Lot 6 of Block 33 of Mons Anderson's Addition to the City (formally Village) of Houston, Minnesota according to the plat thereof on file and of record in the office of the Houston County Recorder.

ACTION ITEMS

File No. 1 – Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to approve change order requests No. 5, 6, 7, and 8 for the Highway Department Building. The change orders included a storage shed, plumbing steel reinforcement, eliminating fire pumps, and shifting money from labor to materials. The overall costs with all change orders came to around $1,000.00 for the County.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes

File No. 2 - Commissioner Severson moved, Commissioner Walter seconded, motion unanimously carried to approve repair for CSAH 20, 24" x 90' culvert. The culvert would be lined with the repair.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes

File No. 3 – Commissioner Severson moved, Commissioner Walter seconded, motion unanimously carried to approve CSAH 4, 18, and 19.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes

File No. 4 - Commissioner Walter moved, Commissioner Johnson seconded, motion unanimously carried to approve Host County Contract for Mobile Crisis Response.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes

DISCUSSION ITEMS

Commissioners held a moment of silence in honor of Recorder Susan Schwebach who had passed away.

Chairman Burns updated the board that he had attended a Hiawatha Valley Mental Health Meeting. He also told the board he had met with Fillmore County and would be meeting with Winona County regarding their environmental services departments. Chairman Burns said he had worked at a COVID-19 vaccination second clinic for Public Health.

Commissioner Johnson recommended that the Commissioners revisit their emergency deceleration that had been put in place in March of 2020 due to COVID-19 at the next workgroup session meeting. Commissioner Johnson commended the Sheriff's office for their work the week prior.

There being no further business at 10:05 a.m., a motion was made by Commissioner Johnson, seconded by Commissioner Severson, unanimously carried to adjourn the meeting. The next Board of Commissioner meeting would be on May 11, 2021.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____

Robert Burns, Chairperson

Attest: _____

Donna Trehus, Auditor/Treasurer

DEPARTMENT OF NATURAL RESOURCES

2021 STATE OF MINNESOTA
FEDERAL BOATING SAFETY SUPPLEMENTAL PATROL
GRANT CONTRACT AGREEMENT

ENCUMBRANCE WORKSHEET

Contract #: **PO #:**

State Accounting Information

Dept. ID	PC Bus. Unit	Fiscal Year	Source Type	Vendor Number
R29	R2901	2021	REIMB	0000197295-001

Total Amount	Project ID	Billing Location	DUNS
$5,000	R29G70CGBLA19	R297000221	071764690

Accounting Distribution

Fund	Fin. Dept. ID	Approp. ID	Category	Account	Activity
3000	R2937715	R297227	84101501	441302	A4CG002

Grant Begin Date	Grant End Date
May 14, 2021	September 6, 2021

Grantee Name and Address:

Houston County Sheriff's Office
306 S. Marshall St.
Caledonia, MN 55921

Payment Address:
(where DNR sends the check)

Houston Co. Treasurer
304 S. Marshall St. #111
Caledonia, MN 55921

2021 STATE OF MINNESOTA
FEDERAL BOATING SAFETY SUPPLEMENTAL PATROL
GRANT CONTRACT AGREEMENT

This grant contract agreement is between the State of Minnesota, acting through its Commissioner of Natural Resources, Enforcement Division ("State") and Houston County Sheriff's Office, 306 S. Marshall St., Caledonia, MN 55921 (DUNS 071764690) ("Grantee"). The payment address for this grant contract agreement is Houston Co. Treasurer, 304 S. Marshall St. #111, Caledonia, MN 55921.

Recitals

1. Under Minnesota Statute §84.026, §86B.101 and Department of Homeland Security – through the Recreational Boating Safety Financial Assistance program to states, commonwealth and territories (FAIN 3319FAS190127), (CFDA number 97.012) in U.S.C. 13101-13110 the State is empowered to enter into this grant contract agreement. This grant contract agreement is a non-research and non-developmental grant.
2. The State will make available supplementary funding in the amount noted in this grant contract agreement to cover the cost of additional boating safety patrol of lakes and rivers in the county.
3. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract agreement to the satisfaction of the State. Pursuant to Minn.Stat.§16B.98, Subd.1, the Grantee agrees to minimize administrative costs as a condition of this grant contract agreement.

Grant Contract Agreement

1 Term of Grant Contract Agreement

1.1 ***Effective date***: May 14, 2021. Per Minn. Stat.§16B.98, Subd. 5, the Grantee must not begin work until this grant contract agreement is fully executed and the State's Authorized Representative has notified the Grantee that work may commence. Per Minn.Stat.§16B.98 Subd. 7, no payments will be made to the Grantee until this grant contract agreement is fully executed. Reimbursements will only be made for expenditures made according to the terms of this grant contract agreement.

1.2 ***Expiration date:*** September 6, 2021 or until all obligations have been satisfactorily fulfilled, whichever occurs first. The Grantee shall submit a final billing invoice within 30 days of the expiration of the grant contract agreement as specified herein.

1.3 ***Survival of Terms.*** The following clauses survive the expiration or cancellation of this grant contract agreement: 8. Liability; 9. State and Single Audits; 10. Government Data Practices; 14. Publicity and Endorsement; 15. Governing Law, Jurisdiction, and Venue; and 17. Data Disclosure.

2 Grantee's Duties

The Grantee, who is not a state employee, will comply with required grants management policies and procedures set forth through Minn.Stat.§16B.97, Subd. 4 (a) (1). The Grantee will provide additional boating safety patrol hours during high watercraft use periods through the payment of overtime or the addition of enforcement personnel. The Grantee will submit to the State a written plan to carry out the provisions of this grant contract agreement. Provisions of Chapter 86B, the provisions of Chapter 169A pertaining to motorboats and the Boat and Water Safety Rules, hereinafter referred to as the "Minn. Rules" will be enforced. Refer to Exhibit A which is attached and incorporated into this grant contract agreement for more information on allowable expenses. The Grantee is responsible for maintaining an adequate conflict of interest policy throughout the term of this grant contract agreement. The Grantee shall monitor and report any actual, potential or perceived conflicts of interest to the State's Authorized Representative.

Reporting Requirements: The Grantee is bound to financial and performance requirements as noted in this grant contract agreement and Exhibit A which is attached and incorporated into this grant contract agreement.

3 Time

The Grantee must comply with all the time requirements described in this grant contract agreement. In the performance of this grant contract agreement, time is of the essence.

4 Consideration and Payment

4.1 ***Consideration***. Consideration for all services performed by Grantee pursuant to this grant contract agreement shall be paid by the State as follows:

(a) ***Compensation.*** The Grantee will be paid for all boat and water safety activities performed by the Grantee during the term of the grant contract agreement up to Five thousand dollars ($5,000).

(b) ***Total Obligation.*** The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract agreement will not exceed Five thousand dollars ($5,000).

4.2 ***Payment***

(a) ***Invoice.*** The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Submit one invoice at the end of the grant period or when all obligations have been satisfactorily fulfilled, whichever occurs first. The invoice shall be accompanied by log sheets and narrative report as described in Exhibit A. The invoice, log sheets and required narrative report must be submitted to the State not later than October 6, 2021,

unless an extension is requested in writing from the Grantee and approved in writing from the State.

(b) ***Federal funds.*** Payments under this grant contract agreement will be made from federal funds obtained by the State through the U.S. Coast Guard, Department of Homeland Security – through the Recreational Boating Safety Financial Assistance program to states, commonwealth and territories (FAIN 3319FAS190127), (CFDA number 97.012) in U.S.C. 13101-13110. Exhibit B is attached and incorporated into this grant contract agreement for specific federal requirements that affect this grant contract agreement. The Grantee is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for any requirements imposed by the Grantee's failure to comply with federal requirements.

4.3 ***Contracting and Bidding Requirements***

Per Minn. Stat. §471.345, grantees that are municipalities as defined in Subd. 1 must follow the law.

(a) The grantee must not contract with vendors who are suspended or debarred in MN: http://www.mmd.admin.state.mn.us/debarredreport.asp

5 Conditions of Payment

All services provided by the Grantee under this grant contract agreement must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

6 Authorized Representative

The State's Authorized Representative is Adam Block, Boating Law Administrator, Enforcement Division – Central Office, Minnesota Department of Natural Resources (DNR), 500 Lafayette Rd., St. Paul, MN 55155-4047, adam.block@state.mn.us or his/her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant contract agreement. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The Grantee's Authorized Representative is Sheriff Mark Inglett, Houston County Sheriff's Office, 306 S. Marshall St., Caledonia, MN 55921, or his/her successor. If the Grantee's Authorized Representative changes at any time during this grant contract agreement, the Grantee must immediately notify the State.

7 Assignment, Amendments, Waiver, and Grant Contract Agreement Complete

7.1 ***Assignment.*** The Grantee shall neither assign nor transfer any rights or obligations under this grant contract agreement without the prior written consent of the State, approved by the same parties who executed and approved this grant contract agreement, or their successors in office.

7.2 ***Amendments.*** Any amendments to this grant contract agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract agreement, or their successors in office.

7.3 ***Waiver.*** If the State fails to enforce any provision of this grant contract agreement, that failure does not waive the provision or the State's right to enforce it.

7.4 ***Grant Contract Agreement Complete.*** This grant contract agreement, including Exhibits A and B which are attached and incorporated into this grant contract agreement, contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant contract agreement, whether written or oral, may be used to bind either party.

8 Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant contract agreement by the Grantee or the Grantee agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant contract agreement.

9 Audits (State and Single)

Under Minn. Stat. §16B.98, subd. 8 and 2 CFR 200.331, the Grantee books, records, documents, and accounting procedures and practices relevant to this grant contract agreement are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant contract agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

All state and local governments, colleges and universities, and non-profit organizations that expend $750,000 or more of Federal awards in a fiscal year must have a single audit according to the OMB Uniform Guidance: Cost Principles, Audit, and Administrative Awards Requirements for Federal Awards. This is $750,000 total Federal awards received from all sources. If an audit is completed, forward a copy of the report to both the State's Authorized Representative and the State Auditor.

10 Government Data Practices

10.1 ***Government Data Practices.*** The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this grant contract

agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant contract agreement. The civil remedies of Minn. Stat. §13.08 apply to the release of the data referred to in this clause by either the Grantee or the State. If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with applicable law.

11 American Disabilities Act

The Grantee is subject to complying with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.) and all applicable regulations and guidelines.

12 Non-Discrimination Requirements

No person in the United States must, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity receiving Federal financial assistance. Including but not limited to:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and DOC implementing regulations published at 15 C.F.R. Part 8 prohibiting discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance; Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) prohibiting discrimination on the basis of sex under Federally assisted education programs or activities;

(b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. Part 8b prohibiting discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance.

(c) The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.), and DOC implementing regulations published at 15 C.F.R. Part 20 prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;

(d) Title II of the Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination against qualified individuals with disabilities in services, programs, and activities of public entities.

(e) Any other applicable non-discrimination law(s).

13 Workers' Compensation

The Grantee certifies that it is in compliance with Minn. Stat. §176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

14 Publicity and Endorsement

14.1 ***Publicity***. Any publicity regarding the subject matter of this grant contract agreement must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors with respect to the program, publications, or services provided resulting from this grant contract agreement. All projects primarily funded by state grant appropriations must publicly credit the State of Minnesota, including on the grantee's website when practicable.

14.2 ***Endorsement***. The Grantee must not claim that the State endorses its products or services.

15 Governing Law, Jurisdiction, and Venue

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

16 Termination

16.1 ***Termination by the State.*** The State may immediately terminate this grant contract agreement with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

16.2 ***Termination for Cause.*** The State may immediately terminate this grant contract agreement if the State finds that there has been a failure to comply with the provisions of this grant contract agreement that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

16.3 ***Termination for Insufficient Funding.*** The State may immediately terminate this grant contract agreement if:

(a) It does not obtain funding from U.S. Coast Guard, Department of Homeland Security – through the Recreational Boating Safety Financial Assistance program to states, commonwealth and territories (FAIN 3319FAS190127), (CFDA number 97.012) in U.S.C. 13101-13110 is withdrawn.

(b) Or, if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment,

determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the grant contract agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

17 Data Disclosure

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

18 Invasive Species Prevention

The DNR requires active steps to prevent or limit the introduction, establishment, and spread of invasive species during contracted work. The contractor shall prevent invasive species from entering into or spreading within a project site by cleaning equipment prior to arriving at the project site.

If the equipment, vehicles, gear, or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned by contractor furnished tool or equipment (brush/broom, compressed air or pressure washer) at the staging area. The contractor shall dispose of material cleaned from equipment and clothing at a location determined by the DNR Contract Administrator. If the material cannot be disposed of onsite, secure material prior to transport (sealed container, covered truck, or wrap with tarp) and legally dispose of offsite.

The contractor shall ensure that all equipment and clothing used for work in infested waters has been adequately decontaminated for invasive species (ex. zebra mussels) prior to being used in non-infested waters. All equipment and clothing including but not limited to waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps that comes in contact with any infested waters must be thoroughly decontaminated.

19 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

19.1 The prospective lower tier participant certifies, by submission of this grant contract agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

19.2 Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this grant contract agreement.

20 Whistleblower Protection Rights

41 USC §4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection

(a) This award and employees working on this financial assistance agreement will be subject to the whistleblower rights and remedies in the pilot program on Award Recipient employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub.L. 112-239).

(b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC 4712.

(c) The recipient shall insert this clause, including this paragraph (*c*), in all subawards and in contracts over the simplified acquisition threshold related to this award.

Attachments:

_____A. Federal Boat Patrol Grant Contract Agreement
_____B. Exhibit A
_____C. Exhibit B
_____D. Conflict of Interest Disclosure

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Statutes 16A.15 and 16B.98.

Signed: _____

Date: _____

SWIFT Contract # _____

Purchase Order # _____

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: _____

Title: County Sheriff

Date: _____

By: _____

Title: Chairperson of County Board

Date: _____

3. STATE AGENCY: NATURAL RESOURCES

By: _____
(With delegated authority)

Title: Director, Enforcement Division – Central Office

Date: _____

Distribution:
Agency
Grantee
State's Authorized Representative

EXHIBIT A

2021 FEDERAL BOATING ENFORCEMENT SUPPLEMENTAL AGREEMENT (CFDA #97.012)

1. The purpose of this program is to provide supplementary funding to the County to provide for additional boating safety patrol hours during high-use periods through the payment of straight time, overtime, or the addition of enforcement personnel on a temporary basis. Other activities such as rental boat inspections, training, extended search and rescue operations, aids-to-navigation work, aquatic invasive species (AIS) enforcement or inspections, talks and displays **do not qualify** for reimbursement under this program. Incidental on-scene accident investigation, assistance to the public and immediate search and rescue operations by personnel assigned to this program are authorized.

2. The program shall begin on Friday, May 14, 2021 or the date the State obtains all required signatures, whichever is later, and end at midnight, Monday, September 6, 2021. The Grantee must not begin work until this grant contract agreement is fully executed and the State's Authorized Representative has notified the Grantee that work may commence.

3. Reimbursable hours and days of operation shall occur during the following days and hours:

   The schedule of hours shall be left to the county. Scheduling, however, should be made to coincide with periods of activity or complaints and night patrols are encouraged. *If at all possible, schedules should be canceled or delayed if inclement weather is expected.*

4. Emphasis on this program shall be placed on the following violations:

   - Boating while intoxicated
   - Personal watercraft operation
   - Careless and reckless operation
   - Speed and wake violations
   - Use of navigation lights
   - Other boating equipment and registration violations

5. Allowable costs include overtime patrol hours, additional personnel salary and appropriate fringe benefits associated with patrol. No indirect costs will be paid by the state. Submit one invoice at the end of the grant period or when all obligations have been satisfactorily fulfilled, whichever occurs first. A copy of the daily logs of each deputy involved - showing hours on duty, water body patrolled, boats stopped, citations or warnings issued and other pertinent information on a daily basis must be submitted with the reimbursement invoice. The deputy and his or her supervisor must sign each log sheet. Reimbursement request must also include a summary of the times and hours worked and total costs for each deputy by date.

   All other expenses, such as fuel, training, repairs, boats, meals etc. must be paid by the county (use of the regular 2021 state boat and water safety grant funds for these other expenses is an allowable cost). The county will be responsible for any unemployment or worker's compensation costs associated with the program.

6. Each participating county, with the payment request, will submit a written review of the program. Payment will not be made without this narrative, which shall include a summary of the county's activities, accomplishments and suggested changes for future funding.

7. **Deadline for the invoice, log sheets and narrative is Wednesday, October 6, 2021. An invoice submitted after that date will not be reimbursed, unless an extension is requested by the grantee in writing and the extension is approved in writing from the State. Submit invoice info to: Adam.Block@state.mn.us**

8. Hours from this program will be excluded in determining the regular 2023 county grant allocation.

9. These funds are not designed to take the place of existing funding, but rather to supplement it. A copy of the 2021 county supplemental patrol work plan must be submitted to the State for approval before the grant may be processed.

2021 FEDERAL ASSURANCES
NON-CONSTRUCTION PROGRAMS

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et sq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction sub-agreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et. seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1et seq.).

14. Will comply with P.L. 93-248 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments and Non-Profit Organizations." *(see below).

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

**If the COUNTY (as defined on page 1 of this grant) expends more than $500,000 in federal assistance per year, it agrees to have a program-specific or single audit made in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133 – "Audits of States, Local Governments and Non-Profit Organizations." Copies of the audit report are required to be sent to the following: 1) Office of the State Auditor – Single Audit Division, Suite 500, 525 Park Street, St. Paul, MN 55103, 2) Minnesota Department of Natural Resources, Internal Audit Section – Office of Management & Budget Services 500 Lafayette Road, St. Paul, MN 55155 and 3) The Federal Single Audit Clearinghouse located at: Bureau of the Census, Data Preparation Division, 1201 East 10th Street, Jeffersonville, IN 47132.*

DEPARTMENT OF NATURAL RESOURCES

Conflict of Interest Disclosure

Conflict of Interest:
A conflict of interest (actual, potential, or perceived) occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper, or illegal act results from it.

Actual Conflict of Interest:
An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict. Examples include, but are not limited to:

- One party uses his or her position to obtain special advantage, benefit, or access to the other party's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
- One party receives or accepts money (or anything else of value) from another party or has equity or a financial interest in or partial or whole ownership of the other party's organization.
- One party is an employee, board member or family member of the other party.

Potential Conflict of Interest:
A potential conflict of interest may exist if one party has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, when one party serves in a volunteer capacity for another party, it has the potential to, but does not necessarily, create a conflict of interest, depending on the nature of the relationship between the two parties. A disclosed potential conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

Perceived Conflict of Interest:
A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist. A disclosed perceived conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

Organizational Conflict of Interest:
A conflict of interest can also occur with an organization that is a grant applicant or grantee of a state agency. Organizational conflicts of interest occur when:

- A grantee is unable or potentially unable to render impartial assistance or advice to the State due to competing duties or loyalties
- A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties
- A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

This section to be completed by Grantee's Authorized Representative (AR):

I certify that we will maintain an adequate Conflict of Interest Policy and throughout the term of our agreement we will monitor and report any actual, potential, or perceived conflicts of interest to the State's Authorized Representative.

I also certify that I have read and understand the description of conflict of interest above and as of this date (Check one of the two boxes below):

☐ I do not have any conflicts of interest relating to this project.

☐ I have an actual, potential, perceived, or organizational *(circle)* conflict of interest. The nature of the conflict is as follows:

If at any time during the grant project I discover a conflict of interest, I will disclose that conflict immediately to the State's Authorized Representative.

Grantee AR's Printed Name: _____ Date: _____

Grantee AR's Signature: _____

Organization Name: _____

Project Name: **2021 MN DNR Federal Boating Patrol Grant**

State AR's Printed Name: _____ Date: _____

State AR's Signature: _____

preserving the peace and public trust

HOUSTON COUNTY SHERIFF'S OFFICE

MEMO

DATE: May 5, 2021

TO: Houston County Board of Commissioners

REF: Consent Agenda Request

Commissioners,

I placed this request on the consent agenda because it is a fairly straight forward request and I don't anticipate discussion needed. If you feel differently, or you feel it needs to be a separate action item, then please let me know in advance of the May 11th Board meeting.

We are seeking Board consent to pursue reimbursement for expenses incurred for state mandated Telephone Cardiopulmonary Resuscitation training for our dispatch staff. The funding is provided through a grant that the South East Minnesota Radio Advisory Committee and the South East Minnesota Emergency Communications Boards have applied for and received funding for this purpose.

In the attached documents, you will see a copy of the grant agreement and the awarded amount for the region. I have also included documentation of the allotted reimbursement amount designated for Houston County which totals $833.00. There is no matching requirement for this grant, so there is no additional cost to the county. There is no need for a Commissioners nor my signature, as Judy Indrelie, Fiscal Agent for the SEMNECB is the grantees authorized representative.

On side note, I had recently assigned duties of PSAP coordinator to Mark Olson. Mark was right on top of this mandated training and made sure all staff had completed the training well in advance of the deadline. I note this only as another example of how critical it is to have a staff member overseeing the many mandates of our dispatch center and Mark is doing a fantastic job with the those duties.

If you need further clarification, please reach out to me by email or phone.

Thank you for your time.

Respectfully submitted,

Mark Inglett
Houston County Sheriff

2019 DECN Telephone Cardiopulmonary Resuscitation
Grant Agreement: A-DECN-TCPR-2021-SEECB-7
04/01/2021 – 06/30/2021

04/01/2021

SEMNRAC and SEMNECB Member Counties of Dodge, Fillmore, Freeborn, Houston, Mower, Rochester, Steele, Wabasha, and Winona.

Attached is the 2019 Telephone Cardiopulmonary Resuscitation Grant contract between the SEMNRRB and the State of Minnesota.

- The award amount is $6,811.00
- The Grant is effective from **04/01/2021 – 06/30/2021**
- These are State dollars.
- The last date for submission of invoices to the SEMNECB for reimbursement is **06/23/2021.**

PSAP Name	No of Employees Needing Training	Secondary PSAP Receiving Transfers	Compliance Option	Amount Awarded
Dodge County	16	Mayo ECC	Virtual Academy	$ 784.00
Fillmore County	7	N/A	Virtual Academy	$ 343.00
Freeborn County	10	Mayo Clnic Ambulance Service	Virtual Academy	$ 490.00
Goodhue County	12	Mayo, North Memorial, Mhealth East	Virtual Academy	$ -
Houston County	17	Gundersen Health Systems	Virtual Academy	$ 833.00
Mower County	15	N/A	Virtual Academy	$ 735.00
City of Rochester	27	MCAS	Virtual Academy	$ 1,323.00
Steele County	25	Mayo, North Memorial, M Health	Virtual Academy	$ 1,225.00
Wabasha County	10	N/A	Virtual Academy	$ 490.00
Winona County	12	Gundersen Medical	Virtual Academy	$ 588.00
Total				$ 6,811.00

Each Member participating in the T-CPR project will follow the requirements outlined in the Grant Agreement between the State of MN and the SouthEast Minnesota Regional Radio Board. (See attached.) Each County will be responsible to complete their project as required by the State and submit their invoices for reimbursement.

EACH ENTITY WILL PAY FOR THEIR PORTION OF THE PROJECT WORK. REGIONAL COSTS WILL BE INVOICED OUT.

2019 DECN Telephone Cardiopulmonary Resuscitation
Grant Agreement: A-DECN-TCPR-2021-SEECB-7
04/01/2021 – 06/30/2021

For your costs, provide the following with request for reimbursement:

_____ Proof of payment of total costs as they relate to request for reimbursement including copies of receipts, packing list if applicable, copies of check or EFT payment. Costs should be submitted according to the Quote received if you are using a vendor.

_____ Certificates of Completion for each person who has completed the training which should include the dates of training.

_____ Proof/printout of verification that vendor is not debarred and/or suspended. See below.

_____ A summary that includes the name of the participant, the dates they took training and date completed and explanation of any unused funds.

_____ Completed PSAP Compliance Letter

OFCCP Debarred Companies

To find a list of current companies (Entity) or individuals that have been declared ineligible to receive Federal contracts due to a violation of Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended 29 U.S.C. Section 793; and/or the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. Section 4212, follow the instructions below to access the System for Award Management (SAM). SAM contains the electronic roster of debarred companies excluded from Federal procurement and non–procurement programs throughout the U.S. Government (unless otherwise noted) and from receiving Federal contracts or certain subcontracts and from certain types of Federal financial and nonfinancial assistance and benefits. The SAM system combines data from the Central Contractor Registration, Federal Register, Online Representations and Certification Applications, and the Excluded Parties List System.

Instructions:

Click the https://www.sam.gov link. You will leave the U.S. Department of Labor's website and enter the SAM website.

By submitting invoices for reimbursement, you are agreeing to the terms and requirements listed on the attached contract grant agreement **A-DECN-TCPR-2021-SEECB-7** between the Southeast Minnesota Emergency Communications Board and the State of Minnesota and the requirements listed above.

2019 DECN Telephone Cardiopulmonary Resuscitation
Grant Agreement: A-DECN-TCPR-2021-SEECB-7
04/01/2021 – 06/30/2021

A request for reimbursement and a progress report is due no later than June 23, 2021.

Reimbursement Request:

A request for reimbursement on your county/city letterhead, detailing your costs that is substantiated with the required backup documentation attached. Your cover letter should include the amount you are asking for, split 60/40 between the 2 grants and is required to include the following statement that verifies usage of expenditures for reimbursement. **"I understand the grant rules of supplanting and declare under penalties of law that this account, claim or demand is just and correct and that no part of it has been reimbursed or funded through another source."**

This request needs to be signed by your Sheriff as these are the members of the Regional Advisory Committee and recipients of the grant.

SUMMARY Report:

A summary report should be completed and include the following in detail:

- Name of Participant
- Dates of training for each.
- Date of Completion for each.
- Any issues that were experienced.
- Reasons for not utilizing all funds, if that is what happens.
- Certificates of Completion for each Participant that received training.
- Copy of completed PSAP Letter

SECB

STATEWIDE EMERGENCY COMMUNICATIONS BOARD

Please do not submit this letter until compliance is completed and no later than July 2, 2021.

TO: Darlene Pankonie, Chair, SECB NG9-1-1 Committee

The Houston County PSAP will ensure compliance with Minnesota Statute 403.03 § 2, Telephone cardiopulmonary resuscitation program by using the following method:

Train to recognize cardiac arrest and transfer to the following secondary PSAP(s) for pre-arrival instructions for cardiac arrest:

☐ ★ Ensure you have a service agreement in place and check all that apply.

- ☐ Allina Medical Transportation
- ☑ Gundersen Health System
- ☐ Hennepin Health EMS
- ☐ Mayo Clinic Ambulance Service
- ☐ M Health Fairview Transportation
- ☐ North Memorial Health Ambulance Service
- ☐ Ridgeview Ambulance Service

☐ Train to recognize cardiac arrest and provide pre-arrival instructions for cardiac arrest.

☐ Train to full Emergency Medical Dispatch (EMD) protocols which includes pre-arrival instructions for cardiac arrest.

Signed Mark Olson

Digitally signed by Mark Olson
DN: cn=Mark Olson, o=Houston County Sheriff's Office, ou, email=mark.olson@co.houston.mn.us, c=US
Date: 2021.05.03 13:33:05 -05'00'

Printed Name Mark Olson

Title PSAP Coordinator

Phone number (507) 725-5994 Date 05/03/2021

Email the completed form to the SECB Administrative Staff at ECN@state.mn.us.

Minnesota Department of Public Safety ("State") Division of Emergency Communication Networks 445 Minnesota Street, Suite 1725 Saint Paul, MN 55101	**Grant Program:** 2021 DECN (TCPR) Telephone Cardiopulmonary Resuscitation **Grant Contract Agreement No.:** A-DECN-TCPR-2021-SEECB-7
Grantee: Southeast Minnesota Regional Emergency Communications Board 151 Fourth Street SE Rochester, MN 55904-3710	**Grant Contract Agreement Term:** **Effective Date:** 04/01/2021 **Expiration Date:** 06/30/2021
Grantee's Authorized Representative: Judy Indrelie, Fiscal Agent Olmsted County 101 SE 4th Street Rochester, MN 55904-3710 Phone: 507-328-6764 Email: Indrelie.judy@co.olmsted.mn.us	**Grant Contract Agreement Amount:** Original Agreement $ 6,811.00 Matching Requirement $ 0.00
State's Authorized Representative: Dana Wahlberg, Director Division of Emergency Communication Networks 445 Minnesota Street, Suite 1725 Saint Paul, MN 55101 Phone: 651-201-7546 Email: dana.wahlberg@state.mn.us	Federal Funding: None FAIN: NA State Funding: Minnesota Laws 2016, Chapter 403.275, Subdivision 1, Section 1-3 Special Conditions: Attached and incorporated into this grant contract agreement. See page 3.

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant contract agreement.

Term: The creation and validity of this grant contract agreement conforms with Minn. Stat. § 16B.98 Subd. 5. Effective date is the date shown above or the date the State obtains all required signatures under Minn. Stat. § 16B.98, subd. 7, whichever is later. Once this grant contract agreement is fully executed, the Grantee may claim reimbursement for expenditures incurred pursuant to the Payment clause of this grant contract agreement. Reimbursements will only be made for those expenditures made according to the terms of this grant contract agreement. Expiration date is the date shown above or until all obligations have been satisfactorily fulfilled, whichever occurs first.

The Grantee, who is not a state employee will:
Perform and accomplish such purposes and activities as specified herein and in the Grantee's approved 2021 DECN (TCPR) Telephone Cardiopulmonary Resuscitation Application ("Application") which is incorporated by reference into this grant contract agreement and on file with the State at 445 Minnesota Street, Suite 223, Saint Paul, MN 55101. The Grantee shall also comply with all requirements referenced in the 2021 DECN (TCPR) Telephone Cardiopulmonary Resuscitation Guidelines and Application which includes the Terms and Conditions and Grant Program Guidelines (https://app.dps.mn.gov/EGrants), which are incorporated by reference into this grant contract agreement.

Budget Revisions: The breakdown of costs of the Grantee's Budget is contained in Exhibit A, which is attached and incorporated into this grant contract agreement. As stated in the Grantee's Application and Grant Program Guidelines, the Grantee will submit a written change request for any substitution of budget items or any deviation and in accordance with the Grant Program Guidelines. Requests must be approved prior to any expenditure by the Grantee.

Matching Requirements: (If applicable.) As stated in the Grantee's Application, the Grantee certifies that the

matching requirement will be met by the Grantee.

Payment: As stated in the Grantee's Application and Grant Program Guidance, the State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services and in accordance with the Grant Program Guidelines. Payment will not be made if the Grantee has not satisfied reporting requirements.

Certification Regarding Lobbying: (If applicable.) Grantees receiving federal funds over $100,000.00 must complete and return the Certification Regarding Lobbying form provided by the State to the Grantee.

1. ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. § 16A.15.

Signed: _____

Date: _____

3. STATE AGENCY

Signed: _____
(with delegated authority)

Title: _____

Date: _____

Grant Contract Agreement No./ P.O. No. A-DECN-TCPR-2021-SEECB-7//PO#3-72189

Project No.(*indicate N/A if not applicable*): N/A

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

Signed: _____

Print Name: _____

Title: _____

Date: _____

Signed: _____

Print Name: _____

Title: _____

Date: _____

Distribution: DPS/FAS
Grantee
State's Authorized Representative

SPECIAL CONDITIONS

Southeast Minnesota Regional Emergency Communications Board is the fiscal agent that serves the following counties and cities:

Dodge County	Fillmore County	Freeborn County
Goodhue County	Houston County	Mower County
Olmsted County	Rice County	Steele County
Wabasha County	Winona County	City of Rochester

2021 DECN (TCPR) Telephone Cardiopulmonary Resuscitation

EXHIBIT A

Organization: Southeast Minnesota Emergency Communications Board (SEECB)

A-DECN-TCPR-2021-SEECB-7

Budget Summary (Report)

2021 TCPR: Training				
Budget Category	**Award**	**Match**		
Training				
TCPR Training for region	$6,811.00	$0.00		
Total	$6,811.00	$0.00		
Total	$6,811.00	$0.00		
Allocation	$6,811.00	$0.00		
Balance	$0.00	$0.00		

LA CROSSE COUNTY
Exceptional services. Extraordinary place.

Hazardous Materials Facility
County of La Crosse, Wisconsin
3202 Berlin Drive
La Crosse, Wisconsin 54601
Telephone: (608) 785-9999 • Fax: (608) 793-6512
www.lacrossecounty.org/solidwaste/hhm

A Responsible Resource

TO: HOUSTON COUNTY c/o
Jeff Babinski, County Administrator
Aaron Lacher, Environmental Services Director

FROM: LA CROSSE COUNTY HAZARDOUS MATERIALS FACILITY
Scott Szymanski, Operations Manager

DATE: May 5, 2021

SUBJECT: Memorandum of Understanding between Houston County and the La Crosse County Hazardous Materials Facility for the 2021 Remote Household Hazardous Waste Collection Events

This Memorandum of Understanding (MOU) has been prepared to mutually acknowledge the partnership established between Houston County and the La Crosse County Hazardous Materials Facility (HHM) mobile operations for all 2021 household hazardous waste collection events (Events).

In addition, this MOU respects the agreements between the Minnesota Pollution Control Agency (MPCA) and Winona County as well as the contract between Winona County (The Sponsoring Organization) and Houston County (The Co-Sponsoring County).

As part of this partnership, Houston County will provide the following services:

Prior to Events

- Act as the public's point of contact.
- Advertise to include the date, time and location of the scheduled events.
- Identify a traffic flow pattern that expedites waste unloading and emphasizes site safety.
- Planning to ensure necessary safety measures are implemented due to the Covid-19 pandemic.
- Notify MPCA at least 30 days prior to collection event.

During Events

- A safe working environment including reasonable access to potable water and bathroom facilities.
- PPE to be used by county staff and volunteers. Work with La Crosse County to ensure adequate supplies are available.
- An individual to manage traffic flow.
- Staffing for Minnesota Paint Care collection.
- Coordinate the reimbursement for all waste collected under the MPCA Paint Care or Minnesota Ag programs.

LA CROSSE COUNTY
Exceptional services. Extraordinary place.

Hazardous Materials Facility
County of La Crosse, Wisconsin
3202 Berlin Drive
La Crosse, Wisconsin 54601
Telephone: (608) 785-9999 • Fax: (608) 793-6512
www.lacrossecounty.org/solidwaste/hhm

A Responsible Resource

Following Events

- Provide secure on-site waste storage for up to 5 consecutive days.
- Arrange and pay for the collection, disposal and/or recycling of any wastes not covered under this MOU including PaintCare and MnAg wastes. Wastes covered under this MOU are cited below.

As part of this partnership, HHM will provide the following services:

Prior to Events

- A cost breakdown of services provided.
- Transportation of equipment to the collection site.
- Conduct a safety meeting.

During Events

- Collection equipment set-up and take down.
- Mobile unit staff consisting of a minimum of one (1) lead and up to three (3) support staff.
- Receive, sort and package approved waste for disposal. Note: Upon evaluation, HHM staff reserve the right to refuse items not suitable for handling, transport and/or disposal.

Following Events

- Prepare for and facilitate proper disposal of all approved wastes.
- Document waste streams and weights and provide this information to Houston County.
- Invoice Houston County for the mobilization to/from the collection site, HHM staff time and any materials used. The invoice will include processing and disposal fees for any waste transported to the HHM facility. **Note: 2021 HHM fees are attached to this MOU.**

Additional expectations

- Only waste from household users and farms will be accepted at Events.
- Businesses, Organizations, Municipalities and Schools shall be directed to the HHM facility under the VSQG/Business program.
- No pre-collected waste will be accepted.
- Wastes covered under this MOU include acids, aerosols, asbestos paints, bases, dioxins, flammable liquids, flammable solids, mercury containing articles and compounds, oxidizers, peroxides, reactives/self-heating, and toxics.

_____
Scott Szymanski, Operations Manager

_____
Jeff Babinski, Houston County Administrator

_____
Aaron Lacher, Environmental Services Director

HOUSTON COUNTY
AGENDA REQUEST FORM
May 11, 2021

Date Submitted: 05.06.2021
By: Tess Kruger, HRD/Facilities Mgr.

ACTION REQUEST
None

APPOINTMENT REQUEST
None

HR CONSENT AGENDA REQUEST
Recorder's Office

- **Reassign Mary Betz, (current Chief Deputy Recorder) as the interim County Recorder, to fulfill the unexpired term of Sue Schwebach at prior incumbent's current salary, effective May 12, 2021. Said term to expire December 31, 2022. (Note, that elected office 2021 salaries were set by statute in 2021)**
- **Reassign Michelle Werner (current Deputy Recorder) as the interim Chief Deputy Recorder, B23, Step 1, effective May 12, 2021 Initiate a competitive search for a Deputy Recorder, B21**

Sheriff's Office

- **Hire Travis Lapham, as a probationary Sheriff's Deputy C42, Step 4, effective June 7, 2021, conditioned upon satisfactory completion of a background check**
- **Accept the resignation of Daniel Coogan, Sheriff's Deputy, effective the end of the business day August 14, 2021, and thank Deputy Coogan for his 16 years of service to the residents of Houston County**
- **Approve a competitive search for a Sheriff's Deputy. (We plan to use so the recent search pool of Sheriff's Deputy candidates)**

Reviewed by:				
	X	HR Director	X	County Sheriff
	X	Finance Director	___	County Engineer
	___	IS Director	___	PHHS

___		___	
___	**County Attorney**	X	**Other (indicate dept)** Recorder Office
___	**Environmental Srvcs**		

Recommendation:

Decision:

Houston County
Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: 3-May-21

Person requesting appointment with County Board: Aaron Lacher

Issue:

CUP Approval/Denial: 1) Anthony Krenzke - CUP to build a dwelling in La Crescent Township. 2) Robert Ott - CUP Amendment to current CUP issued by La Crescent Township in 2012. 3) Tom and Cole Hoscheit - CUP to expand a feedlot from 434 animal units to 800 a.u. in Mayville Township. (PC meeting was on 4-29-2021.)

Justification:

Action Requested:

Final Approval by the County Board. (Agenda, Hearing Notice, Findings and Staff Report is attached.)

For County Use Only

Reviewed by:

_____	County Auditor	_____	County Attorney	_____	Zoning Administrator
_____	Finance Director	_____	County Engineer	_____	Environmental Services
_____	IS Director	_____	Other (indicate dept)	_____	

Recommendation:

Decision:

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all reequests and determine if the request will be heard at a County Board meeting.

HOUSTON COUNTY
PLANNING COMMISSION AGENDA
Thursday, April 29, 2021

Meetings will be held in a hybrid format with both an in-person and virtual option.
The in-person option will take place in the Commissioner's Room in the Historic Courthouse.
Attendees must adhere to the County Social Distancing Face Coving (Mask) Policy outlined at
https://www.co.houston.mn.us/?mdocs-file=4222.
The virtual option utilizes the Zoom platform. The connecting information is below:

Join Zoom Meeting Using Computer
https://zoom.us/j/95224626649
Meeting ID: 952 2462 6649
Join Zoom Meeting Using Telephone
+1 312 626 6799 US (Chicago)
Meeting ID: 952 2462 6649

PLANNING COMMISSION

Approve Agenda
Approve Minutes for February 25, 2021

CONDITIONAL USE HEARINGS:

6:00 p.m. ***Anthony Krenzke – La Crescent Township***
Conditional Use Permit for a dwelling in the Agricultural Protection District (14.3 Subdivision 1 (10).

6:30 p.m. ***Robert Ott – La Crescent Township***
Conditional Use Permit Amendment to Conditional Use Permit issued by La Crescent Township on September 10, 2012 in an Agricultural Protection District (14.3 Subdivision 1 (14).

7:00 p.m. ***Tom and Cole Hoscheit – Mayville Township***
Conditional Use Permit to expand a feedlot from 434 animal units (a.u.) to 800 a.u., consisting of dairy cattle (14.3 Subdivision 1 (3).

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Anthony Krenzke, 1596 Highwood Drive, La Crescent, MN 55947 for a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in La Crescent Township on the following premises, to-wit:

Part SE¼ NW¼ - 12A and part NE¼ NW¼ - 1A, Section 4, Township 104, Range 4, Houston County, Minnesota. (Parcel #08.0031.004)

Said applicant standing and making application is as fee owner of said described lands. A hearing on this application will be held at 6:00 p.m. on Thursday, April 29, 2021. Due to the health pandemic, the hearing will be held in a hybrid format with both an in-person and virtual option pursuant to MN Statute 13D.021. The in-person option will take place in the Commissioner's room in the Historic Courthouse. Attendees must adhere to the County Social Distancing Face Coving (Mask) Policy outlined at https://www.co.houston.mn.us/?mdocs-file=4222. The virtual option utilizes the Zoom platform. Anyone wishing to attend remotely may do so at https://zoom.us/j/95224626649 or by dialing 312-626-6799 and entering meeting ID: 952 2462 6649

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to aaron.lacher@co.houston.mn.us, and must be received by Tuesday, April 20, 2021. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Aaron Lacher
Zoning Administrator

ADV: April 14, 2021

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Anthony Krenzke*** DATE: ***April 29, 2021***
C.U.P. REQUESTED: ***Build a single family nonfarm dwelling in an Ag District.***

The Planning Commission shall not recommend a conditional use permit unless they find the following:

FINDINGS OF FACT

Section 11.5 of the Houston County Zoning Ordinance requires the following:

(SA = Staff Analysis)

1. That the proposed use conforms to the County Land Use Plan.

   Staff Analysis: The Comprehensive Plan and Zoning Ordinance both offer a basis for restricting non-farm development in order to minimize incompatibility between agricultural uses and residential uses and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development. This proposal satisfies the density limitations and staff feel this is a good location to encourage development. East Townhall Road has the public infrastructure and consists of both residentially and agriculturally zoned parcels. In addition, there seems to be limited commercial agricultural use in this valley.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes, The road is already in place, good place for a house.
   Greg Myhre – Yes
   Rich Schild – Yes, Agrees with SA, has covered all the bases.
   James Wieser – Yes, The land has not been in production for many years.

2. That the applicant demonstrates a need for the proposed use.

   Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA, would like to build a house to live in.
   Ed Hammell – Yes
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes
   James Wieser – Yes

3. That the proposed use will not degrade the water quality of the County.

   Staff Analysis: The applicant has already worked with a septic contractor to determine a location and that soils are adequate for treatment.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes, Did their homework.
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes, The only potential issue could be the septic, but is confident in designer.

James Wieser – Yes

4. That the proposed use will not adversely increase the quantity of water runoff.

   Staff Analysis: The applicant plans to meet all requirements of their erosion control plan to address any runoff concerns.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes, History shows everything should be ok and the DNR is ok.
   James Wieser – Yes, A single family dwelling will not increase water runoff.

5. That soil conditions are adequate to accommodate the proposed use.

   Staff Analysis: The main limiting factor for these particular class IV and VI soils is slope, but the proposed location will be under 12%. A septic contractor has been consulted and feels that there are two Type I soil treatment area options.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes
   James Wieser – Yes, Agrees with SA.

6. That potential pollution hazards have been addressed and that standards have been met.

   Staff Analysis: Any future septic system will need to be permitted and meet all state requirements.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes
   Rich Schild – Yes, Potential pollution hazards have been addressed.
   James Wieser – Yes

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

   Staff Analysis: The applicant has owned this parcel since 2004. The existing driveway location and address point will not change. If the applicant wishes to modify the driveway across floodplain, there may be additional requirements that are the responsibility of the applicant. An erosion control permit and septic permit will be submitted with the building permit application.

   Bob Conway – Yes, Agrees with SA, have had big floods after 2004, should be ok.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes, Agrees with Bob C.
   Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes, Erosion control plan, septic permit and driveway will benefit him.
James Wieser – Yes, Agrees with Bob C.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

   N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

   Staff Analysis: The proposed use will not drastically change the traffic on Townhall Road.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes
   James Wieser – Yes

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

    Staff Analysis: The surrounding properties are primarily rural residential in nature. Some parcels are zoned residential and some are zoned agricultural, but there is minimal commercial agriculture in this area. Therefore, this proposal is consistent with other properties in this valley.

    Bob Conway – Yes, Agrees with SA.
    Wayne Feldmeier – Yes
    Larry Hafner – Yes, Agrees with SA.
    Ed Hammell – Yes
    Greg Myhre – Yes, Agrees with SA.
    Rich Schild – Yes, Agrees with SA.
    James Wieser – Yes, Agrees with SA.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

    Staff Analysis: With the exception of bluff land, much of the adjacent property has already been developed to the extent possible.

    Bob Conway – Yes, Agrees with SA.
    Wayne Feldmeier – Yes, Agrees with SA.
    Larry Hafner – Yes, Agrees with SA.
    Ed Hammell – Yes, Agrees with SA.
    Greg Myhre – Yes
    Rich Schild – Yes, A Conditional Use Permit is part of orderly development.
    James Wieser – Yes

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

    N/A

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

    Staff Analysis: This proposal is consistent with other properties along East Townhall Road.

    Bob Conway – Yes, Agrees with SA.
    Wayne Feldmeier – Yes, Agrees with SA.
    Larry Hafner – Yes, Agrees with SA.
    Ed Hammell – Yes, Agrees with SA.
    Greg Myhre – Yes
    Rich Schild – Yes, Agrees with SA.
    James Wieser – Yes

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

    N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

    Staff Analysis: This proposal will not negatively affect the public's health, safety, morals, and general welfare.

    Bob Conway – Yes, Agrees with SA.
    Wayne Feldmeier – Yes, Agrees with SA.
    Larry Hafner – Yes, Agrees with SA.
    Ed Hammell – Yes
    Greg Myhre – Yes, Agrees with SA.
    Rich Schild – Yes, Agrees with SA.
    James Wieser – Yes

Wayne Feldmeier made the motion to recommend the Houston County Board approve the Conditional Use application for a single family nonfarm dwelling in an Ag District with the following condition:

1. The Permittee shall comply with all federal, state, and local laws and regulations.

Bob Conway seconded. Roll call vote was taken. All were in favor. Motion carried.

HOUSTON COUNTY
ENVIRONMENTAL SERVICES
Solid Waste ● Recycling ● Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 ● Fax: (507) 725-5590

Houston County National Leader in Recycling

STAFF REPORT
4/17/2021

Application Date: 3/18/2021
Hearing Date: 4/29/2021
Petitioner: Anthony Krenzke
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: 1957 Townhall Rd E
Township: La Crescent
Parcel Number: 080031004
Submitted Materials: CUP Application

OVERVIEW

REQUEST

The applicant is seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district.

SUMMARY OF NOTEWORTHY TOPICS

The applicant is proposing to build a 40'x60' house with an attached 30'x30' garage. The HCZO 14.3 subd.1 (10) requires the following;

(10) Dwellings. Single-family non-farm dwellings subject to the following:
(a) No more than one (1) dwelling per quarter-quarter section.
(b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.
(c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.
(d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.
(e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at

least thirty –three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.

The applicant has owned this parcel since 2004.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

La Crescent Township and the ten nearest property owners were notified. No comments were received.

SITE CHARACTERISTICS

This is a 13-acre site in the agricultural protection district off East Townhall Road in La Crescent Township with 180 feet of road frontage. It consists of a long narrow cross section of the valley and then approximately 8.5 acres of timber. Slopes within the valley are less than 18%, but most of the timber is greater than 24%. Soils are primarily 388D2 and 388E, which are class IVe and VIe, respectively. A small section of 388C2, a class IIIe soil, may be utilized for the septic system, but the ground has not been in production since at least 2008. Slope is the main limiting factor for building sites on these soil types, but slopes will be under 12% in this location.

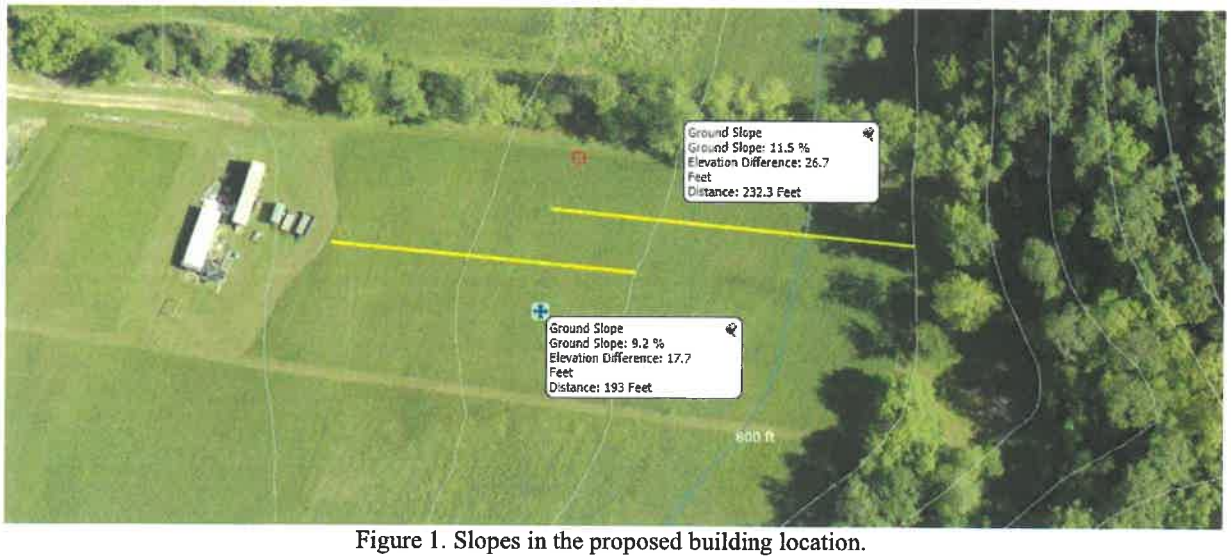


Figure 1. Slopes in the proposed building location.

There are no existing dwellings within the SW NW quarter-quarter, however, three dwellings appear to be close or split by quarter-quarter lines. The dwellings at 1555 and 1700 E Townhall Road were determined to be in the SW NW quarter-quarter and just have outbuildings that occupy the SE NW quarter-quarter. The north SE NW quarter-quarter line bisects the dwelling at 1908 E Townhall Road. At that location, an attached garage primarily lies within the SE NW quarter-quarter and there is no dwelling within the NE NW quarter-quarter. As such, this dwelling was determined to be within that aforementioned quarter-quarter. See Figure 2 below.

Figure 2. Layout of the quarter-quarter lines (pink lines). The address points show the dwelling locations.

This parcel contains an intermittent stream with adjacent floodplain that runs down the valley floor, but the building site will be outside of that area. The DNR recommends a driveway with no grading and a low profile crossing. Driveway materials are considered fill so up to 1,000 cubic yards can be placed in general floodplain without a CUP. However, the applicant does not plan to modify the existing driveway at this time. There should be adequate acreage to meet the property line and road setbacks.

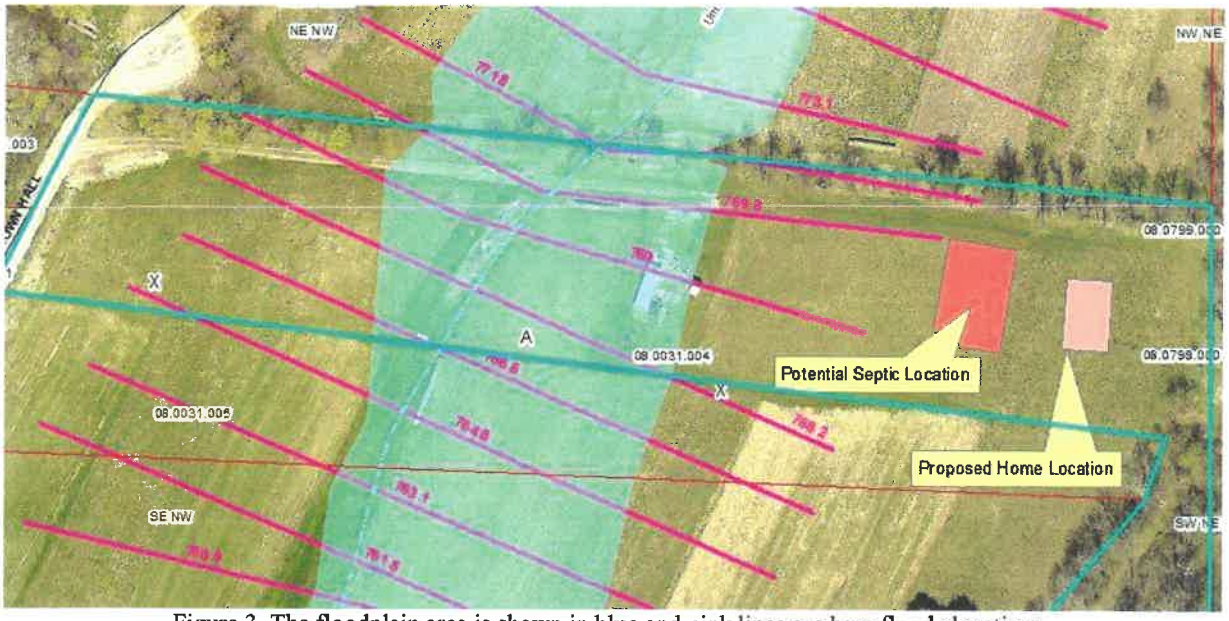


Figure 3. The floodplain area is shown in blue and pink lines are base flood elevations.

Figure 4. Road (yellow) and property line setbacks (purple).

EVALUATION

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

   Staff Analysis: The Comprehensive Plan and Zoning Ordinance both offer a basis for restricting non-farm development in order to minimize incompatibility between agricultural uses and residential uses and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development. This proposal satisfies the density limitations and staff feel this is a good location to encourage development. East Townhall Road has the public infrastructure and consists of both residentially and agriculturally zoned parcels. In addition, there seems to be limited commercial agricultural use in this valley.

2. That the applicant demonstrates a need for the proposed use.

   Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

3. That the proposed use will not degrade the water quality of the County.

   Staff Analysis: The applicant has already worked with a septic contractor to determine a location and that soils are adequate for treatment.

4. That the proposed use will not adversely increase the quantity of water runoff.

   Staff Analysis: The applicant plans to meet all requirements of their erosion control plan to address any runoff concerns.

5. That soil conditions are adequate to accommodate the proposed use.

   Staff Analysis: The main limiting factor for these particular class IV and VI soils is slope, but the proposed location will be under 12%. A septic contractor has been consulted and feels that there are two Type I soil treatment area options.

6. That potential pollution hazards have been addressed and that standards have been met.

   Staff Analysis: Any future septic system will need to be permitted and meet all state requirements.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

   Staff Analysis: The applicant has owned this parcel since 2004. The existing driveway location and address point will not change. If the applicant wishes to modify the driveway across floodplain, there may be additional requirements that are the responsibility of the applicant. An erosion control permit and septic permit will be submitted with the building permit application.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

   Staff Analysis: This is a 13-acre parcel so there is adequate space to provide sufficient off-street parking.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

   Staff Analysis: The proposed use will not drastically change the traffic on Townhall Road.

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

    Staff Analysis: The surrounding properties are primarily rural residential in nature. Some parcels are zoned residential and some are zoned agricultural, but there is minimal commercial agriculture in this area. Therefore, this proposal is consistent with other properties in this valley.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

    Staff Analysis: With the exception of bluff land, much of the adjacent property has already been developed to the extent possible.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

    Staff Analysis: There will be no lighted signs or odors, fumes, dust, noise and vibration as a result of this proposal.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

    Staff Analysis: This proposal is consistent with other properties along East Townhall Road.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

    Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

    Staff Analysis: This proposal will not negatively affect the public's health, safety, morals, and general welfare.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;

Proposed motion: Recommend grant of a conditional use permit for a single family nonfarm dwelling with one condition.

Site Evaluation

1957 Townhall Rd E

LA Crescent, MN 55947

PIN# 08.0031.004

I was contacted to perform preliminary borings for 1957 Townhall Rd E LA Crescent, MN 55947 / PIN # 08.0031.004. The borings were to establish that the potential for two TYPE I sites for a soil treatment area. Property owner future plans are to potential construct of home (3 to 4 bedroom). Based on my preliminary findings there is adequate room to accommodate (2) Type I systems.

See attached for preliminary layout and sketched boring locations.

The borings were conducted on 3/29/2021 at approximately 5:30 – 6:30 PM. Based on the preliminary borings the site has the potential for two or more TYPE I sites. Placement of buildings are subject to change potential Type I sites.

The findings are strictly preliminary and are not an indication of the system types to be installed.

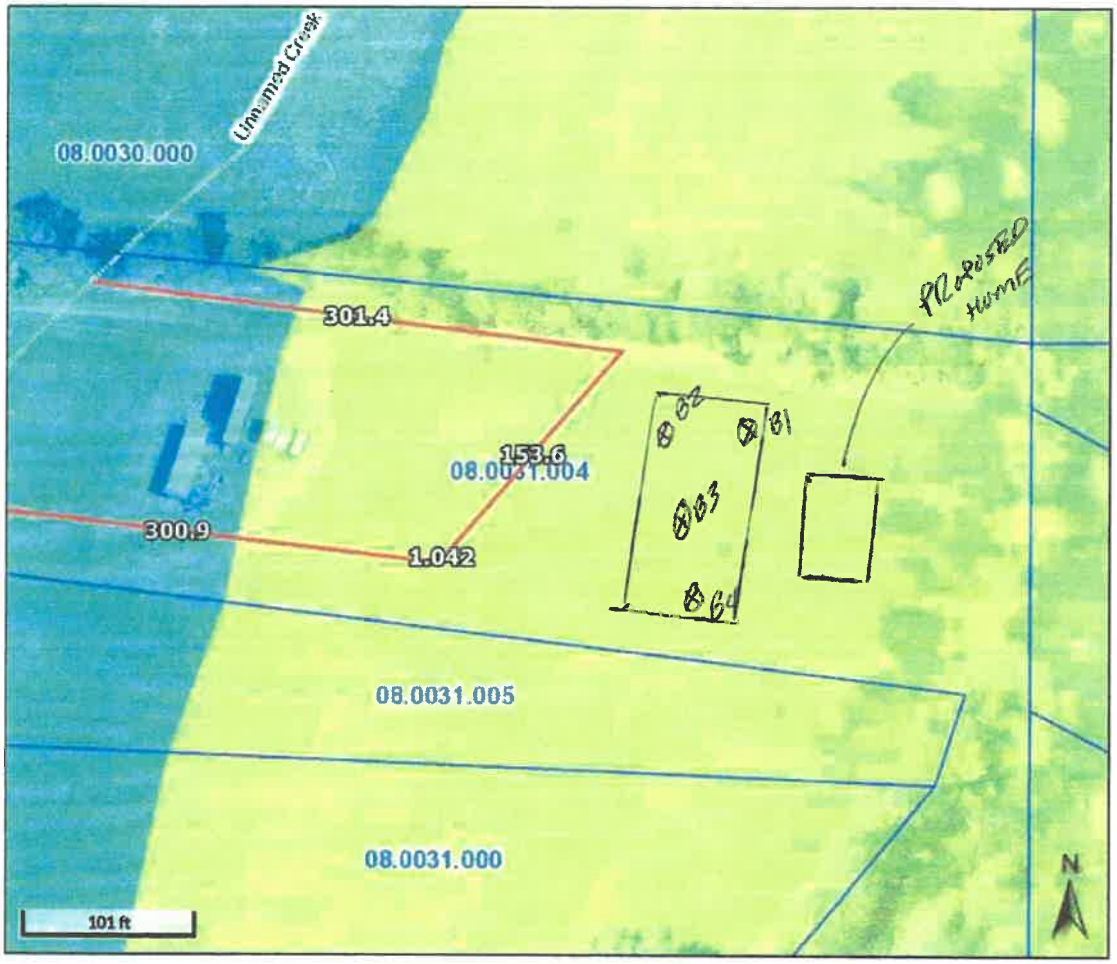
Chance Nelson

Lic# 3647

Cert# 9386

3/31/2021

Beacon™ Houston County, MN



Overview

NOT TO SCALE

Legend

- Corporate Limits
- Political Township
- Parcels
- Roads
- Streams

DNR Rivers and Streams

- <blank>
- Aquaduct (Elevate or Tunnel)
- Arbitrary Flow Connector
- Centerline (River)
- Connector (Lake)
- Connector (River)
- Connector (Wetlar
- Drain Tile
- Drainage Ditch (Intermittent)
- Drainage Ditch (Perennial)
- Drainage Ditch (Undifferentiated)
- Force Main
- Interpreted Arc Connector
- Road Culvert
- Stream (Intermittent)
- Stream (Perennial)
- Stream (Underground/Kar
- Stream (Unknown)
- Superceded Natura Channel
- Underground Storm Sewer

Floodplain (Efffective 12/7/2018)

- Outside Special Flood Hazard Area
- Special Flood Haza Area

Parcel ID	080031004	**Alternate ID**	n/a	**Owner Address**	KRENZKE,ANTHONY E
Sec/Twp/Rng	04/104/004	**Class**	Ag Land		1596 HIGHWOOD DR
Property Address	1957 TOWNHALL RD E	**Acreage**	13		LA CRESCENT, MN 55947
	LA CRESCENT				

District LCSTT/SD300/FD6

Brief Tax Description PT SE1/4 NW1/4 - 12A & PT NE1/4 NW1/4 - 1A DOC #230883

(Note: Not to be used on legal documents)

Date created: 3/18/2021
Last Data Uploaded: 3/18/2021 4:04:48 AM

Soil Observation Log

Project ID:

v 04.01.2020

Client:	Anthony Krenzke	Location / Address:	1957 Townhall Road East LaCrescent, MN 55947

Soil parent material(s): (Check all that apply) ☐ Outwash ☐ Lacustrine ☐ Loess ☐ Till ☐ Alluvium ☐ Bedrock ☐ Organic Matter

Landscape Position: (select one)	Back/Side Slope	Slope %:	5 to 10	Slope shape	Linear, Linear
Elevation-relative to benchmark:					
Vegetation:	Grass	Soil survey map units:		Limiting Layer Elevation:	
Weather Conditions/Time of Day:	Sunny	5:30 - 6:30	Date	03/29/21	
Observation #/Location:	1	N 43 50.601' - W 091 19.477'	Observation Type:	Auger	

Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	I-------- Structure----------I Shape	Grade	Consistence
0 to 15	Silt Loam	0	10YR 2/2				Blocky	Weak	Friable
15 to 22	Silt Loam	0	10YR 3/2				Blocky	Weak	Friable
22 to 29	Silt Loam	0	10YR 3/3				Blocky	Moderate	Friable
29 to 37	Silt Loam	5	10YR 3/6				Blocky	Moderate	Friable
37 to 44	Silty Clay Loam	0	10YR 4/4			S4	Blocky	Moderate	Firm

Comments: Preliminary indicates limit @ 44".

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Chance Nelson		3647	
(Designer/Inspector)	(Signature)	(License #)	(Date)

Soil Observation Log

Project ID:

v 04.01.2020

Client:	Anthony Krenzke	Location / Address:	1957 Townhall Road East LaCrescent, MN 55947

Soil parent material(s): (Check all that apply) ☐ Outwash ☐ Lacustrine ☐ Loess ☐ Till ☐ Alluvium ☐ Bedrock ☐ Organic Matter

Landscape Position: (select one)	Back/Side Slope	Slope %: 5 to 10	Slope shape	Linear, Linear	Elevation-relative to benchmark:
Vegetation:	Grass	Soil survey map units:			Limiting Layer Elevation:
Weather Conditions/Time of Day:	Sunny	5:30 - 6:30	Date	03/29/21	
Observation #/Location:	2	N 43 50.602' - W 091 19.486'	Observation Type:	Auger	

Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	I-------- Structure----------I Shape	Grade	Consistence
0 to 23	Silt Loam	0	10YR 3/2				Blocky	Weak	Friable
23 to 31	Silt Loam	0	10YR 3/3				Blocky	Weak	Friable
31 to 37	Silt Loam	0	10YR 3/6				Blocky	Moderate	Friable
37 to 43	Silty Clay Loam	0	10YR 4/4			S4	Blocky	Moderate	Firm

Comments: Preliminary indicates limit @ 43"

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Chance Nelson		3647	
(Designer/Inspector)	(Signature)	(License #)	(Date)

Soil Observation Log

Project ID:

v 04.01.2020

Client:	Anthony Krenzke	Location / Address:	1957 Townhall Road East LaCrescent, MN 55947

Soil parent material(s): (Check all that apply) ☐ Outwash ☐ Lacustrine ☐ Loess ☐ Till ☐ Alluvium ☐ Bedrock ☐ Organic Matter

Landscape Position: (select one)	Back/Side Slope	Slope %:	5 to 10	Slope shape	Linear, Linear
Elevation-relative to benchmark:					
Vegetation:	Grass	Soil survey map units:		Limiting Layer Elevation:	
Weather Conditions/Time of Day:	Sunny	5:30 - 6:30	Date	03/29/21	
Observation #/Location:	3	N 43 50.593' - W 091 19.484'	Observation Type:	Auger	

Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Structure Shape	Structure Grade	Structure Consistence
0 to 24	Silt Loam	0	10YR 3/2				Blocky	Weak	Friable
24 to 29	Silt Loam	0	10YR 3/3				Blocky	Weak	Friable
29 to 37	Silt Loam	5	10YR 3/6				Blocky	Moderate	Friable
37 to 44	Silty Clay Loam	0	10YR 4/4			S1	Blocky	Moderate	Firm

Comments: Preliminary indicates limit @ 44".

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Chance Nelson		3647	
(Designer/Inspector)	(Signature)	(License #)	(Date)

Onsite Sewage Treatment Program

Soil Observation Log

Project ID:

v 04.01.2020

Client:	Anthony Krenzke	Location / Address:	1957 Townhall Road East LaCrescent, MN 55947

Soil parent material(s): (Check all that apply) ☐ Outwash ☐ Lacustrine ☐ Loess ☐ Till ☐ Alluvium ☐ Bedrock ☐ Organic Matter

Landscape Position: (select one)	Back/Side Slope	Slope %: 5 to 10	Slope shape	Linear, Linear	Elevation-relative to benchmark:
Vegetation:	Grass	Soil survey map units:			Limiting Layer Elevation:
Weather Conditions/Time of Day:	Sunny	5:30 - 6:30	Date	03/29/21	
Observation #/Location:	4	N 43 50.584' - W 091 19.487'	Observation Type:	Auger	

Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Structure Shape	Structure Grade	Structure Consistence
0 to 21	Silt Loam	0	10YR 3/2				Blocky	Weak	Friable
21 to 27	Silt Loam	0	10YR 3/3				Blocky	Weak	Friable
27 to 39	Silt Loam	5	10YR 3/6			S4	Blocky	Moderate	Firm

Comments: Preliminary indicates limit @ 39".

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Chance Nelson		3647	
(Designer/Inspector)	(Signature)	(License #)	(Date)

Amelia Meiners

From: Aaron Lacher
Sent: Wednesday, March 17, 2021 8:09 AM
To: Amelia Meiners
Cc: Lehman, Nicole (DNR)
Subject: FW: Anthoney Krenzke 1957 Town Hall Rd E LaCrescent

Amelia, Nicole had provided weighed in on this previously

Aaron Lacher
Zoning Administrator / Environmental Services Director
Houston County Environmental Services
Courthouse Room 209
304 S. Marshall St.
Caledonia, MN 55921
507-725-5800

From: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Sent: Tuesday, October 8, 2019 2:30 PM
To: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Cc: Strauss, Ceil C (DNR) <ceil.strauss@state.mn.us>
Subject: RE: Anthoney Krenzke 1957 Town Hall Rd E LaCrescent

Thanks. No grading and a low profile crossing would be the best. I suspect some fill for gravel base which would be neglible.

Nicole E. Lehman
Area Hydrologist | Ecological and Water Resources Division

Minnesota Department of Natural Resources
3555 9th St NW, Suite 350
Rochester, MN 55901
Phone: 507-206-2854
Fax: 507-285-7144
Email: nicole.lehman@state.mn.us
mndnr.gov

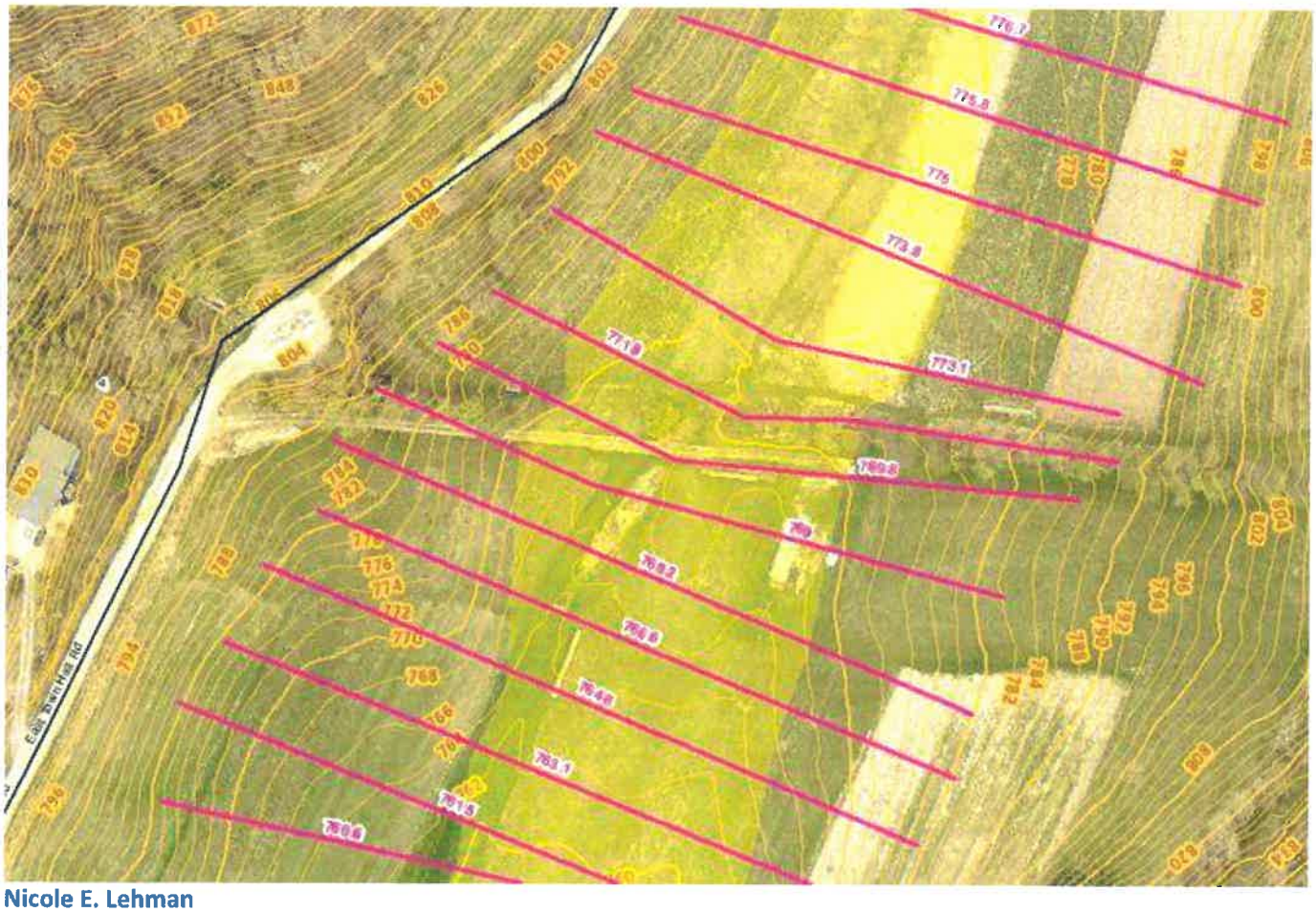
DEPARTMENT OF NATURAL RESOURCES

From: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Sent: Tuesday, October 8, 2019 12:00 PM
To: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Cc: Strauss, Ceil C (DNR) <ceil.strauss@state.mn.us>
Subject: RE: Anthoney Krenzke 1957 Town Hall Rd E LaCrescent

Thus far, they have indicated that no grading work would be necessary for driveway. Whatever design they use should recognize the flowage that can be expected in the area, but don't know that it's the county's role to require this. I certainly could make them aware of designs that might be most appropriate.

From: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Sent: Monday, October 7, 2019 9:46 AM
To: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Cc: Strauss, Ceil C (DNR) <ceil.strauss@state.mn.us>
Subject: RE: Anthoney Krenzke 1957 Town Hall Rd E LaCrescent

It is not DNR public waters so SL doesn't apply, but it is within a mapped Floodplain. The driveway would be considered fill in a general floodplain district. They can place up to 1,000 cy without a CUP, as a permitted use in the flood fringe. Will they do a low water type crossing, no culverts? That is what I'd recommend here. Looks like a grassed waterway.
The low point at the crossing at contour 770ft to 770 ft is about 270 feet wide (pretty wide).



Nicole E. Lehman
Area Hydrologist | Ecological and Water Resources Division

Minnesota Department of Natural Resources
3555 9th St NW, Suite 350
Rochester, MN 55901
Phone: 507-206-2854
Fax: 507-285-7144

Email: nicole.lehman@state.mn.us
mndnr.gov

DEPARTMENT OF NATURAL RESOURCES

From: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Sent: Friday, October 4, 2019 2:29 PM
To: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Subject: Anthoney Krenzke

Hey Nicole,

Can you look at this parcel, particularly the driveway location, and let me know if you believe there any FP or Shoreland considerations?

Aaron Lacher
Zoning Administrator
Houston County Environmental Services
Room 209 Courthouse
304 S. Marshall St.
Caledonia, MN 55921
507.725.5800

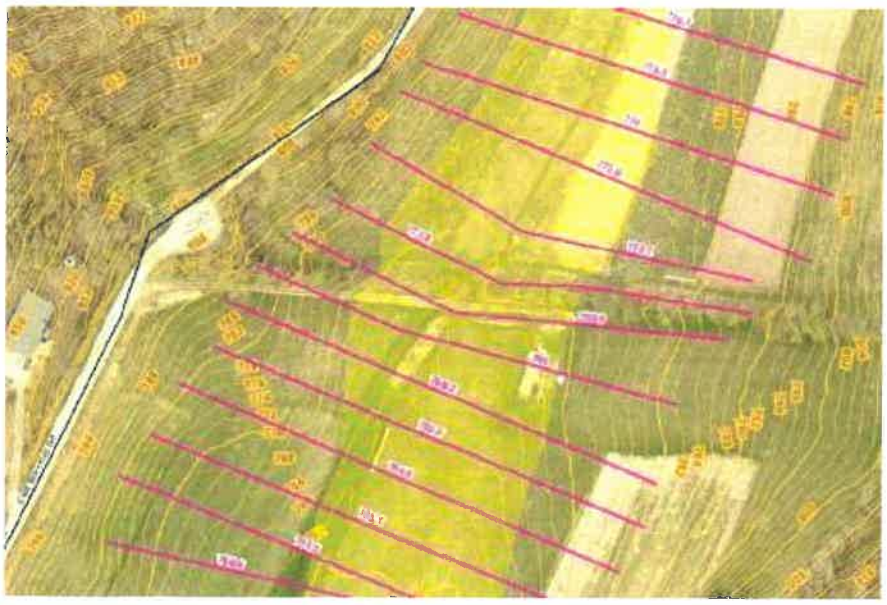
Amelia Meiners

From: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Sent: Thursday, March 18, 2021 2:53 PM
To: Amelia Meiners
Cc: Snook, Vaughn (DNR); Schlesser, Nicholas (DNR); Strauss, Ceil C (DNR)
Subject: RE: 1597 Townhall Rd La Crescent - Floodplain question

*** HOUSTON COUNTY SECURITY NOTICE ***
This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

Hi Amelia,
This is not a DNR public watercourse or tributary to a designated trout stream, therefore there are no concerns related to permitting for public waters.
Let me know if have any questions about anything else.
In a previous correspondence from 2019-10-7 I noted comments about the driveway. If the driveway is improved and fill is brought in to elevate the lower spot it would be considered fill in a general floodplain district. They can place up to 1,000 cy without a CUP, as a permitted use in the flood fringe.

Will they do a low water type crossing, no culverts? Or install culverts? Looks like a grassed waterway now and a low water crossing.
The low point at the crossing at contour 770ft to 770 ft is about 270 feet wide (pretty wide).



Thanks
Nicole E. Lehman
Area Hydrologist | Ecological and Water Resources Division

Minnesota Department of Natural Resources
2118 Campus Dr. SE, Suite 100

Rochester, Minnesota 55904
Phone: 507-206-2854
Email: nicole.lehman@state.mn.us
mndnr.gov

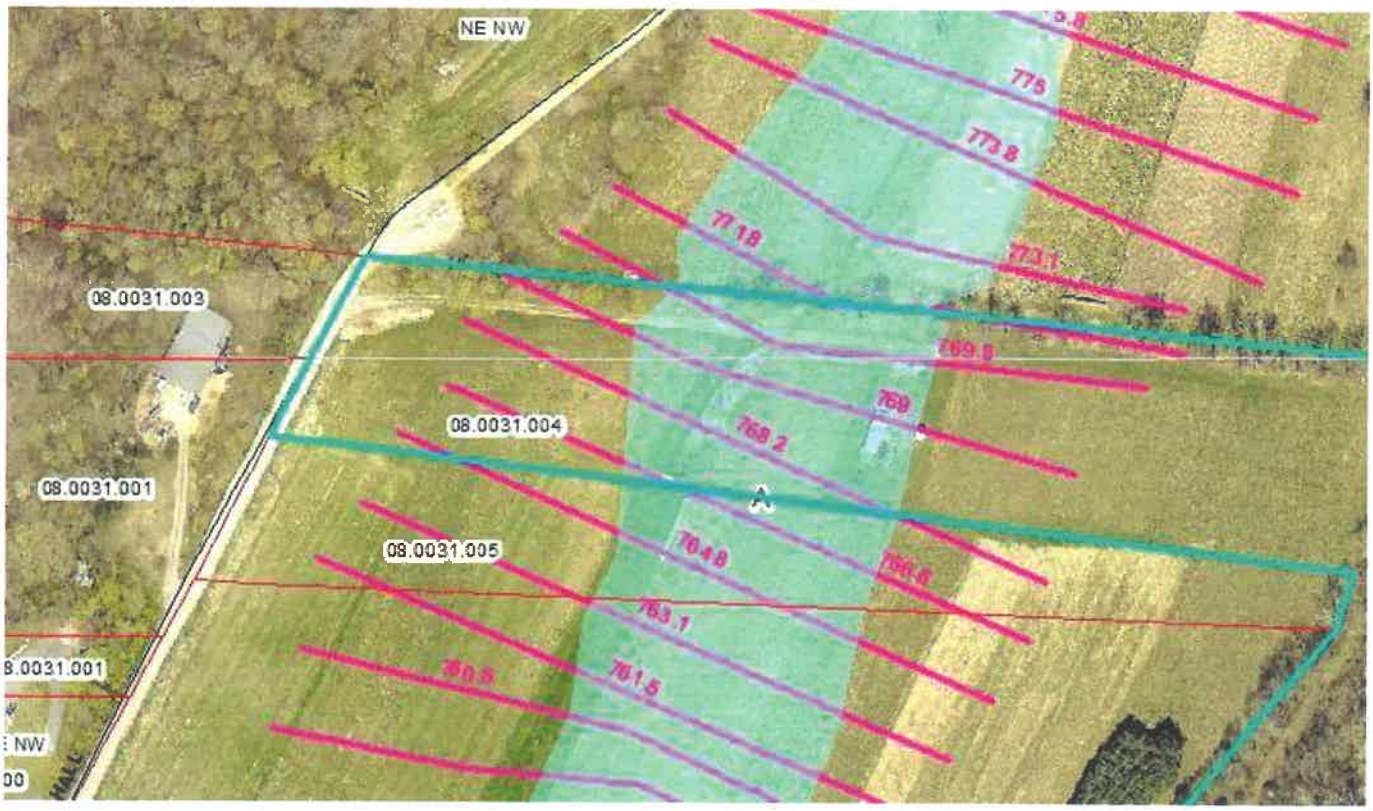
DEPARTMENT OF NATURAL RESOURCES

From: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Tuesday, March 16, 2021 1:59 PM
To: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Subject: 1597 Townhall Rd La Crescent - Floodplain question

This message may be from an external email source.
Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Nicole,

We have been contacted by the landowner of 1957 Townhall Rd E La Crescent (PID 08.0031.004) regarding if the site is buildable for a dwelling in the northeast corner. Here is the best available pink line data we have, do you have other concerns with the intermittent stream we should consider?



Thanks!

Amelia Meiners
Environmental Specialist
Houston County Environmental Services
304 S. Marshall St., Room 209
Caledonia, MN 55921
(507) 725-5800

Submitted by Applicant 20

Number		
2021-CUP-73924	**KRENZKE,ANTHONY E | 080031004 |** **Conditional Use Request** Submitted by **Anthony Krenzke** on 3/18/2021	

CONDITIONAL USE INTRO [Edit] Last updated: 3/18/2021 10:26:47 AM and saved by: Anthony Krenzke

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Conditional Use Application Fee	**$700.00**
Recording Fee	**$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [Edit] Last updated: 3/18/2021 10:28:31 AM and saved by: Anthony Krenzke

Submitted by Applicant 21

Applicant Name	**KRENZKE,ANTHONY E**
Telephone Number	**6087926716**
Address	**1957 TOWNHALL RD E**
City	**LA CRESCENT**
Zip	**55947**
Parcel Tax ID	**080031004**
Legal Description	**PT SE1/4 NW1/4 - 12A & PT NE1/4 NW1/4 - 1A DOC #230883**
Section-Township-Range	**04/104/004**
Do you own additional adjacent parcels	**No**

Township of:	**La Crescent**

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application.	**Yes**

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 3/18/2021 10:32:03 AM and saved by: Anthony Krenzke

Click here to view the Houston County Zoning Ordinance

Describe in detail your request.	**Build a single family Dwelling with attached two car garage**

Submitted by Applicant 22

Citation of Ordinance Section from which the Conditional Use is requested:	**14.3**
Requested Dimension:	**30X40**
Please upload any supporting documents:	**There are no attached documents.**

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 3/18/2021 11:08:01 AM and saved by: Anthony Krenzke

Click here to view the Houston County Zoning Ordinance

Findings Required:

1. That the proposed use conforms to the County Land Use Plan.	**Yes**
Comments:	**All requirements are met.**
2. That the applicant demonstrates a need for the proposed use.	**Yes**
Comments:	**Single family dwelling requires this application.**
3. That the proposed use will not degrade the water quality of the County.	**No**
Comments:	**No water will be degraded.**
4. That the proposed use will not adversely increase the quantity of water runoff.	**No**
Comments:	**All requirements will be met to ensure runoff will not be a factor.**

Submitted by Applicant

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

The soil meets all requirements.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

This will be held to the highest of standards to ensure these guidelines will be met.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

All will meet the standards as needed.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes

Comments:

All parking will be done off street.

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Yes

Comments:

No traffic will be be negatively effected.

10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

No

Comments: **the property will enhance the vicinity.**

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

No

Comments: **No impedance will occur.**

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes

Comments: **All measures will be taken to protect neighbors of disturbances.**

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

No

Comments: **Meets all the requirements put forth from Zoning.**

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic

N/A

of the applicable zoning district.

Comments: **No commercial use.**

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Yes

Comments: **All safety conditions will be held to the highest of standards.**

SITE PLAN INFORMATION [Edit] Last updated: 3/18/2021 11:15:10 AM and saved by: Anthony Krenzke

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan

There are no attached documents.

Use Interactive Map to Create Site Plan

☐ Floodplain (Effective 12/7/2018) 26

Use the space below to include site plan comments, if necessary	**The Plan is to build a 30x40 Single Family dwelling with attached two car garage. this would be placed below the wooded area and above the flood zone area to meet all requirements.**

APPLICATION SUBMITTAL [Edit] Last updated: 3/18/2021 11:17:59 AM and saved by: Anthony Krenzke

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.	**Yes**
By checking this box, I certified that I have notified my town board of my application.	**Yes**
By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.	**Yes**

Signature

Anthony Krenzke

Date Signed:
03/18/2021

Check this box if Staff Signature on behalf of Applicant.	**No**

APP SUBMITTED/PAYMENT SELECTION Last updated: 4/5/2021 11:02:50 AM and saved by: Holly Felten

Fee amount paid: **$746**

LA CRESCENT TOWNSHIP REVIEW [Edit] Last updated: 4/5/2021 11:03:08 AM and saved by: Holly Felten

Notice to Township

Date email sent:
04/05/2021

APPLICATION DATE [Edit] Last updated: 4/20/2021 11:00:43 AM and saved by: Alacher

What Stage is the Application At?	**Application reviewed and determined complete.**
Application Date (Complete Application)	**4/5/2021**
Date of Notice of Incomplete Application	
Comments	
Please upload any supporting documents:	**There are no attached documents.**

DATES [Edit] Last updated: 4/20/2021 11:01:39 AM and saved by: Alacher

Advertising Date	**4/14/2021**
Planning Commission Meeting Date	**4/29/2021**
Meeting Time	**6:00 PM**
Comments	

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Robert Ott, 1590 State 16, La Crescent, MN 55947 for a Conditional Use Permit Amendment to the Conditional Use Permit issued by La Crescent Township on September 10, 2012 in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 14) in La Crescent Township on the following premises, to-wit:

Part SW¼ NE¼ and part NW¼ SE¼, Section 22, Township 104, Range 4, Houston County, Minnesota. (Parcel #08.0259.001)

Said applicant standing and making application is as fee owner of said described lands.

A hearing on this application will be held at 6:30 p.m. on Thursday, April 29, 2021. Due to the health pandemic, the hearing will be held in a hybrid format with both an in-person and virtual option pursuant to MN Statute 13D.021. The in-person option will take place in the Commissioner's room in the Historic Courthouse. Attendees must adhere to the County Social Distancing Face Coving (Mask) Policy outlined at https://www.co.houston.mn.us/?mdocs-file=4222. The virtual option utilizes the Zoom platform. Anyone wishing to attend remotely may do so at https://zoom.us/j/95224626649 or by dialing 312-626-6799 and entering meeting ID: 952 2462 6649

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to aaron.lacher@co.houston.mn.us, and must be received by Tuesday, April 20, 2021. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Aaron Lacher
Zoning Administrator

ADV: April 14, 2021

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Tom and Cole Hoscheit*** DATE: ***April 29, 2021***
C.U.P. REQUESTED: ***Expand a feedlot from 434 animal units (a.u.) to 800 a.u. consisting of dairy cattle.***

The Planning Commission shall not recommend a conditional use permit unless they find the following:

FINDINGS OF FACT

Section 11.5 of the Houston County Zoning Ordinance requires the following:

(SA = Staff Analysis)

1. That the proposed use conforms to the County Land Use Plan.

   Staff Analysis: The primary goal of both the Zoning Ordinance and Comprehensive Plan is to preserve and encourage commercial agriculture. The applicants currently operate a dairy farm.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes
   James Wieser – Yes

2. That the applicant demonstrates a need for the proposed use.

   Staff Analysis: The applicants would like to expand the operation and the first step in doing so is increasing the number of animal units allowed under their Conditional Use Permit. If approved, they will need to apply for and receive a Minnesota State Feedlot Permit as well.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes
   Rich Schild – Yes
   James Wieser – Yes

3. That the proposed use will not degrade the water quality of the County.

   Staff Analysis: A new roof structure will continue to provide total containment of on-site animals, which will assist in less pollution potential. During the manure storage modification project completed in 2020, clean water diversions and grading took place to improve treatment of runoff. In addition, the presence of functional manure storage will allow the applicants the ability to handle manure more efficiently and at more ideal times.

   Bob Conway – Yes, Agrees with SA and Ed H.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes, has worked at improving the operation.
   Greg Myhre – Yes
   Rich Schild – Yes, Agrees with SA.
   James Wieser – Yes

4. That the proposed use will not adversely increase the quantity of water runoff.

   Staff Analysis: The addition of another roof should not adversely increase the quantity of water runoff.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes, Agrees with SA, grading and waterways should help.
   James Wieser – Yes

5. That soil conditions are adequate to accommodate the proposed use.

   Staff Analysis: Soil type 401B is suitable for building site development. Soils in the location of the proposed free stall barn are similar to those of the existing free stall barn, which to the knowledge of staff have not had an issue. A karst inventory was completed during the planning phase of the liquid manure storage structure and did not yield karst formations near the farmstead.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes, Agrees with SA, appreciate the karst inventory.
   James Wieser – Yes, Agrees with Rich S.

6. That potential pollution hazards have been addressed and that standards have been met.

   Staff Analysis: Manure management is the largest potential pollution hazard in an operation such as this. All milk house waste goes to the manure storage structure as well. The applicants addressed a previous pollution concern by completing a manure storage project in 2020. Note that once sites expand over 300 animal units they are required to complete annual manure management plan updates and keep land application records. The applicants identify that they have implemented additional conservation practices such as cover crops and contour farming along with knifing in manure, which reduces the possibility of runoff and maximizes the return.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes, Agrees with Jim W.
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes
   James Wieser – Yes, Manure management with new storage will help control pollution hazards.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

   Staff Analysis: All utilities, access roads, drainage and other facilities are existing. Should additional needs arise, the applicants are responsible for all costs and meeting requirements.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.
Rich Schild – Yes
James Wieser – Yes

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

   Staff Analysis: The increase in animal units will not have a direct increase on traffic. The site currently has adequate off-street parking so that the county and township roads are not impacted.

   Bob Conway – Yes, Agrees with SA.
   Wayne Feldmeier – Yes, Agrees with SA.
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes, Agrees with SA.
   Rich Schild – Yes
   James Wieser – Yes, The increase in animal units will increase traffic, but should have plenty of access.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

   Staff Analysis: The County Highway Department has addressed issues here in the past, even after it was addressed during the previous CUP process. Staff recommend a condition to address the concern of manure and sediment on the roadways.

   Bob Conway – Yes
   Wayne Feldmeier – Yes
   Larry Hafner – Yes, Agrees with SA.
   Ed Hammell – Yes
   Greg Myhre – Yes
   Rich Schild – Yes, Provided the condition is included.
   James Wieser – Yes

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

    Staff Analysis: This will be an increase in intensity of an existing operation so the proposal shall not have any new impacts.

    Bob Conway – Yes, Agrees with SA.
    Wayne Feldmeier – Yes, Agrees with SA.
    Larry Hafner – Yes
    Ed Hammell – Yes
    Greg Myhre – Yes, Agrees with SA.
    Rich Schild – Yes
    James Wieser – Yes

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

    Staff Analysis: This will be an increase in intensity of an existing operation so the proposal shall not have any additional impact than the current operation. Aside from the proximity of city limits and adjacent subdivisions, the predominant use in this area is agriculture.

    Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes, Ag area.
Greg Myhre – Yes, Agrees with SA.
Rich Schild – Yes
James Wieser – Yes, Agrees with SA.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

    Staff Analysis: The applicants completed a manure storage project in 2020 that will enable them to have longer-term storage than in the past, although additional animal units will alter that slightly. That enables them to agitate and haul less often, lessening offensive odors. There will be no lighted signs and the degree of dust, noise and vibration will not differ from what may currently exist.

    Bob Conway – Yes, Agrees with SA.
    Wayne Feldmeier – Yes
    Larry Hafner – Yes
    Ed Hammell – Yes
    Greg Myhre – Yes
    Rich Schild – Yes, Agrees with SA.
    James Wieser – Yes

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

    N/A - Roll call vote was taken to bypass. All were in favor. Motion carried.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

    Staff Analysis: Dairy operations are commonly found throughout Houston County. Roughly 6% of the registered feedlots here are dairies over 300 animal units, most of which exist in the southern half of the County. At 800 animal units, the applicants would become one of the largest dairy facilities.

    Bob Conway – Yes, Agrees with SA.
    Wayne Feldmeier – Yes, Agrees with SA.
    Larry Hafner – Yes
    Ed Hammell – Yes, Dairies are getting larger, that's just a fact.
    Greg Myhre – Yes
    Rich Schild – Yes, Agrees with SA and with Ed H..
    James Wieser – Yes, Agrees with SA.

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

    Staff Analysis: With the completion of the manure storage repairs, the site should serve to protect the public's health, safety, morals, and general welfare.

    Bob Conway – Yes
    Wayne Feldmeier – Yes
    Larry Hafner – Yes
    Ed Hammell – Yes, Agrees with SA.
    Greg Myhre – Yes

Rich Schild – Yes
James Wieser – Yes

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for the expansion of an animal feedlot that generates 300 or more animal units of manure with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. 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.
3. No excessive manure, mud or dirt associated with the operation of the site shall be applied, spilled, tracked or otherwise become located on or within the roadway or right-of-way of County Rd 5 or Smoking Drive. Any spillage must be cleaned up as soon as practical.
4. The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing construction.

Bob Conway seconded. Roll call vote was taken. All were in favor. Motion carried.

HOUSTON COUNTY
ENVIRONMENTAL SERVICES
Solid Waste ● Recycling ● Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 ● Fax: (507) 725-5590

Houston County National Leader in Recycling

STAFF REPORT
4/19/2021

Application Date: 3/26/2021
Hearing Date: 4/29/2021
Petitioner: Tom & Cole Hoscheit
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: 11608 County 5
Township: Mayville
Parcel Number: 090306000
Submitted Materials: CUP Application, Good Neighbor Plan, Statement of Approval

OVERVIEW

REQUEST

The applicants are seeking a Conditional Use Permit (CUP) for the expansion of an animal feedlot that generates 300 or more animal units of manure.

SUMMARY OF NOTEWORTHY TOPICS

The site is located just under a mile south of the City of Caledonia in Mayville Township. The home on the parcel dates to 1900 and it is assumed the farmstead dates to a similar time. The operation has been in existence for over 60 years and two homes to the south are within a quarter mile. In 1999, a variance was granted to reduce the required quarter mile setback from the existing dwellings. Then in 2002, a variance was granted to reduce the south property line setback for a calf barn addition. A permit was issued in 2010 to construct a calf barn. No other building permits are on record, but agricultural buildings did not require permits until 2004. The free stall barn expansion is proposed on the north side of the farmstead and does not encroach beyond the variances previously granted; for this reason the Petitioner is not required to seek a variance in conjunction with this CUP application.

Feedlots over 300 animal units have two permitting components. The County requires a CUP, which is essentially an operating permit. A maximum number of head is specified, which means any expansion beyond that number requires a new hearing. The applicant's were granted a CUP in 2017 with a maximum number of 434 animal units. This proposal identifies a new maximum of **800 animal units**. The second component is a state feedlot permit. These permits are needed when any site over 300 animal units is proposing construction or expansion of animal units. As part of this application and review process, staff will review the site plan, manure management plan and liquid manure storage plans, if applicable. The applicants currently have an active interim permit (expiration of June 5, 2022) that was granted for construction of the liquid manure storage basin. This will be closed out upon completion of required submissions and a new

permit will need to be issued for this proposed expansion. The feedlot permit for this proposal will be applied for at a later date.

The County became aware that the number of animals onsite had been increased beyond 300 animal units to 430 animal units (300 dairy cows and 50 dairy calves) during a routine compliance inspection conducted in May of 2016. At that time, damage to the liner of the manure storage structure was also discovered. As a result, the applicants applied for and were granted CUPs for expansion of animal units and construction of a manure storage structure (2017). Since the manure storage structure required repair anyway, the applicants decided to take on a larger project and modify the design to increase the functionality. The result increased the size to approximately 1.86 million gallons, which is about 195 days (six and half months) of storage at their current capacity. If they increase the number of cows by 200 head, staff estimate the length of storage will be reduced to **four months**. The applicants identify that the expansion would include a 200-stall freestall barn, which would be 280 animal units. Based on standard numbers provided by the MPCA, the capacity of the additional 164'x112' building along with the existing confinement barns is 507 head or 709.8 animal units plus 10 animal units of dairy calves for a total proposed 719.8 animal units for the site. Remember this proposal is only considering the addition of a single building to the site, but the applicants have included a cushion on animal units. From a manure application standpoint, if the site produces 5,534,600 gallon of waste per year and its land applied at 10,000 gallons per acre, they require 553.5 acres. Land application details will be evaluated as part of the manure management plan review portion of the feedlot permit process.

Note that feedlots that do not meet the CAFO threshold (less than 700 mature dairy cows) are not required to have a minimum amount of manure storage. However, once over 300 animal units, sites are required to maintain a manure management plan, complete with annual updates, as well as land application records. Both can be requested at any time, and subsequently reviewed, by the feedlot officer.

OFFSET, or Odor From Feedlots Setback Estimation Tool, predicts an 86% annoyance-free factor with current infrastructure. The proposed expansion of an additional freestall barn does not change that number. The OFFSET guide indicates that the program assumes the receptor is always located downwind of the odor source in the prevailing wind direction. The affected neighbor is to the southwest and as shown in the windrose plot below (Fig. 2), prevailing winds are predominately from the northwest and south, likely reducing the presence of odors at the neighboring properties.

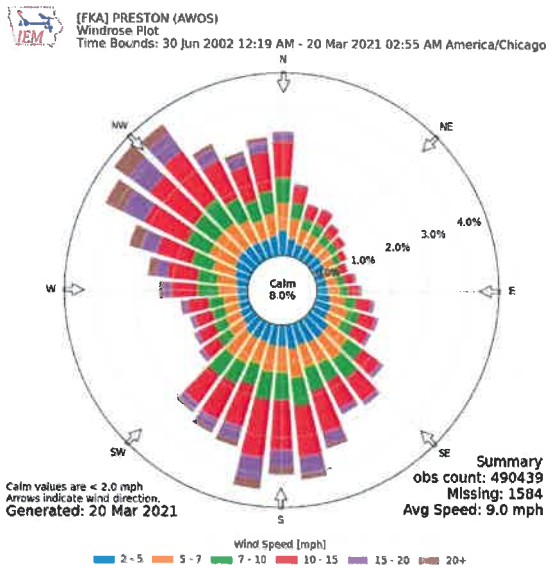


Figure 1. Windrose plot detailing prevailing winds from Preston, MN.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Notice was sent to Mayville Township. Comments were received and are included in this packet. The County Highway department commented on issues they have had with the producer in the past in regards to manure and sediment on the road. The applicant responded that they purchased a power broom for a skid loader so that they can scrape the highway and broom when complete.

SITE CHARACTERISTICS

This farmstead is on a 140.47-acre parcel of 616.14 total acres owned between the two applicants. There is a subdivision approximately 3,500 feet northwest of the farmstead and city limits are approximately 4,500-feet to the north. There is an intermittent stream with adjacent floodplain approximately 1,630 feet north of this site.

The site consists of a dwelling and multiple feedlot components including a milk parlor, liquid manure storage structure, multiple confinement buildings, feed storage, open lots and machinery storage. Slopes at the site are variable, but under 10%. In the area of the proposed free stall barn slopes are 6%. As long as soils are adequate for building sites, the classification is irrelevant for this application.

Figure 2. Site plan.

EVALUATION

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

   Staff Analysis: The primary goal of both the Zoning Ordinance and Comprehensive Plan is to preserve and encourage commercial agriculture. The applicants currently operate a dairy farm.

2. That the applicant demonstrates a need for the proposed use.

   Staff Analysis: The applicants would like to expand the operation and the first step in doing so is increasing the number of animal units allowed under their Conditional Use Permit. If approved, they will need to apply for and receive a Minnesota State Feedlot Permit as well.

3. That the proposed use will not degrade the water quality of the County.

   Staff Analysis: A new roof structure will continue to provide total containment of on-site animals, which will assist in less pollution potential. During the manure storage modification project completed in 2020, clean water diversions and grading took place to improve treatment of runoff. In addition, the presence of functional manure storage will allow the applicants the ability to handle manure more efficiently and at more ideal times.

4. That the proposed use will not adversely increase the quantity of water runoff.

   Staff Analysis: The addition of another roof should not adversely increase the quantity of water runoff.

5. That soil conditions are adequate to accommodate the proposed use.

   Staff Analysis: Soil type 401B is suitable for building site development. Soils in the location of the proposed free stall barn are similar to those of the existing free stall barn, which to the knowledge of staff have not had an issue. A karst inventory was completed during the planning phase of the liquid manure storage structure and did not yield karst formations near the farmstead.

6. That potential pollution hazards have been addressed and that standards have been met.

   Staff Analysis: Manure management is the largest potential pollution hazard in an operation such as this. All milk house waste goes to the manure storage structure as well. The applicants addressed a previous pollution concern by completing a manure storage project in 2020. Note that once sites expand over 300 animal units they are required to complete annual manure management plan updates and keep land application records. The applicants identify that they have implemented additional conservation practices such as cover crops and contour farming along with knifing in manure, which reduces the possibility of runoff and maximizes the return.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: All utilities, access roads, drainage and other facilities are existing. Should additional needs arise, the applicants are responsible for all costs and meeting requirements.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

   Staff Analysis: The increase in animal units will not have a direct increase on traffic. The site currently has adequate off-street parking so that the county and township roads are not impacted.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

   Staff Analysis: The County Highway Department has addressed issues here in the past, even after it was addressed during the previous CUP process. Staff recommend a condition to address the concern of manure and sediment on the roadways.

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

    Staff Analysis: This will be an increase in intensity of an existing operation so the proposal shall not have any new impacts.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

    Staff Analysis: This will be an increase in intensity of an existing operation so the proposal shall not have any additional impact than the current operation. Aside from the proximity of city limits and adjacent subdivisions, the predominant use in this area is agriculture.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

    Staff Analysis: The applicants completed a manure storage project in 2020 that will enable them to have longer-term storage than in the past, although additional animal units will alter that slightly. That enables them to agitate and haul less often, lessening offensive odors. There will be no lighted signs and the degree of dust, noise and vibration will not differ from what may currently exist.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

    Staff Analysis: N/A

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

    Staff Analysis: Dairy operations are commonly found throughout Houston County. Roughly 6% of the registered feedlots here are dairies over 300 animal units, most of which exist in the southern half of the County. At 800 animal units, the applicants would become one of the largest dairy facilities.

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

    Staff Analysis: With the completion of the manure storage repairs, the site should serve to protect the public's health, safety, morals, and general welfare.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. 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, rues, and ordinances.
3. No manure, mud or dirt associated with the operation of the site shall be applied, spilled, tracked or otherwise become located on or within the roadway or right-of-way of County Rd 5 or Smoking Drive.
4. The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing construction.

7 2Th

Feb. 2017

Doc: A287011
OFFICE OF COUNTY RECORDER
HOUSTON COUNTY, MINNESOTA

Pages: 2

Certified, Filed, and/or Recorded:
February 09, 2017 2:41 PM

Fee: $46.00
Well Certificate: [ ] Rec'd

Beverly J Bauer, County Recorder

By: SKS

Received from:
HOUSTON COUNTY ZONING

Returned To:
HOUSTON COUNTY ZONING
COURTHOUSE
304 MARSHALL STR SOUTH
CALEDONIA, MN 55921

HOUSTON COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE ORDER

On this 7th day of February, 2017, following a public hearing conducted by the Houston County Planning Commission in the Houston County Justice Center basement on Thursday, January 26, 2017 at 7:00 p.m., the Houston County Board of Commissioners hereby ***approves/denies*** a Conditional Use Permit on behalf of: Thomas Hoscheit in accordance with the provisions of Section 14 of the Houston County Zoning Ordinance and pursuant to the requirements of Chapter 394.301, Minnesota Statutes. The approved Conditional Use Permit authorized the above named to: Expand a feedlot over 300 animal units (a.u.) from 248 a.u. to 434 a.u. (Section 14 - 0110.1403, Subdivision 1, Subsection 3) in Mayville Township, on the following described parcel (abstract) of land:

> All that part of the Northwest Quarter and the West Half of the West Half of the Northeast Quarter lying south of the town road, all in Section 30, Township 102 North, Range 5 West, Houston County, Minnesota.

Page Two

CONDITIONAL USE ORDER

And subject to the following conditions, if any:

1. The Permittee shall comply with all federal, state, and local laws and regulations.

The Houston County Zoning Administrator is herewith directed to **issue** the appropriate permits pursuant to this Conditional Use Order.

Charlene Meiners	By Jerde Mellen
Houston County Auditor	Chairman, Houston County Board of Commissioners
February 7, 2017	February 7, 2017
Date	Date

The Houston County Zoning Administrator is herewith directed to **deny** the issuance of the appropriate permits pursuant to this Conditional Use Order.

	By
Houston County Auditor	Chairman, Houston County Board of Commissioners
Date	Date

STATE OF MINNESOTA
COUNTY OF HOUSTON

OFFICE OF
COUNTY ZONING ADMINISTRATOR

I, the undersigned County Zoning Administrator in and for said County and State, do hereby certify that I have compared the foregoing copy with the original; and find the same to be a true and correct copy of said original and of the whole thereof, based on approved minutes of the Houston County Planning Commission meeting held on Thursday, January 26, 2017 at 7:00 p.m., and of record in the Houston County Zoning Office.

WITNESS my hand this 7th day of February, 2017.

Houston County Zoning Administrator

Drafted by: Houston County Planning and Zoning Department, Historic Houston County Courthouse, Caledonia, MN 55921

9 ITa

HoG 2017-29

Doc: A287010
OFFICE OF COUNTY RECORDER
HOUSTON COUNTY, MINNESOTA

Pages: 2

Certified, Filed, and/or Recorded:
February 09, 2017 2:40 PM

Fee: $46.00

Well Certificate: [ ] Rec'd

Beverly J Bauer, County Recorder

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HOUSTON COUNTY BOARD OF COMMISSIONERS

CONDITIONAL USE ORDER

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> All that part of the Northwest Quarter and the West Half of the West Half of the Northeast Quarter lying south of the town road, all in Section 30, Township 102 North, Range 5 West, Houston County, Minnesota.

Page Two

CONDITIONAL USE ORDER

And subject to the following conditions, if any:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing work on the manure pit;
3. No manure, mud, or dirt associated with the operation of the site shall be applied, spilled, tracked, or otherwise become located on or within the roadway or right-of-way of County Rd 5;
4. A fence shall be installed around the perimeter of the pit. The portion of the fence on west side of the pit and the west half of the south side of the pit shall screen the pit from sight from County Road 5.
5. Any enlargement of the pit must occur within 36 months of the date of issuance of the conditional use permit.

The Houston County Zoning Administrator is herewith directed to **issue** the appropriate permits pursuant to this Conditional Use Order.

Charlene Meiners	By Jack Miller
Houston County Auditor	Chairman, Houston County Board of Commissioners
February 7, 2017	February 7, 2017
Date	Date

The Houston County Zoning Administrator is herewith directed to **deny** the issuance of the appropriate permits pursuant to this Conditional Use Order.

	By_____
Houston County Auditor	Chairman, Houston County Board of Commissioners
Date	Date

STATE OF MINNESOTA
COUNTY OF HOUSTON

OFFICE OF
COUNTY ZONING ADMINISTRATOR

I, the undersigned County Zoning Administrator in and for said County and State, do hereby certify that I have compared the foregoing copy with the original; and find the same to be a true and correct copy of said original and of the whole thereof, based on approved minutes of the Houston County Planning Commission meeting held on Thursday, January 26, 2017 at 7:00 p.m., and of record in the Houston County Zoning Office.

WITNESS my hand this 7th day of February, 2017.

Houston County Zoning Administrator

Drafted by: Houston County Planning and Zoning Department, Historic Houston County Courthouse, Caledonia, MN 55921

Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
University of Minnesota
8/1/2012

Farm Name	2021 Tom Hoscheit Current
Address or County	11608 County 5
Evaluator	Amelia Meiners
Date	4/21/21

Clear All

OFFSET
Annoyance-free
86%

Source Edge to Nearest Neighbor (ft)	490
Source Edge to Property Line (ft)	20

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Dairy - loose housing	50	154	1	7700	None	
Dairy - loose housing	25	30	1	750	None	
Dairy - loose housing	72	43	1	3096	None	
Dairy - free stall	112	164	1	18368	None	
None				0	None	
None				0	None	
None				0	Biofilter	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
Open lot Dairy or Beef	Rectangle	30	100	3000	None
Earthen manure storage	Rectangle	152	312	47424	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources

Add Source Type

Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	

Add a Control Technology

Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources

Add a Source Type

Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	

Add Control Technology

Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Odors From Feedlots Setback Estimation Tool

OFFSET Ver 2.0
University of Minnesota
8/1/2012

Farm Name	2021 Tom Hoscheit Expansion
Address or County	11608 County 5
Evaluator	Amelia Meiners
Date	4/21/21

Clear All

OFFSET Annoyance-free
86%

Source Edge to Nearest Neighbor (ft)	490
Source Edge to Property Line (ft)	20

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
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Dairy - loose housing	72	43	1	3096	None	
Dairy - free stall	112	164	2	36736	None	
None				0	None	
None				0	None	
None				0	Biofilter	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
Open lot Dairy or Beef	Rectangle	30	100	3000	None
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None	Rectangle			0	None
None	Rectangle			0	None
None	Rectangle			0	None

Building Sources

Add Source Type

Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	

Add a Control Technology

Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources

Add a Source Type

Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	

Add Control Technology

Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

HOUSTON COUNTY
ENVIRONMENTAL SERVICES
Solid Waste • Recycling • Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 • Fax: (507) 725-5590

Houston County National Leader in Recycling

June 5, 2020

FILE COPY

Tom Hoscheit
Tom Hoscheit #1 - Sec 30
11608 County Rd 5
Caledonia, MN 55921

RE: Interim Permit Number: Houston County - INT 6-5-20
State of Minnesota Feedlot Registration Number: 055-91715 AI:69130
T102N, R005W, Section 30, Mayville Township, Houston County

Dear Tom Hoscheit:

Enclosed is the *Interim Permit* (Permit) issued to your facility. You are authorized to operate the existing facility in accordance with your permit application, the enclosed Permit, and any other applicable rules and regulations. Also enclosed is the facility components sheet that identifies the components authorized by this Permit, except those that are part of approved plans and specifications submitted in accordance with the enclosed Permit. This Permit shall supersede any and all previous feedlot permits issued to the facility.

Construction or expansion notifications

If you are constructing or expanding a manure storage area (liquid or solid) or poultry barn floor, you must:

- Notify the County Feedlot Officer (CFO) at least three business days prior to starting construction or expansion;
- Notify the CFO prior to backfill against vertical walls of a manure storage area; and
- Notify the CFO within three business days following completion of construction or expansion.

Be aware that the Permit requires correction of pollution hazards prior to populating/stocking any expansion.

Construction Stormwater Permit coverage

If the proposed construction will disturb more than one acre of soil you must:

- Have a trained individual develop a Stormwater Pollution Prevention Plan (SWPPP) prior to commencement of construction activities;
- Hire a person trained in Construction Stormwater Site Management to perform site management duties and weekly and rain event inspections; and
- Comply with the Construction Stormwater Permit Requirements found on the Minnesota Pollution Control Agency (MPCA) website at: https://www.pca.state.mn.us/sites/default/files/wq-strm2-80a.pdf.

In addition to the items above, if construction will disturb five or more acres of soil, you must:

- Apply for and obtain a Construction Stormwater Permit. You can apply for permit coverage on the MPCA website at: https://www.pca.state.mn.us/water/construction-stormwater.

Extensions

If the work authorized by this Permit cannot be completed prior to expiration of the Permit, you may request an extension of up to 90 days. The request must be received at least 90 days prior to expiration of the Permit and comply with Minn. R. 7020.0535, subp. 5.

County Specific Information

It is the responsibility of the Permittee to maintain compliance with all of the terms and conditions of the permit and Minn. R. Ch. 7020 (feedlot rules). Please carefully review the entire permit and pay particular attention to the requirements listed in *Part 1B. Plans and Schedules*, of the permit. If you have questions at any point please do not hesitate to contact our office for assistance. Please contact Sara West, with Fillmore SWCD at 507-765-3878 x105, if you are looking for assistance with developing an MMP after EQIP.

Your Interim Permit application also fulfills the requirement to register your animal feedlot with the State of Minnesota.

If you have any questions about the terms and conditions of the Interim Permit or the feedlot rules, please contact Amelia Meiners at 507-725-5800 or by email at amelia.meiners@co.houston.mn.us.

Sincerely,

Amelia Meiners

Amelia Meiners

AMM:amm

Enclosures

cc: Nic Rowe, ProAg Engineering; Gary Larson, NRCS; Aaron Lacher

MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road North
St. Paul, MN 55155-4194

Houston County-INT 6-5-20
Interim Permit

Interim permit for the correction of a pollution hazard at an animal feedlot or manure storage area having a capacity of 999 animal units or less

Feedlot Program

Facility information

Owner(s) name(s):	Tom Hoscheit
Legal name of facility:	Tom Hoscheit #1 - Sec 30
Address:	11608 County Rd 5, Caledonia, MN 55921
Location:	NW ¼ of Section 30, Mayville Township, Houston County
Maximum animal unit capacity:	430 au
State of Minnesota Feedlot Registration Number:	055-91715 AI:69130

Permit information

Issuance date: June 5, 2020 Expiration date: June 5, 2022 (11:59 p.m.)

This Permit provides authorization to operate the existing facilities, described in the permit application and related submittals, while plans are developed and implemented to eliminate the pollution hazards identified at the Facility. The Permittee must comply with the terms and conditions of this Permit, the planning, design, construction, notification, and operation requirements of Minn. R. 7020.2000 to 7020.2225, and all applicable requirements in Minn. Stat. chs. 115 and 116, as amended, and Minn. R. chs. 7001, 7020, 7050, and 7060. This Permit supersedes any previous Minnesota Pollution Control Agency feedlot permit issued to this facility.

In addition to the terms and conditions of this Permit on the following page(s), the items below are incorporated by reference into this Permit:

- Any design plans and specifications prepared for correction of pollution hazards, as required by this Permit.
- Any design plans and specifications prepared for proposed construction or expansion including approved amendments.

Signature: Amelia Meiners

Amelia Meiners
Houston County Feedlot Officer

1. Site specific conditions

A. Pollution hazards

1. The existing liquid manure storage area at the facility has been identified as creating a potential pollution hazard to ground water.
2. Inadequate manure application record keeping and the lack of a manure management plan has been identified as creating a potential pollution hazard to surface waters and groundwater.
3. This permit provides authorization to operate the existing feedlot while plans are developed and implemented to correct the pollution hazard(s) identified in this permit.
4. The owner shall minimize the pollution hazard(s) at the facility until approved plans and specifications are installed and fully operational.

B. Plans and schedules

1. Plans and schedules to eliminate the pollution hazards identified in part A1. were submitted to the County on 3/12/18 as part of Houston County Interim Permit INT 4-10-18. Shall the proposed plan not take place within this permit period and the applicant decides no longer to pursue EQIP funding, the applicant shall provide a different plan for mitigating the pollution hazard by **March 5, 2022**.
2. Design plans and specifications prepared by Nicholaus Rowe, P.E., dated 3/12/18 for proposed liquid manure storage areas are incorporated by reference into this permit in accordance with Minn. R. 7020.0535, subpart 6, Item G.
3. By **June 1, 2021,** please provide signed landowner agreements for sufficient land base to accommodate, at a minimum, all onsite manure and manure produced by the number and type of livestock indicated in the permit.
4. Following LMSA cleanout and prior to placing any new liner material, the Permittee must submit a written evaluation of the condition of the existing compacted cohesive soils as well as their capability to meet the requirements for a secondary liner. This evaluation must also identify the effective thickness of the existing cohesive soils as well as areas where remediation of the soils will be necessary.
5. An updated Manure Management Plan (MMP) for the 2020 growing season must be submitted to the County no later than **August 1, 2020**. An updated MMP for the 2021 growing season must be submitted to the County no later than **January 1, 2021**. An updated MMP for the 2022 growing season must be submitted to the County no later than **January 1, 2022**.
6. The Permittee shall submit manure application records to the County for the 2020 growing season no later than **December 31, 2020**, and manure application records for the 2021 growing season no later than **December 31, 2021**. The manure application records shall include:
   a. Field locations and cropland acreage where manure is applied;
   b. Volume or tonnage of manure applied on each field;
   c. Manure test nitrogen and phosphorus content;
   d. Dates of application;
   e. Dates of incorporation;
   f. Expected plant-available amounts of nitrogen and phosphorus released from manure and commercial fertilizers on each field where manure is applied;
   g. A description of any changes made to the manure management plan;
   h. Soil nutrient test results.
7. Construction and/or installation of the protective or corrective measures shall not begin until approval has been provided by the county for the plan submitted according to part B.1.

C. Operation and maintenance

1. Operation of the facility shall be in accordance with and limited to the operation described in the permit application and supporting information and any other material filed by the applicant with the county.

D. Reporting

1. No later than seven days following each required submittal date identified in this permit, the Permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the probability of meeting the next scheduled requirements. The reports shall be submitted to:

   County Feedlot Officer
   304 S. Marshall St., Room 209
   Caledonia, MN 55921

2. General conditions (Minn. R. 7001.0150, subp. 3)

A. The agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit.

B. The agency's issuance of a permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.

C. The permit does not convey a property right or an exclusive privilege.

D. The agency's issuance of a permit does not obligate the agency to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

E. The permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the agency and in compliance with the conditions of the permit.

F. The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible.

G. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the agency or to the commissioner by the permit. The permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents.

H. The permittee shall, when requested by the commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit.

I. When authorized by Minn. Stat. §§ 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the permittee to enter at reasonable times upon the property of the permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit.

J. If the permittee discovers, through any means, including notification by the agency, that noncompliance with a condition of the permit has occurred, the permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.

K. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the permittee shall, within 24 hours of the discovery of the noncompliance, orally notify the commissioner. Within five days of the discovery of the noncompliance, the permittee shall submit to the commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

L. The permittee shall report noncompliance with the permit not reported under item K as a part of the next report which the permittee is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the permittee shall submit the information listed in item K within 30 days of the discovery of the noncompliance.

M. The permittee shall give advance notice to the commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit.

N. The permit is not transferable to any person without the express written approval of the agency after compliance with the requirements of Minn. R. 7001.0190 or 7020.0405, subp. 4, if applicable. A person to whom the permit has been transferred, or reissued, shall comply with the conditions of the permit.

O. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. § 3.736.

3. Permitted facility components for Tom *Hoscheit #1 - Sec 30*, 055-91715 AI:69130, Houston-INT 6-6-20

3.1. Authorized animal types

Animal type	Maximum head	AU
Dairy - mature cow (milked or dry) over 1,000 lbs.	300	420
Dairy - calf	50	10

3.2. Authorized animal holding area type(s)

	Status	Type	Length (ft)	Width (ft)	Animal type(s)	Head	AU
1.	Existing	Total confinement barn (solid floor)	154	50	Dairy - calf	50	10
		Additional animal type housed in this component					
		Additional animal type housed in this component					
2.	Existing	Partial confinement barn	30	25			
		Additional animal type housed in this component					
3.	Existing	Open lot with runoff controls	100	30			
		Additional animal type housed in this component					
4.	Existing	Total confinement barn (solid floor)	72	43	Dairy - mature cow (milked or dry) over 1,000 lbs.	75	105
5.	Existing	Total confinement barn (solid floor)	164	112	Dairy - mature cow (milked or dry) over 1,000 lbs.	225	315
6.							
7.							
8.							
9.							
10.							

3.3. Authorized manure storage area type(s):

Status	Type	Length (ft)	Width (ft)	Depth (ft)	Capacity	Units
Eliminating	Synthetic lined (HDPE, etc.) basin	220	130	9	1,344,851	gallons
Proposed	Synthetic lined (HDPE, etc.) basin	287	128		1,933,767	gallons

18

Submitted by Applicant 19

Number		
2021-CUP-73387	**HOSCHEIT,THOMAS J & MANON P | 090306000 |** **Conditional Use Request** Submitted by **Cole Hoscheit** on 3/8/2021	

CONDITIONAL USE INTRO [Edit] Last updated: 3/22/2021 4:26:03 PM and saved by: Cole Hoscheit

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Conditional Use Application Fee	**$700.00**
Recording Fee	**$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [Edit] Last updated: 3/22/2021 4:26:07 PM and saved by: Cole Hoscheit

Submitted by Applicant 20

Applicant Name	**HOSCHEIT,THOMAS J & MANON P**
Telephone Number	**507-450-8373**
Address	**11608 COUNTY 5**
City	**CALEDONIA**
Zip	**55921**
Parcel Tax ID	**090306000**
Legal Description	**PT NW1/4 LY S OF TWP ROAD & PT W1/2 W1/2 NE1/4 LY S OF TWP ROAD; DOC 199584;**
Section-Township-Range	**30/102/005**
Do you own additional adjacent parcels	**Yes**

Township of: **Mayville**

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application. **Yes**

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 3/22/2021 4:26:10 PM and saved by: Amelia M

Click here to view the Houston County Zoning Ordinance

Describe in detail your request. **We want to build another 200 stall facility for milking cows at Hoscheit Dairy. I am requesting Changing our Animal Unit capacity.**

Citation of Ordinance Section from which the Conditional Use is requested:	**14.3 (3)**
Requested Dimension:	**800**
Please upload any supporting documents:	**Good Neighbor Plan - Hoscheit.pdf (download)** **Statement of Approval - Hoscheit.pdf (download)**

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 3/22/2021 4:26:18 PM and saved by: Cole Hoscheit

Click here to view the Houston County Zoning Ordinance

Findings Required:

1. That the proposed use conforms to the County Land Use Plan.	**Yes**
Comments:	**We are an agriculture business that dairy farms. According to the Land Use Plan Agriculture is vital to the local and county wide economy.**
2. That the applicant demonstrates a need for the proposed use.	**Yes**
Comments:	**For us to Acquire an updated feedlot permit, I first need to update my CUP to accommodate more animals at this site. We will be moving from 440 Animal Units to 800 Animal Units.**
3. That the proposed use will not degrade the water quality of the County.	**No**
Comments:	**The building will have a roof to protect the animals and fresh water. We will have a Certified nutrient management plan in place. We have not had one in the past but have not applied more than 10000 gal/ac in the past. We use a tank that has discs on it to inject the manure into the soil and limit runoff. At this farm we try hard to apply our manure**

Submitted by Applicant

when conditions are adequate. With the lagoon we have just under 2.5 million gallons of storage, that would be to the top. We will not have to haul when conditions are inadequate. The way we are planning right now, is we are going to primarily haul in the Spring and the Fall. We will clean out completely at least 2 if not 3x/year. The manure storage we have gives us the flexibility to haul when conditions are adequate. We will also be applying to 1 or 2 crops of hay in the summer if the opportunity arises.

4. That the proposed use will not adversely increase the quantity of water runoff.

Yes

Comments:

The landscaping and terrain around the building will help to limit the amount of runoff.

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

Yes, there are no sinkholes or rock formations where the proposed building will go.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

We have a nutrient management plan in place. Our farm has access to around 400 ac on the South side of town. If we need to we can haul to rented acres North of town. But that would mean hauling through town and we want to avoid that if at all possible. Also, we have been doing some cover cropping and contour farming to help limit the amount of runoff that we have.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

We have all of the necessary roads and accesses that we need currently. All of the necessary utilities are already here and accessible for us.

8. That adequate measures have been or will be taken to provide sufficient off-street

Yes

parking and loading space to serve the proposed use.

Comments: **We have parking facilities on our property, currently. The amount of traffic will not drastically change going in and out of the farm.**

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Yes

Comments: **We have plenty of room for, parking so we are not on the county or township roads. I would say that the amount of traffic will not change drastically on County 5. It will be more the amount of days that the traffic occurs. Yes, we are going to use County 5 to get to point A or B.**

10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Yes

Comments: **The proposed facility is plenty far away from other property lines.**

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

No

Comments: **It will not affect any other property around it. The only people I see complaining would be the property owners in the subdivisions that border our property to the North and West. The complaint will be the smell at certain times of the year when we are hauling.**

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that

Yes

none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Comments:

We will do our best to avoid these issues. Our storage has improved so we will be more flexible when hauling manure. We won't have to haul as often, which in turn means less agitating. The farm is trying to be more neighborly. We are trying not to haul on Saturday or Sunday's when people are home. If we need to haul we let those acres go until later on, I don't like getting nasty phone calls. When we do haul we try to haul during the day while people are at work and be done before they get home. This farm is trying to do it's best to get along with our neighbors ag related or not.

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

N/A

Comments:

This is an agriculture CUP I am applying for.

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

No

Comments:

The barn will be a 200 head freestall facility just like the current structure. This structure is similar to other structures already in use today around the county. It's not any different more or less many of my neighbors to the South or to the West.

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety,

Yes

morals, and general welfare.

Comments: **The site will have astetic appeal when complete.**

SITE PLAN INFORMATION [Edit] Last updated: 3/25/2021 5:32:20 PM and saved by: Cole Hoscheit

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan **There are no attached documents.**

Use Interactive Map to Create Site Plan

Use the space below to include site plan comments, if necessary

So what the plan is, is to put basically the same building up with some minor changes. It will have a flume that goes to the existing lagoon. It will be in the neighborhood of 60 feet from the existing facility. The existing barn will have a roof extended out to cover the old breezeway where the animals head to the parlor. My plan is that the new facility will be a 6 row freestall barn for 200 cows.

Submitted by Applicant 26

APPLICATION SUBMITTAL [Edit] Last updated: 3/26/2021 9:54:29 AM and saved by: Cole Hoscheit

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.	**Yes**
By checking this box, I certified that I have notified my town board of my application.	**Yes**
By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.	**Yes**

Signature

Date Signed:
03/26/2021

Check this box if Staff Signature on behalf of Applicant.	**No**

APP SUBMITTED/PAYMENT SELECTION Last updated: 4/5/2021 11:03:58 AM and saved by: Holly Felten

Fee amount paid: **$746**

MAYVILLE TOWNSHIP REVIEW [Edit] Last updated: 4/5/2021 11:04:13 AM and saved by: Holly Felten

Notice to Township

Date email sent:
04/05/2021

APPLICATION DATE [Edit] Last updated: 4/20/2021 11:05:54 AM and saved by: Alacher

Submitted by Applicant 27

What Stage is the Application At?	**Application reviewed and determined complete.**
Application Date (Complete Application)	**4/5/2021**
Date of Notice of Incomplete Application	
Comments	
Please upload any supporting documents:	**There are no attached documents.**

DATES [Edit] Last updated: 4/20/2021 11:06:25 AM and saved by: Alacher

Advertising Date	**4/14/2021**
Planning Commission Meeting Date	**4/29/2021**
Meeting Time	**7:00 PM**
Comments	

Submitted by Applicant

Hoscheit Dairy Farms, LLC
Where People and Cows are #1

3/29/2021

Dear Sir or Madam,

We give Cole Hoscheit permission to apply for CUP permit for Hoscheit Dairy LLC of Caledonia.

Thank you!!
Tom + Manon Hoscheit

Thomas J. Hoscheit 3-29-21
Manon Hoscheit 3-29-2021

11608 County 5, Caledonia, MN 55921
Phone: Tom: Cell - 507-429-5288 Cole: Cell: 507-450-8373
Office: 507-724-2920 Email: *tomanonh@msn.com*

GOOD NEIGHBOR PLAN

Manure management

How do you plan to control odor?

With the increased capacity of our manure handling system, we will limit the amount of days that application happens. We will be injecting our manure to avoid odors. It is not our goal to be a bother to our neighbors we try hard to do the right thing. We try not to haul on the weekends and on holidays. But the weather dictates when and if we haul and where depending upon what crops are taken off, we can't control everything.

How will you handle manure application?

Our current manure handling system we will have enough storage for 6 months even with the increase in Animal Units. With the increased storage capacity we will have enough storage with the proposed building and expansion. Our plan is to haul 2-3x/year primarily in the spring and the fall, we will be injecting the manure during application. I am planning on us doing a complete clean out at these times to give us the most amount of capacity as possible.

How will you address weight restrictions in the spring on local roads?

Again with the increased storage capacity we should be able to avoid hauling in the spring when weight restrictions are on. We have enough acres around the main dairy to haul there if the need arises and avoid County 5 altogether.

APPLICANTS SIGNATURE: _____ **Date:** 3-27-21

Amelia Meiners

From: Brian Pogodzinski
Sent: Tuesday, April 20, 2021 11:39 AM
To: Aaron Lacher
Cc: Amelia Meiners
Subject: RE: Conditional Use Notice for Public Hearing

Aaron & Amelia,

I asked Pat if he has contacted Tom Hoscheit over the past 4 years when he was the Maintenance Foreman about sediment or manure being tracked out onto CSAH 5. Pat said that during the first year, it was a constant issue, but did get better. However, he has still be needing to call at least once or twice per year to get them to clean up sediment on the roadway. It could have been way more, but Pat usually waited until either he started hearing complaints coming in from the public or the conditions were similar to when complaints usually start. Most of these calls have went to Cole as Tom was more difficult to reach.

Pat stated that this farmstead of probably amongst the two worst in the county with tracking material onto a county road. I have to agree with Pat on that statement.

Brian K. Pogodzinski, P.E.
Houston County Engineer

From: Aaron Lacher
Sent: Tuesday, April 20, 2021 11:02 AM
To: Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>
Cc: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Subject: RE: Conditional Use Notice for Public Hearing

Brian,

Amelia will give you a call, she has been working with the Hoscheits on this.

Aaron Lacher
Zoning Administrator / Environmental Services Director
Houston County Environmental Services
Courthouse Room 209
304 S. Marshall St.
Caledonia, MN 55921
507-725-5800

From: Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>
Sent: Tuesday, April 20, 2021 10:52 AM
To: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Subject: RE: Conditional Use Notice for Public Hearing

Aaron,

Can you call me when you have a moment to discuss this CUP? There has been a history of the old pit overflowing into the county ditch and the landowner is already regularly tracking sediment onto the roadway during their operations. I

don't want to discourage expansion of their business, but I want to make sure we are not setting the county up for more problems in the future.

Brian K. Pogodzinski, P.E.
Houston County Engineer

From: aaron.lacher@co.houston.mn.us <aaron.lacher@co.houston.mn.us>
Sent: Tuesday, April 20, 2021 10:06 AM
To: Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>
Subject: Conditional Use Notice for Public Hearing

*** HOUSTON COUNTY SECURITY NOTICE ***
This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

Notice of Public Hearing. A hearing on a Conditional Use request will be held at 7:00 PM on 4/29/2021 at the Houston County Courthouse.

Applicant: HOSCHEIT,THOMAS J & MANON P:
Parcel ID: 090306000
The purpose of the hearing is to consider a request for: We want to build another 200 stall facility for milking cows at Hoscheit Dairy. I am requesting Changing our Animal Unit capacity.

If you have questions or wish to provide comments regarding this request, please respond to this email.

Aaron Lacher

Number: 2021-CUP-73387
Project: Conditional Use Request
Description: HOSCHEIT,THOMAS J & MANON P | 090306000 |
Created On: 3/8/2021

View this application

Aaron Lacher

From: Lucille Lemke <llemke189@gmail.com>
Sent: Friday, April 9, 2021 10:57 AM
To: Aaron Lacher
Subject: Re: Conditional Use Application submitted for 11608 COUNTY 5, HOSCHEIT,THOMAS J & MANON P, Mayville Township

*** HOUSTON COUNTY SECURITY NOTICE ***
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Aaron I have been notified but the township has nothing to do with animal units, we do not mind that they expand their building. I don't know what else to say there.

On Mon, Apr 5, 2021 at 10:04 AM <Aaron.Lacher@co.houston.mn.us> wrote:
An application for a Conditional Use in Mayville Township has been submitted.

Applicant name: HOSCHEIT,THOMAS J & MANON P
Applicant phone number: 507-450-8373
Applicant Address: 11608 COUNTY 5
Requested Conditional Use: We want to build another 200 stall facility for milking cows at Hoscheit Dairy. I am requesting Changing our Animal Unit capacity.

The applicant indicated that they have contacted the Township representative to discuss this project.

The Mayville Township contact is: Lucille Lemke
Phone number: 507-724-3919

After reviewing the application and discussing the application with the applicant, the Township may provide comments to the County. If the township wishes to comment on this application, please reply to this email.

Number: 2021-CUP-73387
Project: Conditional Use Request
Description: HOSCHEIT,THOMAS J & MANON P | 090306000 |
Created On: 3/8/2021

View this application

--
-Lu

Lucille Lemke
Adjutant

The American Legion
Loveless-Eikens Post 191

HOUSTON COUNTY, MINNESOTA
ECONOMIC DEVELOPMENT AUTHORITY

Date: May 5, 2021
To: Houston County Commissioners & Staff
From: Allison Wagner, Houston County EDA
RE: $30,000 from Revolving Loan Fund to Vicki Olson and Kristen Collins for Timeless Creations

Background: On May 5, 2021, Vicki Olson and Kristen Collins co-owners of Timeless Creations in Houston County requested from the EDA $30,000 in financing to purchase the building located at 108 West Cedar Street in the City of Houston. Olson and Collins plan to purchase the building and renovate it. They will relocate their current business Timeless Creations to the building, and also purchase the workout center business currently located in the building. This project will retain a business and add a business to the City of Houston. The total project costs for purchasing the building, workout center equipment, renovations, and additional inventory is around $175,000 with the owners injecting $30,000 in equity.

The project will retain two current jobs, with the prospect of growing and hiring additional staff in the future.

Recommendation: After due consideration and discussion, the EDA Board of Directors unanimously passed a motion on May 5, 2021 (through an electronic vote) to recommend that the Houston County Commissioners approve the request for assistance by providing a $30,000 loan to be used specifically for purchasing the building at the 2021 set rate and terms (2.25% for 10 years).

Action Required: A motion made by the Board of Commissioners approving Vicki Olson and Kristen Collin's (co-owners of Timeless Creations) request for assistance by providing a $30,000 loan at the 2021 set rate and terms (2.25% for 10 years) from the County's Revolving Loan Fund.