

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: September 7, 2021

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present:

Dewey Severson, Eric Johnson, Robert Burns, Teresa Walter, and Greg Myhre

Others Present:

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/EDA Director Allison Wagner, Engineer Brian Pogodzinski, Interim Recorder Mary Betz, Attorney Jason Kuboushek

Presiding: Chairperson Burns

Call to order.

Pledge of Allegiance.

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

Motion was made by Commissioner Myhre, seconded by Commissioner Severson, motion unanimously carried to approve the board meeting minutes from August 24, 2021.

Motion was made by Commissioner Severson, seconded by Commissioner Johnson, motion unanimously carried to approve the emergency board meeting minutes from September 1, 2021.

Public Comment: No public comments were made.

At 9:27 a.m. motion by Commissioner Johnson, seconded by Commissioner Severson, motion unanimously approved to go into closed session pursuant to Minn. Stat. 13D.05 Subd. 1 (d) attorney client privilege regarding the existing lawsuit with Mound Prairie Township. All Commissioners, Attorney Jason Kuboushek, Auditor/Treasurer Donna Trehus, and Engineer Brian Pogodzinski attended the closed session.

At 9:55 a.m. motion by Commissioner Johnson, Seconded by Commissioner Severson to return to regular session. Attorney Kuboushek gave a summary of the closed session saying they had discussed a settlement of all claims. The County had previously entered into an agreement,

and this next agreement would settle all claims with all involved parties. Attorney Kuboushek recommended to the board that they accept the agreement.

Motion was made by Commissioner Severson, seconded by Commissioner Johnson, motion unanimously carried to accept the settlement agreement.

At 10:00 a.m. motion by Commissioner Walter, seconded by Commissioner Myhre, motion unanimously approved to go into closed session pursuant to Minn. Stat. §13D.03, Subd. 1, (b) to discuss labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25. All Commissioners, Auditor/Treasurer Trehus, Human Resources Director Kruger, and Finance Director Lapham attended the closed session.

At 10:35 a.m. motion by Commissioner Johnson, seconded by Commissioner Severson, motion unanimously carried to return to regular session. Kruger gave a summary of the closed session saying that they had discussed labor negotiations and that no decisions had been made.

CONSENT AGENDA

Motion by Commissioner Myhre, seconded by Commissioner Johnson, motion unanimously carried to approve the consent agenda. Items approved are listed below.

- 1) Hire Charles Ingram as probationary Maintenance Specialist, Step 2, effective September 13, 2021, conditioned upon successful completion of background check.
- 2) Change Janet Becker's work assignment from 32 hours/week to up to 40 hours per week as needed on a temporary basis for approximately 12 weeks starting the week of October 25, 2021.

ACTION ITEMS

File No. 1 – Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to approve low bid for SAP 028-599-098/ SAP 028-599-0100 to Van Gundy Excavating LLC in the amount of \$294,951.00. This project would be for two bridge replacements on Rooster Valley Road in Blackhammer Township.

File No. 2 – Commissioner Severson moved, Commissioner Myhre seconded, motion unanimously carried to approve Airport Grant FAA AIP No. 3-27-0016-09-21, SP A2803-33 pertaining to the Culvert Lining Project. Funding for the project would be \$70,200 in Federal funds and \$7,801.00 CRSSA so there would be no local dollars for the project and authorizing the electronic signature of Brian Pogodzinski. (See next file number.)

File No. 3 – Commissioner Severson moved, Commissioner Walter seconded, motion unanimously carried to approve Resolution No. 21-41 Authorization to Execute Minnesota Department of Transportation Grant Agreement for Federal Airport Expenses Reimbursement. Resolution is below:

RESOLUTION 21-41

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR FEDERAL AIRPORT EXPENSES REIMBURSEMENT

It is resolved by the County of Houston as follows: 1. That the state of Minnesota Agreement No. 1046656, "Grant Agreement for Federal Airport Expenses Reimbursement," for State Project No. A2801-C2 at Houston County is accepted. 2. The authorized signers was inadvertently left blank and will be reaffirmed at the County Board Meeting to be held on September 14, 2021 with proper authorized signers for this Agreement and any amendments on behalf of Houston County.

File No. 4 – Commissioner Myhre moved, Commissioner Walter seconded, motion unanimously carried to approve grant and agreement from the Southern Minnesota Initiative Foundation (SMIF) in the amount of \$10,000 for project Keep Company Co-Working Space. The Co-Working space would be open in the La Crescent Chamber building. Grant funds would be used to help purchase equipment for the space and to contract with local businesses who offer technical support to provide their services out of the space at set times each month.

File No. 5 - Commissioner Severson moved, Commissioner Myhre seconded, motion unanimously carried to approve a settlement agreement in the amount of \$316.12 and authorize signatures on the agreement for District Court File No. 62-CV-19-876. This amount was for County vehicles that the County had been overcharged for.

DISCUSSION ITEMS

Commissioners discussed recent meetings they had attended including an initial Budget Meeting, Community Service Meeting and Economic Development Meeting. Commissioners discussed possible uses for American Rescue Plan dollars.

Commissioners discussed the possibility of returning to having a paper copy option for some permits rather than an online only option.

Chairperson Burns said the lottery drawing for camping spots at Wildcat would be the following day.

Public Comment: No public comments were made.

There being no further business at 11:02 a.m., a motion was made by Commissioner Johnson, seconded by Commissioner Myhre, motion unanimously carried to adjourn the meeting. The next meeting would be regular board meeting on September 14, 2021.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Robert Burns, Chairperson

Attest: _____
Donna Trehus, Auditor/Treasurer



Allison Wagner <allison.wagner@cedausa.com>

Commissioners agenda

1 message

Matt S. Schuldt <MSSchuldt@merchantsbank.com>
To: Allison Wagner <allison.wagner@cedausa.com>

Thu, Aug 19, 2021 at 10:03 AM

Allison,

I understand you handle the agenda for the commissioners meetings. I'm looking to get Merchants Bank on the agenda for the September 14th meeting. Our topic for the agenda will be proposal for deposit account and additional services. Let me know if you need anything else.

Thank you!

Matthew S. Scholdt

Market President

Merchants Bank, N.A. | 1 Sprague Square | PO Box 188 | Caledonia, MN 55921-0188

Office (507) 724-7245 | Cell (612) 801-0616 | Ext 19245

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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: 8-Sep-21

Person requesting appointment with County Board: Amelia Meiners

Amelia Meiners will not be present.

Issue:

CUP Approval/Denial: 1) Josh Wiste - CUP to bulid a dwelling on less than 40 acres in Spring Grove Township. (PC meeting was held on 8-26-21)

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 reequets and determine if the request will be heard at a County Board meeting.

**HOUSTON COUNTY
PLANNING COMMISSION AND
BOARD OF ADJUSTMENT AGENDA
Thursday, August 26, 2021**

(Hearings are in the Houston County Commissioner's Room)

PLANNING COMMISSION

Approve Minutes for July 22, 2021

CONDITIONAL USE HEARINGS:

5:00 p.m. ***Josh & Autumn Wiste and Mike & Jennifer Wiste – Spring Grove Township***
Conditional Use Permit to build a dwelling on less than 40 acres in an Agricultural Protection District (14.3 Subdivision 1 (10).

BOARD OF ADJUSTMENT

Approve Minutes for July 22, 2021

VARIANCE HEARINGS:

6:00 p.m. ***Dianne Oertel – Spring Grove Township***
Variance of setback requirements to reduce side yard setbacks in an Agricultural District (14.8, Subd. 1) to place a solar array.

6:20 p.m. ***Greg and Jill Hahn – Crooked Creek Township***
Variance to reduce setback to an existing feedlot. (33.16 Subd. 6).

6:40 p.m. ***Eden Management in c/o Kiernan Minehan – La Crescent Township***
1) Variance to allow new dwellings on lots that are not buildable lots as defined by Ordinance (15.9 Subd. 1); 2) Variance to reduce the setback required from a public road (15.6 Subd. 3); 3) Variance to allow a structure within a bluff impact zone (29.17 Subd. 1); 4) Variance to reduce setback from the top of a bluff (29.17 Subd. 2); 5) Variance to minimum sewage treatment and disposal area standards (29.22 Subd. 10); and 6) Variance to minimum side yard setback (15.7 Subd. 1).

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: *Josh and Autumn Wiste* DATE: *August 26, 2021*

C.U.P. REQUESTED: *To build a dwelling on less than 40 acres in an Ag District.*

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

FINDINGS OF FACT

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

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

Staff Analysis: This proposal meets the density limitations required for the Agricultural Protection District in the Land Use Plan and Houston County Zoning Ordinance. In addition, they will be utilizing ground that has no current tillable value.

Board agreed to the finding by a unanimous vote.

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.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: A septic professional completed a preliminary review of the site to determine that there are two locations for Type I systems. Further work will need to be completed by a licensed septic professional per MPCA requirements.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during and after construction. Slopes are 10-20% at this site.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This newly created parcel will consist of cleared timber ground. One area is class III soils, but because it has not been in production it meets the exemption for non-farm single family dwellings.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Treatment of septage is likely the biggest potential pollution hazard, but a septic system designed and installed by a licensed MN professional should mitigate that risk.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This proposal is adjacent to an access road and in proximity to other necessary utilities. All utility costs will be the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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 applicant plans to purchase a 5.5-acre parcel, which should allow for adequate off-street parking.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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: Most of the neighboring property is agricultural, but the applicants should be aware that two neighboring properties have CUPs for commercial operations within a quarter mile. Dwellings are also present at these sites. A new single-family dwelling will not be injurious to those uses.

Board agreed to the finding by a unanimous vote.

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: N/A

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: 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 request meets the density limitation requirement for the agricultural protection district.

Board agreed to the finding by a unanimous vote.

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: A non-farm dwelling should not negatively affect the public's health, safety, morals, and general welfare.

Board agreed to the finding by a unanimous vote.

Larry Hafner made a motion to accept the findings as presented. Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application to build a dwelling on less than 40 acres in an agricultural protection district 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.

Wayne Feldmeier 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



STAFF REPORT 8/16/2021

Application Date: 7/30/2021
Hearing Date: 8/26/2021
Petitioner: Michael & Jennifer Wiste
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: ##### Stratford Dr
Township: Spring Grove
Parcel Number: 130306000
Submitted Materials: CUP Application

OVERVIEW

REQUEST

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

SUMMARY OF NOTEWORTHY TOPICS

This is currently a 120-acre parcel in Spring Grove Township comprised of a farmstead and primarily tillable ground. The landowners are looking to split off a 5.5-acre section in the southeastern corner for their son and daughter-in-law to build a dwelling. Any reference to applicants further in this document is actually referring to Josh and Autumn Wiste. The potential building site consists of timber ground and is accessed off Stratford Road. The road is vacated west of the north-south quarter-quarter line separating the SE NW and SW NE quarter-quarters of Section 23.

The Houston County Zoning Ordinance (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.

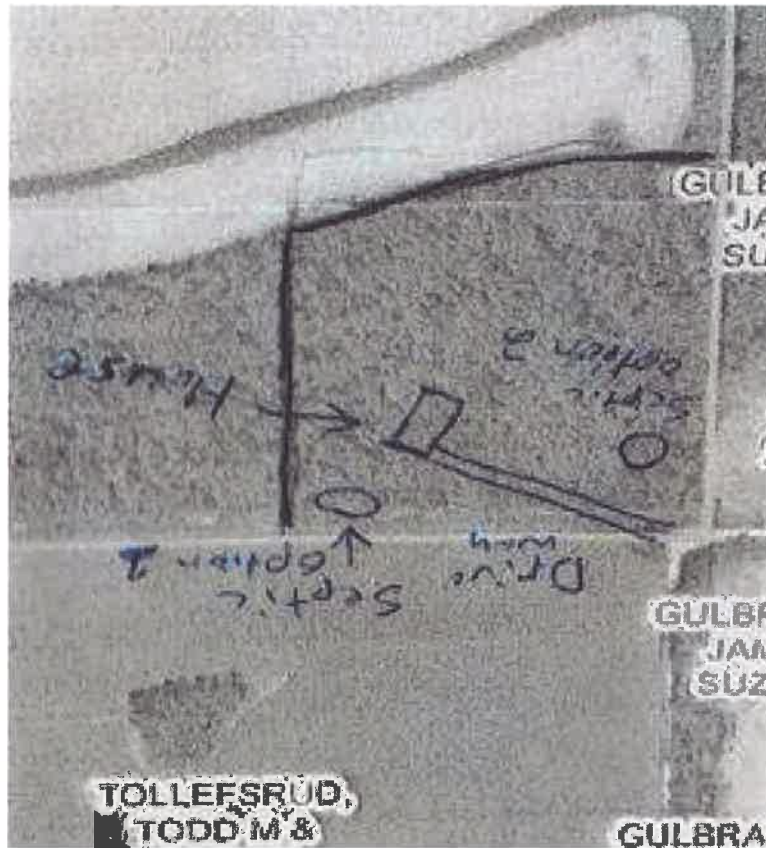


Figure 1. Site plan submitted by the applicant showing the future parcel and location of the dwelling and septic systems.

Surrounding property use is primarily agricultural, but there are two neighboring properties with conditional use permits. The property at 19479 Stratford Drive has a permit to operate a sawmill and the property at 19315 Stratford Drive has a permit to operate a bed and breakfast. These are both within a quarter mile.

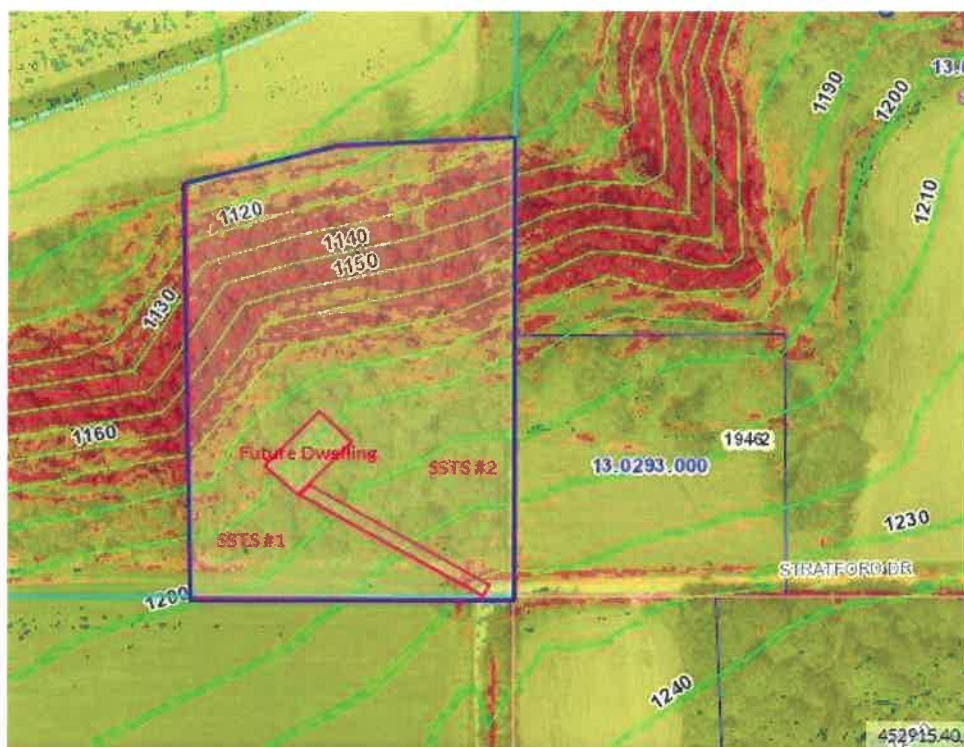


Figure 2. Site plan with slope overlay. Red is area over 24%.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Spring Grove Township and the ten nearest property owners were notified. No comments were received.

SITE CHARACTERISTICS

A 5.5-acre parcel will be split off the southeast corner of the SE NW quarter-quarter of Section 23 in Spring Grove Township. It is an open quarter-quarter. There is approximately 2 acres of top ground area less than 23% grade to accommodate a dwelling and all accessory requirements. There should be adequate acreage to meet all property line and road setback requirements. Stratford Drive allows access in the southeast corner of the property and driveway slopes of less than 12% should be achievable. The applicant believes there is 33' of road frontage.

Slopes at the building site are between 10- 20%. This location just barely meets the definition of a bluff and with that there will be a 40 foot top of bluff setback. A section of the split parcel will contain soils type 492C, a class III soil, but the property has been timber and therefore out of production for ten years or more. It is exempt from the prime ag soil requirement. The shrinking and swelling tendencies of this soil are a concern, but proper structural design and backfilling can prevent issues. Sites should conform to the natural slope of the land.

There is an intermittent stream approximately 450 feet to the northwest and 1,900 feet to the west. There are no wetland, shoreland or floodplain concerns with this proposal.

The closest feedlots are about a half mile away and there are no mines within 1,000 feet.

Bluff:

Outside Shoreland: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- *The total vertical rise between the toe and top of the topographic feature is 50 feet or more; and*
- *The grade of the slope from the toe to the top of the topographic feature averages 24 percent or greater.*

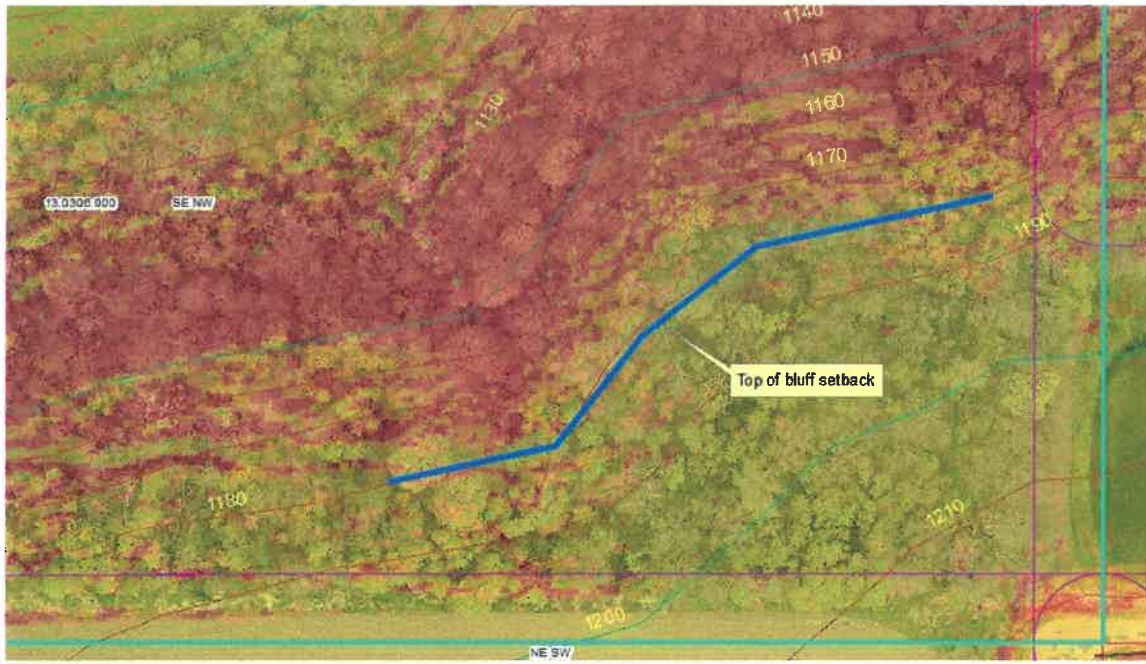


Figure 3. Top of bluff setback requirement.

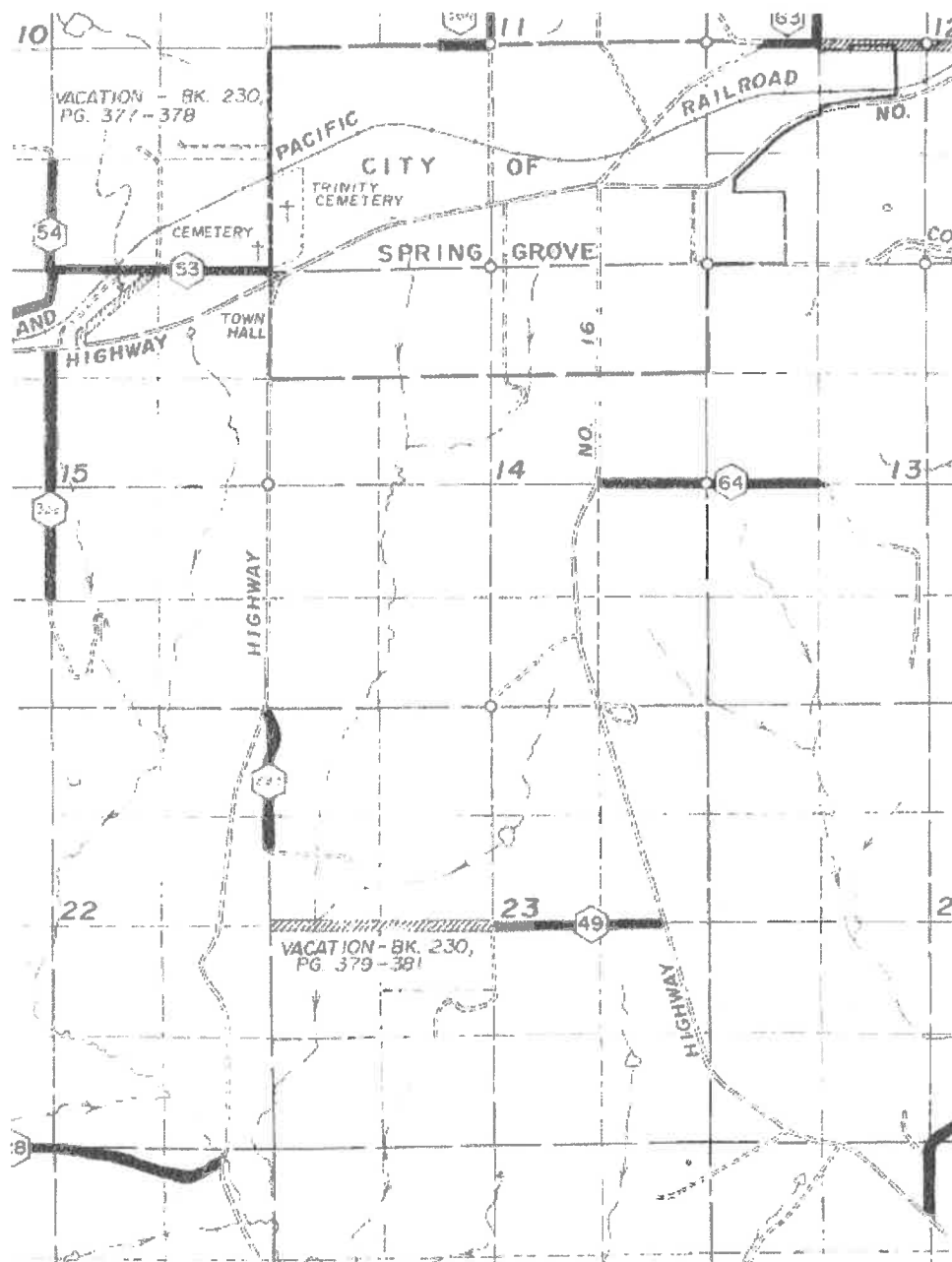


Figure 4. Section of the Spring Grove Township road map.

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: This proposal meets the density limitations required for the Agricultural Protection District in the Land Use Plan and Houston County Zoning Ordinance. In addition, they will be utilizing ground that has no current tillable value.

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: A septic professional completed a preliminary review of the site to determine that there are two locations for Type I systems. Further work will need to be completed by a licensed septic professional per MPCA requirements.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during and after construction. Slopes are 10-20% at this site.

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

Staff Analysis: This newly created parcel will consist of cleared timber ground. One area is class III soils, but because it has not been in production it meets the exemption for non-farm single family dwellings.

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

Staff Analysis: Treatment of septage is likely the biggest potential pollution hazard, but a septic system designed and installed by a licensed MN professional should mitigate that risk.

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

Staff Analysis: This proposal is adjacent to an access road and in proximity to other necessary utilities. All utility costs will be the responsibility of the applicant.

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 applicant plans to purchase a 5.5-acre parcel, which should allow for adequate 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: N/A

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: Most of the neighboring property is agricultural, but the applicant's should be aware that two neighboring properties have CUPs for commercial operations within a quarter mile. Dwellings are also present at these sites. A new single-family dwelling will not be injurious to those uses.

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: N/A

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: 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 request meets the density limitation requirement for the agricultural protection district.

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: A non-farm dwelling should 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;
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.

Proposed motion: Recommend granting of a Conditional Use Permit for a single-family dwelling on under 40 acres with the two conditions.

Number 2021- CUP- 81123	WISTE, MICHAEL & JENNIFER 130306000 Conditional Use Request Submitted by Josh and Autumn Wiste on 7/26/2021	
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CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 7/26/2021 9:02:49 PM and saved by: Josh and Autumn Wiste

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: 7/26/2021 9:08:54 PM and saved by: Josh and Autumn Wiste

Applicant Name **WISTE,MICHAEL & JENNIFER**

Telephone Number **5074504638**

Address **21333 SUGAR VALLEY RD**

City **SPRING GROVE**

Zip **55974**

Parcel Tax ID **130306000**

Legal Description **SE1/4 NW1/4 & W1/2 NW1/4 B 351 P 785**

Section-Township-Range **23/101/007**

Do you own additional adjacent parcels **Yes**

Township of: **Spring Grove**

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: 7/26/2021 9:24:03 PM and saved by: Josh and Autumn Wiste

Click here to view the Houston County Zoning Ordinance

Describe in detail your request.

Mike and Jen Wiste are gifting Josh and Autumn Wiste 5.5 acres in the Southeast parcel of this land off of Stratford Lee Road. We are requesting to build a house on the 40 East of the farm.

Citation of Ordinance
Section from which the
Conditional Use is
requested:

Section 14.3

Requested Dimension:

5.5 acres

**Please upload any
supporting documents:**

There are no attached documents.

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 7/26/2021 9:44:26 PM and
saved by: Josh and Autumn Wiste

[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:

Yes, it has always been woods.

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

Yes

Comments:

To build a single family dwelling.

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

Yes

Comments:

We will be adding proper well and septic.

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

Yes

Comments:

We are not doing major landscaping changes.

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

Yes

Comments:

There is dry land to build on.

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

Yes

Comments:

No hazards known.

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

Yes

Comments:

There is power near, we will be drilling a well, installing septic, and we are off the township road.

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:

there will be plenty of room to park on the drive way.

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

Yes

Comments:

yes the driveway will be provided in a way that no major traffic will occur.

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

Yes

the purposes already permitted.

Comments:

there are no other dwellings in the immediate vicinity. also we will be raising our family there so it will be safe.

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.

Comments:

we are just building a house in the woods. we will be respectful to neighbors.

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.

Comments:

we are building a single family dwelling. we will not have signs or loud music.

Yes

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

Comments:

it will be on;y the 3rd house on that road.

N/A

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.

Comments:

.

Yes

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.

Comments:

we will be doing soil borings soon with anticipation of doing a mound system.

SITE PLAN INFORMATION [Edit] Last updated: 7/26/2021 9:53:30 PM and saved by: Josh and Autumn Wiste

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

There are no attached documents.

Upload Site Plan

Use Interactive Map to Create Site Plan



The map displays a property with a red outline and a blue line. The map includes a layer list on the right side.

Layer List:

- ☒ NG911 Address Points
- ☒ Wells_MWI_Jan_2018
- ☐ Contours
- ☒ Septic Permit
 - ☐ Septic Permits
- ☒ Corporate Limits
- ☐ Political Townships
- ☐ Subdivisions
- ☐ Blocks
- ☐ Lot Boundaries
- ☒ Parcels



we will be removing small brush and a few trees.

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

APPLICATION SUBMITTAL [Edit] Last updated: 7/26/2021 9:54:57 PM and saved by: Josh and Autumn Wiste

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:
07/26/2021

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

APP SUBMITTED/PAYMENT SELECTION Last updated: 8/5/2021 4:49:13 PM and saved by: Amy Sylling

Fee amount paid: **\$746**

SPRING GROVE TOWNSHIP REVIEW [Edit] Last updated: 8/5/2021 4:49:24 PM and saved by: Amy Sylling

Notice to Township

Date email sent:
08/05/2021

APPLICATION DATE [Edit] Last updated: 8/6/2021 2:00:21 PM and saved by: Amy Sylling

**What Stage is the
Application At?**

Application reviewed and determined complete.

**Application Date
(Complete Application)**

7/30/2021

**Date of Notice of
Incomplete Application**

Comments

**Please upload any
supporting documents:**

There are no attached documents.

DATES [Edit] Last updated: 8/6/2021 2:01:02 PM and saved by: Amy Sylling

Advertising Date

8/11/2021

Planning Commission
Meeting Date

8/26/2021

Meeting Time

5:00 PM

Comments

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Josh and Autumn Wiste, 14425 17th Ave. N., Plymouth, MN 55447, and Mike and Jennifer Wiste (Co-applicant), 21333 Sugar Valley Road, Spring Grove, MN 55974 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 Spring Grove

Township on the following premises, to-wit:

SE1/4 NW1/4 & W1/2 NW1/4, Section 23, Township 101, Range 7, Houston County, Minnesota. (Parcel #13.0306.000)

Said applicant standing and making application is with consent of co-applicant. Said Co-applicant standing is as fee owner of said described lands.

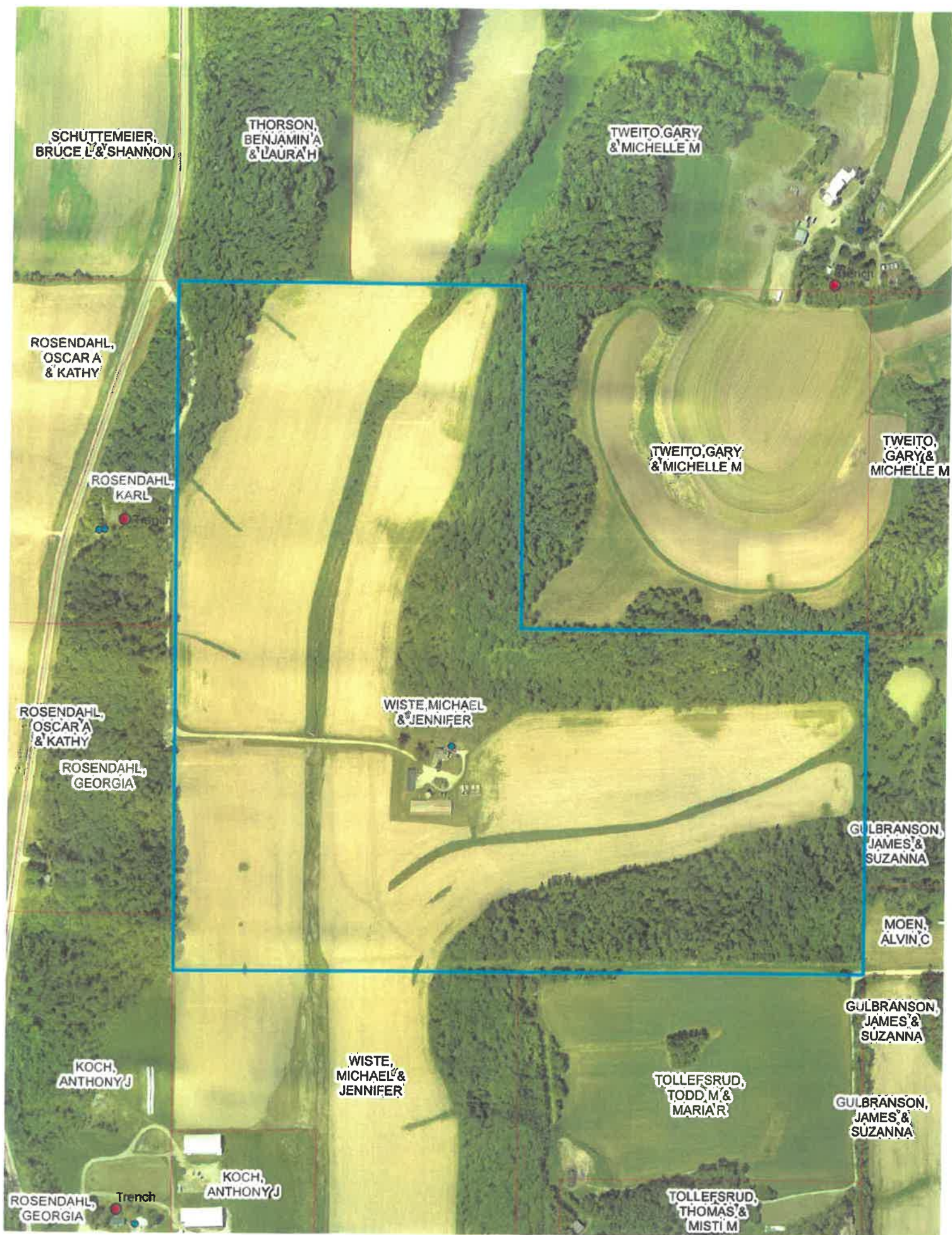
A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:00 p.m. on Thursday, August 26, 2021.

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 amelia.meiners@co.houston.mn.us, and must be received by Tuesday, August 17, 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 Amelia Meiners
Zoning Administration

ADV: August 11, 2021



Houston County Agenda Request Form

Date Submitted: September 9, 2021 **Board Date:** September 14, 2021

Person requesting appointment with County Board: Brian Pogodzinski

Issue:

The CRRSA Grant Agreement and Resolution are needed in order to receive CRRSA funding to cover 10% of the Culvert Lining project costs.

Please reaffirm the completed resolution which states that the County Board Chair and the County Auditor-Treasurer are authorized to sign this agreement. The resolution was passed on September 7, 2021 without the actual authority being given.

Attachments/Documentation for the Board's Review:

Copy of the grant agreement and resolution.

Justification:

This project has already been approved and let to Sub Surface Inc.

Action Requested:

Approval of both the grant agreement and resolution.

For County Use Only			
<u>Reviewed by:</u>	_____ County Auditor _____ Finance Director _____ IS Director	_____ County Attorney _____ County Engineer _____ Other (indicate dept)	_____ Zoning Administrator _____ Environmental Services _____
<u>Recommendation:</u>			
<u>Decision:</u>			

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 requests and determine if the request will be heard at a County Board meeting.



STATE OF MINNESOTA
AGENCY AGREEMENT for
FEDERAL AIRPORT EXPENSES REIMBURSEMENT

This agreement is entered into by and between the County of Houston ("Local Government") and the State of Minnesota, acting through its Commissioner of Transportation ("MnDOT").

RECITALS

1. Local Government has received an Airport Coronavirus Response Grant Program ("ACRGP") Grant under the Coronavirus Response and Relief Supplemental Appropriations Act ("CRRSA Act") (Public Law 116-260) directly from the Federal Aviation Administration ("FAA") to reimburse eligible airport expenses at Local Government's airport.
2. This agreement is not a subgrant of the ACRGP Grant funds. The FAA will be conducting oversight and monitoring the ACRGP Grant funding (see CRRSA FAQs for more information, at: <https://www.faa.gov/airports/crrsaa/media/ACRGP-FAQs-20210212.pdf>).
3. Pursuant to Minnesota Statutes Sections 360.016 and 360.039, subd. 2, the Local Government desires MnDOT to act as the Local Government's agent in accepting the federal funds on the Local Government's behalf and disbursing the federal funds to the Local Government for expenses at the airport.

AGREEMENT TERMS

1. Term of Agreement

- 1.1. Effective Date: This agreement will be effective on the date the MnDOT obtains all required signatures under Minn. Stat. §16C.05, Subd. 2.
- 1.2. Expiration Date: This agreement will expire on July 31, 2025.

2. Local Government's Duties

- 2.1. The Local Government designates MnDOT to act as its agent in accepting the federal funds on its behalf and disbursing the federal funds to the Local Government for airport expenses deemed allowable by the FAA under the CRRSA Act.
- 2.2. The Local Government will prepare reports, keep records, and perform work so as to meet federal requirements and to enable MnDOT to disburse the federal aid sought by the Local Government.
- 2.3. The Local Government will comply with all applicable Federal, State, and local laws, ordinances, and regulations. The Local Government will comply with all requirements and assurances in the ACRGP Grant, which is incorporated into this contract by reference.

3. MnDOT's Duties

- 3.1. MnDOT accepts designation as agent of the Local Government for the receipt of the federal funds and disbursement of the federal funds to the Local Government and will act in accordance herewith.
- 3.2. MnDOT will make the necessary requests to the FAA for authorization to disburse federal funds for airport expenses and for reimbursement of eligible costs under the CRRSA Act.
- 3.3. MnDOT may withhold federal funds where the FAA determines that airport expenditures were not made in compliance with federal requirements.

- 3.4. MnDOT, the FAA, or duly authorized representatives of the state and federal government will have the right to audit the work performed under this agreement. The Local Government will make available all books, records, and documents pertaining to the work hereunder, for a minimum of six years following the closing of the contract.

4. Payment

- 4.1. **Eligibility.** Eligible expenses under the act include costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Eligible expenses will be determined by the Federal Aviation Administration. Eligible expenses will be determined in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenues, 64 Federal Register 7696 (64 FR 7696), as amended by 78 Federal Register 55330 (78 FR 55330), which is incorporated into this agreement by reference, and the CRRSA Act.
- 4.2. **Reimbursement.** Local Government has been awarded \$9,000 in Federal CRRSA Act funding to reimburse federally-eligible expenses at airport(s) it operates. Local Government will be reimbursed for 100% of federally-eligible expenses not reimbursed by any other source. The Local Government will pay any part of the cost or expense that is not paid by federal, state, or other funds. MnDOT will receive the federal funds to be paid by the FAA for eligible expenses and will reimburse the Local Government from said federal funds for each payment request, subject to the limits of those funds.
- 4.3. **Payment Requests.** The Local Government will prepare payment requests in accordance with the terms of the federal award.
 - 4.3.1. In the event MnDOT does not obtain funding from the Minnesota Legislature or other funding source, or funding cannot be continued at a sufficient level to allow for the processing of the federal aid reimbursement requests, the Local Government may work directly with FAA to receive the federal funds under the CRRSA Act grant pursuant to any terms and conditions imposed by FAA.
- 4.4. **Federal Funds.** Payments under this Agreement will be made from federal funds. The Local Government is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for the Local Government's failure to comply with federal requirements. The Local Government agrees to pay any and all lawful claims arising out of or incidental to the performance of the work covered by this Agreement in the event the federal government does not pay the same.
- 4.5. **Closeout.** The Local Government must liquidate all obligations incurred under this Agreement and submit all financial, performance, and other reports as required by the terms of the Federal award. The FAA will determine whether a closeout audit is required prior to final payment approval. If a closeout audit is required, final payment will be held until the audit has been completed.

5. **Conditions of Payment.** Local Government's use of federal funds disbursed under this agreement must be in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Local Government will not receive reimbursement under this Agreement for expenses that are not eligible as described in Section 4.1 above.

6. Authorized Representatives

- 6.1. MnDOT's Authorized Representative is:
Name: Crystal Nickles, or her successor or designee.
Title: Grants Specialist
Email: crystal.nickles@state.mn.us

6.2. The Local Government's Authorized Representative is:

Name: Brian Pogodzinski

Title: County Engineer/Airport Manager

Email: brian.pogodzinski@co.houston.mn.us

If the Local Government's Authorized Representative changes at any time during this agreement, the Local Government will immediately notify MnDOT.

7. **Assignment Amendments, Waiver, and Agreement Complete**

- 7.1. **Assignment.** The Local Government may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of MnDOT and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 7.2. **Amendments.** Any amendments to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- 7.3. **Waiver.** If MnDOT fails to enforce any provision of this agreement, that failure does not waive the provision or MnDOT's right to subsequently enforce it.
- 7.4. **Agreement Complete.** This agreement contains all negotiations and agreements between MnDOT and the Local Government. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.
- 7.5. **Severability.** If any provision of this Agreement or the application thereof is found invalid or unenforceable to any extent, the remainder of the Agreement, including all material provisions and the application of such provisions, will not be affected and will be enforceable to the greatest extent permitted by the law.
- 7.6. **Electronic Records and Signatures.** The parties agree to contract by electronic means. This includes using electronic signatures and converting original documents to electronic records.

8. **Liability and Claims**

- 8.1. **Tort Liability.** Each party is responsible for its own acts and omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of any others and the results thereof. The Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, governs MnDOT liability. Minnesota Statutes Section 466.04 governs Local Government Liability.
- 8.2. **Claims.** The Local Government acknowledges that MnDOT is acting only as the Local Government's agent for acceptance and disbursement of federal funds, and not as a principal or co-principal with respect to this agreement. The Local Government will indemnify, defend (to the extent permitted by the Minnesota Attorney General), and hold MnDOT harmless from any and all lawful claims or costs arising out of or incidental to Local Government's acts or omissions under this agreement and any *ultra vires* acts, including reasonable attorney fees incurred by MnDOT.

9. **Audits**

- 9.1. Under Minn. Stat. § 16C.05, Subd.5, the Local Government's books, records, documents, and accounting procedures and practices of the Local Government, or other party relevant to this agreement or transaction, are subject to examination by MnDOT and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this 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. The Local Government will take timely and appropriate action on all deficiencies identified by an audit.

9.2. All requests for reimbursement are subject to audit by FAA or MnDOT.

10. **Government Data Practices.** The Local Government and MnDOT must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by MnDOT under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this agreement.
11. **Workers Compensation.** The Local Government certifies that it is in compliance with [Minn. Stat. §176.181](#), Subd. 2, pertaining to workers' compensation insurance coverage. The Local Government's employees and agents will not be considered MnDOT 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 MnDOT's obligation or responsibility.
12. **Governing Law, Jurisdiction, and Venue.** Minnesota law, without regard to its choice-of-law provisions, governs this agreement. Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.
13. **Termination for Cause.** MnDOT may terminate this agreement if Local Government fails to observe or perform any of the terms, conditions, or covenants required to be observed or performed by it pursuant to this agreement and such failure continues for a period of 30 calendar days after MnDOT has given written notice to Local Government of such default or, in the event that such default shall be incapable of cure with reasonable diligence during said 30 day period, shall have failed to commence to cure said default within 30 days of the date of said notice and to diligently pursue the same to completion.
14. **Data Disclosure.** Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Local Government consents to disclosure of its federal employer tax identification number, and/or Minnesota tax identification number, already provided to MnDOT, 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 Local Government to file state tax returns and pay delinquent state tax liabilities, if any.
15. **Fund Use Prohibited.** The Local Government will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a federal or state contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Local Government from utilizing these funds to pay any party who might be disqualified or debarred after the Local Government's contract award on this agreement.
16. **Discrimination Prohibited by Minnesota Statutes §181.59.** The Local Government will comply with the provisions of Minnesota Statutes §181.59, if applicable, which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier, or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this

Agreement.

17. **Limitation.** Under this contract, MnDOT is only responsible for disbursing funds. Nothing in this contract will be construed to make MnDOT a principal, co-principal, partner, or joint venturer with respect to this agreement. MnDOT may provide technical advice and assistance as requested by the Local Government, however, the Local Government will remain responsible for all aspects of administering this agreement.

[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK.]

LOCAL GOVERNMENT

Local Government certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable articles, bylaws, resolutions or ordinances

By: _____

Title: Houston County Board Chair

Date: September 14, 2021

By: _____

Title: Houston County Auditor-Treasurer

Date: September 14, 2021

STATE ENCUMBRANCE VERIFICATION

The individual certifies funds have been encumbered as required by Minn. Stat. 16A.15 and 16C.05

By: _____

Date: _____

SWIFT Contract # _____

SWIFT Purchase Order # _____

DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

RESOLUTION 21-41

**AUTHORIZATION TO EXECUTE
MINNESOTA DEPARTMENT OF TRANSPORTATION
GRANT AGREEMENT FOR FEDERAL AIRPORT
EXPENSES REIMBURSEMENT**

It is resolved by the County of Houston as follows:

1. That the state of Minnesota Agreement No. 1046656,

"Grant Agreement for Federal Airport Expenses Reimbursement," for

State Project No. A2801-C2 at the Houston County is accepted.

2. That the County Board Chair and County Auditor-Treasurer are
(Title) (Title)

authorized to execute this Agreement and any amendments on behalf of the

County of Houston.

CERTIFICATION

STATE OF MINNESOTA

COUNTY OF Houston

I certify that the above Resolution is a true and correct copy of the Resolution adopted by the
County of Houston

(Name of the Recipient)

at an authorized meeting held on the 14th day of September, 2021

as shown by the minutes of the meeting in my possession.

Signature: _____
(Clerk or Equivalent)

CORPORATE SEAL

/OR/

NOTARY PUBLIC

My Commission Expires: _____

Houston County Agenda Request Form

Date Submitted: September 9, 2021 Board Date: September 14, 2021

Person requesting appointment with County Board: Brian Pogodzinski

Issue:

Board approval needed to award the low bid for SAP 028-599-094 in the amount of \$637,763.25. This project is for a bridge replacement on Looney Valley Road in Houston Township.

Attachments/Documentation for the Board's Review:

Abstract for SAP 028-599-094 will be available.

Reminder: Unit prices are not public until after the award.

Justification:

Action Requested:

Board approval to accept lowest responsible Bidder, Minnowa Construction Inc.

For County Use Only			
Reviewed by:	<u> </u> County Auditor	<u> </u> County Attorney	<u> </u> Zoning Administrator
	<u> </u> Finance Director	<u> </u> County Engineer	<u> </u> Environmental Services
	<u> </u> IS Director	<u> </u> Other (indicate dept)	<u> </u>
<u>Recommendation:</u>			
<u>Decision:</u>			

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 requests and determine if the request will be heard at a County Board meeting.

SAP 028-599-094 (#7990771)
Owner: Houston County, MN
Solicitor: Houston County, MN
09/10/2021 10:00 AM CDT

Section Title	Minnowa Construction Inc	ICON Constructors, LLC
	Extension	Extension
SAP 028-599-094	\$637,763.25	\$660,478.00
Base Bid Total:	\$637,763.25	\$660,478.00