

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: November 2, 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, Public Health Supervisor Heather Myhre, Board Clerk/EDA Director Allison Wagner, Engineer Brian Pogodzinski, and Interim Recorder Mary Betz

Presiding: Chairperson Burns

Call to order.

Pledge of Allegiance.

Prior to approving the agenda Commissioner Walter asked that an additional action item be added to consider a new Extension Committee member. Motion was made by Commissioner Myhre, seconded by Commissioner Severson, motion carried unanimously to approve the agenda with the additional action item.

Motion was made by Commissioner Johnson, seconded by Commissioner Walter, motion unanimously carried to approve the meeting minutes from October 26, 2021.

Public Comment: No public comments were made.

APPOINTMENTS

Public Health and Human Services Director Pugleasa and Public Health Supervisor Myhre gave an update to the board on the COVID-19 pandemic. Pugleasa stated that COVID-19 cases in the region seemed to have leveled off. Pugleasa and Myhre updated the board that they were not currently planning to administer COVID-19 booster shots, but instead would be focusing on vaccinating unvaccinated individuals and administering flu shots. They recommended contacting a local health care system or pharmacy for third dose and booster

vaccine eligibility as these doses were widely available. Pugleasa said Public Health had administered 5,500 doses of the vaccine to date.

CLOSED SESSIONS

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.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, and Human Resources Director Kruger attended the closed session.

At 10:17 a.m. motion by Commissioner Walter, seconded by Commissioner Severson, motion unanimously carried to return to regular session. Commissioner Johnson gave a summary of the closed session saying that they had discussed labor negotiations and options.

CONSENT AGENDA

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

- 1) Assign Amy Gehrke as Programmer Coordinator/Lead Jailer Dispatcher, B-32, effective 11/03/2021.
- 2) Approve 23 hours of overtime pay at the straight time rate for Chief Deputy Sheriff Swedberg for the emergency management duties he performed in response to the Board declared emergency dated 08/24/2021. **Note, the Article 17, Section 3 MAPE Agreement provides that exempt employees may receive overtime pay, upon the Board of Commissioners' declaration of a natural disaster or other emergency and a separate declaration specifically authorizing overtime payments.*
- 3) Reassign William Hargrove from Patrol Sgt. C42 to Sheriff's Deputy C42 effective 11/07/2021.

ACTION ITEMS

File No. 1 – Commissioner Myhre moved, Commissioner Severson seconded, motion unanimously carried to approve Resolution 21-53 Authorization to Execute Minnesota Department of Transportation Airport Maintenance and Operation Grant Contract. Resolution is below.

RESOLUTION NO. 21-53

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT

BE IT RESOLVED by the County of Houston as follows:

1. That the State of Minnesota Agreement No. 1047468, "Airport Maintenance and Operations Grant Contract," at the Houston County Airport is accepted.
2. That the County Board Chairperson and County Auditor/Treasurer are authorized to execute the Contract and any amendments on behalf of the County of Houston.

File No. 2 – Commissioner Myhre moved, Commissioner Severson seconded, motion unanimously carried to approve Resolution 21-54 Final Acceptance of Contract #313 Dunn Blacktop completes SAP 028-030-007 paving, including SAP 028-608-015, SAP 028-611-007, and SAP 028-633-003 for a total cost of \$2,198,539.15. See Resolution below.

RESOLUTION NO. 21-54

Resolution 21-54 Final Acceptance of Contract #313 Dunn Blacktop completes SAP 028-030-007 paving, including SAP 028-608-015, SAP 028-611-007, and SAP 028-633-003 for a total cost of \$2,198,539.15

WHEREAS, Contract No. 313 has in all things been completed, and the County Board being fully advised in the premises; and

THEREFORE, BE IT RESOLVED, the Houston County Board of Commissioners accepts said completed project for and on behalf of the Houston County DOT and authorize final payment as specified herein.

File No. 3 – Commissioner Myhre moved, Commissioner Severson seconded, motion carried 4 to 1 with Commissioner Johnson voting no to approve staff to sign Feedlot Program 2022-2023 Delegation Agreement/Work Plan and the 2022-2025 Feedlot Program Grant Agreement. Both with the MPCA.

File No. 4 – Commissioners discussed a quote from Severson Oil for oil dispensing. This action item had been tabled from the previous meeting. Commissioner Johnson said he had spoken with Severson Oil Company and there were more cost effective options for oil dispensing that could be considered from the company. Commissioner Burns suggested that the Highway Committee get together to discuss the best option and that the motion could be approved with a not to exceed amount of the original quoted price of \$10,425.14. Motion by Commissioner Severson seconded by Commissioner Myhre to approve a quote from Severson Oil for oil dispensing not to exceed \$10,425.14.

File No. 5 – Motion by Commissioner Walter seconded by Commissioner Severson to appoint Bonnie Giesler to the County Extension Committee.

DISCUSSION ITEMS

Commissioners discussed recent meetings they had attended including negotiations and a Hiawatha Valley meeting.

Chairperson Burns asked about the possibility of adding electrical to a building by the new Highway Facility where the Sheriff's Office kept some equipment. Engineer Pogodzinski said while it may be difficult to connect electricity from the new facility to the other building it would be a good idea to have electrical in that building.

Commissioner Walter said Hiawatha Valley Mental Health was currently experiencing negative revenues most likely due to the negative impact of COVID-19. Commissioner Walter said she and Commissioner Severson would be attending a meeting with the City of La Crescent and the County regarding redistricting in the City.

Public Comment: No public comments were made.

There being no further business at 11:16 a.m., a motion was made by Commissioner Severson, seconded by Commissioner Myhre, motion unanimously carried to adjourn the meeting. The next meeting would be a regular meeting on November 9, 2021.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Robert Burns, Chairperson

Attest: _____
Donna Trehus, Auditor/Treasurer

**HOUSTON COUNTY
AGENDA REQUEST FORM
November 9, 2021**

Date Submitted: 11.04.2021

By: Tess Kruger, HRD/Facilities Mgr.

ACTION REQUEST

Environmental Services

- **Determination as to next steps regarding the Environmental Director search. (Information regarding rank order of interviewed candidates was previously provided to the Board)**

APPOINTMENT REQUEST

None

HR CONSENT AGENDA REQUEST

- **Consider approval of the 2021-2023 snow removal with WS Trucking and Construction, LLC (proposed contract attached)**

<u>Reviewed by:</u>	<input checked="" type="checkbox"/> HR Director	<input type="checkbox"/> Sheriff
	<input checked="" type="checkbox"/> Finance Director	<input type="checkbox"/> Engineer
	<input type="checkbox"/> IS Director	<input type="checkbox"/> PHHS
	<input type="checkbox"/> County Attorney	<input type="checkbox"/> (indicate other dept)
	<input type="checkbox"/> Environmental Svcs	
<u>Recommendation:</u>		
<u>Decision:</u>		



HOUSTON COUNTY

WS TRUCKING and CONSTRUCTION, LLC

Snow/Ice Removal Agreement

This CONTRACT, and amendments and supplements thereto, is between the County of Houston, acting through its Board of Commissioners, (hereinafter COUNTY), and WS Trucking and Construction, LLC, a duly formed Minnesota corporation (hereinafter CONTRACTOR).

WHEREAS, COUNTY, pursuant to Minnesota Statutes Chapter 375.18 et al, is empowered to procure from time to time certain professional/technical services; and

WHEREAS, COUNTY is in need of snow removal services; and

WHEREAS, the CONTRACTOR represents it is duly qualified and willing to perform the services set forth in this CONTRACT.

NOW, THEREFORE, it is agreed:

I. TERM OF CONTRACT.

This CONTRACT shall be effective on **November 10, 2021**, or upon the date the final required signature is obtained, and shall remain in effect until **June 30, 2023**.

II. CONTRACTOR'S DUTIES.

The CONTRACTOR will timely remove snow from paved access areas, parking lots and sidewalks adjacent to the Houston County jail, administrative and service buildings. The specific facilities are:

- The Houston County Justice Center
306 South Marshall Street, Caledonia, MN 55921
- The Historical Houston County Court House
304 South Marshall Street, Caledonia, MN 55921
- The Houston County Community Services Building
611 Vista Drive, Caledonia, MN 55921

The CONTRACTOR will make clearing access to the jail facility a priority upon receiving a call from the Sheriff's Office (Dispatch) requesting the service.

The CONTRACTOR will complete the plowing and clearing of snow from the parking lots prior to 6:30 AM following an overnight snow fall.

The CONTRACTOR will begin clearing the sidewalks no later than 6:00 AM and complete the removal by 8:00 AM following an overnight snow fall.

The CONTRACTOR agrees to monitor snow fall throughout the day and communicate with the COUNTY maintenance department in the event daytime snow removal is required.

III. CONSIDERATION AND TERMS OF PAYMENT.

A. Consideration.

All services performed and goods or materials supplied by the CONTRACTOR pursuant to this Contract shall be paid by COUNTY as follows:

1. Compensation:

- Seventy-five dollars and 00/100 (\$75.00) per hour for operation of snow plow truck;
- Seventy-five dollars and 00/100 (\$75.00) per hour for operation of dump truck;
- Seventy-dollars and 00/100 (\$75.00) per hour for operation of skid loader; and
- Forty dollars and 00/100 (\$50.00) per hour for operation of a walk behind snow blower/brush for sidewalks.
- Twenty-five dollars and 00/100 (\$25.00) per hour to hand shovel.

2. Reimbursement:

The CONTRACTOR shall not be reimbursed for travel and subsistence expenses.

- ##### **3.**
- The total obligation of COUNTY for all compensation and reimbursement to the CONTRACTOR shall not exceed fifteen thousand and 00/100 dollars (\$15,000.00) per year without prior approval of the COUNTY.

B. Terms of Payment.

Payment shall be made by COUNTY promptly after the CONTRACTOR'S presentation of monthly invoices for services performed and acceptance of such services by COUNTY'S authorized representative. All services provided by the CONTRACTOR pursuant to this CONTRACT shall be performed to the satisfaction of COUNTY, as determined at the sole discretion of its authorized representative. The CONTRACTOR shall not receive payment for work found by COUNTY to be unsatisfactory or performed in violation of any applicable federal, state or local law, ordinance, rule or regulation.

IV. AUTHORIZED REPRESENTATIVES.

All official notifications, including but not limited to, cancellation of this CONTRACT must be sent to the other party's authorized representative.

A. COUNTY'S authorized representative for the purpose of administration of this CONTRACT is:

Name: Theresa Arrick-Kruger

Address: 304 South Marshall Street, Caledonia, MN 55921

Telephone: (507) 725-5822

E-Mail: theressa.arrick-kruger@co.houston.mn.us

Fax: (507)725-5590

Such representative shall have final authority for acceptance of the CONTRACTOR'S services and, if such services are accepted as satisfactory, shall so certify on each invoice presented pursuant to Clause III, paragraph B.

B. The CONTRACTOR'S authorized representative for the purpose of administration of this CONTRACT is:

Name: Wylie Steele

Address: 423 S. Hokah St, Caledonia, MN 55921

Telephone: (507) 458-2793

E-Mail: wstrucking@hotmail.com

Fax:

V. CANCELLATION AND TERMINATION

This CONTRACT may be canceled by COUNTY OR CONTRACTOR at any time, for cause, upon fifteen (15) days written notice to the CONTRACTOR or COUNTY. In the event of such a cancellation, the CONTRACTOR shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.

VI. ASSIGNMENT.

The CONTRACTOR shall neither assign nor transfer any rights or obligations under this CONTRACT without the prior written consent of COUNTY.

VII. LIABILITY

The CONTRACTOR shall indemnify, save, and hold COUNTY, its representatives and employees harmless from any and all claims or causes of action, including all attorneys' fees incurred by COUNTY, arising from the performance of this CONTRACT by the CONTRACTOR or CONTRACTOR'S agents or employees. This clause shall not be construed to bar any legal remedies the CONTRACTOR may have for COUNTY'S failure to fulfill its obligations pursuant to this CONTRACT.

VIII. INDEPENDENT CONTRACTOR

CONTRACTOR is and shall remain an independent contractor with respect to any and all work performed under this CONTRACT. CONTRACTOR and COUNTY agree that nothing contained herein is intended or should be construed in any manner as creating or establishing the relationship of agents, partners, joint ventures or associates between the parties hereto or as constituting that CONTRACTOR is an employer of the COUNTY for any purpose or in any manner whatsoever.

IX. WORKERS' COMPENSATION

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

X. INSURANCE REQUIREMENTS

CONTRACTOR agrees that at all times during the term of this CONTRACT to maintain as set for in Exhibit A, Liability Insurance Certificate; and Workers Compensation as required by Minnesota Statutes.

The COUNTY of Houston shall be listed as an additionally named insured on the above policies by the CONTRACTOR prior to the execution of this CONTRACT. Additionally, CONTRACTOR agrees to maintain the above required insurance and shall provide the COUNTY with thirty (30) days written notice of any proposed changes prior to the cancellation, non-renewal or material changes. A Certificate of Liability Insurance for the above listed coverage shall be supplied to COUNTY by CONTRACTOR for each calendar year covered by the term of this CONTRACT. See Exhibit A.

XI. MINNESTOTA STATUTE §181.59.

The CONTRACTOR will comply with the provisions of Minnesota Statute §181.59 which require:

Every contract for or on behalf of the COUNTY for materials, supplies, or construction shall contain provisions by which the 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, shall, by reason or 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, shall, 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 COUNTY and all money due, or to become due under the CONTRACT, may be forfeited as a condition of this CONTRACT.

XII. DATA DISCLOSURE.

The CONTRACTOR is required by Minnesota Statute §270C.65 to provide a social security number, a federal taxpayer identification number or a Minnesota tax identification number. This information may be used in the enforcement of federal and state tax laws. Supplying these numbers could result in action to require CONTRACTOR to file state tax returns and pay delinquent state tax liabilities. This CONTRACT will not be approved unless these numbers are provided. These numbers will be available to federal and state tax authorities and COUNTY personnel involved in approving the CONTRACT and the payment of COUNTY obligations.

XIII. GOVERNMENT DATA PRACTICES ACT.

The CONTRACTOR and COUNTY must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by COUNTY in accordance with this CONTRACT, and as it applies to all data, created, collected, received, stored, used, maintained, or disseminated by the CONTRACTOR in accordance with this CONTRACT. The civil remedies of Minnesota Statute §13.08 apply to the release of the data referred to in this clause by either the CONTRACTOR or COUNTY.

In the event the CONTRACTOR receives a request to release the data referred to in this clause, the CONTRACTOR must immediately notify COUNTY. COUNTY will give the CONTRACTOR instructions concerning the release of the data to the requesting party before the data is released.

XIV. ANTITRUST.

The CONTRACTOR hereby assigns to the COUNTY any and all claims for overcharges as to goods or services provided in connection with this CONTRACT resulting from antitrust violations which arise under the antitrust laws of the United States or the antitrust laws of the State of Minnesota.

XV. JURISDICTION AND VENUE.

This CONTRACT, and amendments and supplements thereto, shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this CONTRACT, or breach thereof, shall be in Houston County, Minnesota.

XVI. AMENDMENTS.

Any amendments to this CONTRACT shall be in writing and shall be executed by the same parties who executed the original CONTRACT, or their successors in office.

XVII. STATE AUDITS.

The books, records, documents, and accounting procedures and practices of the CONTRACTOR relevant to this CONTRACT shall be subject to examination by the COUNTY and the Office of the State Auditor for a minimum of six (6) years from the end of the Contract.

XVIII. SURVIVAL OF TERMS.

The following clauses survive the expiration, cancellation or termination of this CONTRACT: VII. Liability; XII. Data Disclosure; XIII. Government Data Practices Act; XV. Jurisdiction and Venue; and XVII. State Audits.

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SIGNATURE PAGE TO FOLLOW

WITNESS WHEREOF, the parties have caused this CONTRACT to be duly executed intending to be bound thereby.

FOR CONTRACTOR:

By:
Wylie Steele
Title: Owner
Date: November , 2021

FOR COUNTY:

By:
Robert Burns
Title: Houston County Board Chair
Date: November , 2021

By:
Theresa Arrick-Kruger
Title: HRD/Facilities Mgr.
Date: November , 2021

APPROVED AS TO FORM AND EXECUTION:

By:
Samuel Jandt
Title: Houston County Attorney
Date: November , 2021

EXHIBIT A

LIABILITY INSURANCE CERTIFICATE

HOUSTON COUNTY

AGENDA REQUEST FORM

Date Submitted: 11.9.2021

By: Donna Trehus, Auditor/Treasurer

CONSENT AGENDA REQUEST:

Authorize Auditor/Treasurer to sign on behalf of Houston County the Professional Services Agreement with DS Solutions Inc. of 2810 Jasmine Ct. St. Cloud, MN 56301 regarding On-line Election Judge training services.

The Agreement shall commence on September 1, 2021 and expires December 31, 2024, unless cancelled or terminated earlier in accordance with the provisions included within agreement.

ACTION ITEM:

<u>Reviewed by:</u>	<input type="checkbox"/> HR Director	<input type="checkbox"/> County Sheriff	
	<input type="checkbox"/> Finance Director	<input type="checkbox"/> County Engineer	
	<input type="checkbox"/> IS Director	<input type="checkbox"/> PHHS	
	<input checked="" type="checkbox"/> County Attorney	<input checked="" type="checkbox"/> Other (indicate dept)	Auditor/Treasurer
	<input type="checkbox"/> Environmental Svcs		
<u>Recommendation:</u>			
<u>Decision:</u>			

RESOLUTION NO. 21-55
November 9, 2021

BE IT RESOLVED that the Houston County Board of Commissioners hereby approves and authorizes the acceptance of the 'Professional Services Agreement' with DS Solutions, Inc. to provide Houston County with an On-Line Election Judge Training Course. (may be referred to as the 'Project')

BE IT FURTHER RESOLVED by the Houston County Board of Commissioners that this Agreement shall commence on September 1, 2021 and expire on December 31, 2024, unless cancelled or terminated earlier in accordance with the agreement. DONNA TREHUS, Houston County Auditor-Treasurer is authorized to sign the attached Professional Services Agreement for the above-mentioned project on behalf of Houston County.

*****CERTIFICATION*****

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, Donna Trehus, do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners dated November, 9, 2021.

WITNESS my hand and the seal of my office this 9th day of November, 2021.

(SEAL)

Donna Trehus, Houston County Auditor/Treasurer

PROFESSIONAL SERVICES AGREEMENT

This document constitutes an agreement ("Agreement") between the COUNTY OF HOUSTON,
STATE OF MINNESOTA, 304 S. MARSHALL ST. CALEDONIA, MN 55921
("COUNTY") and DS Solutions, Inc. ("DS Solutions"), 2810 Jasmine Ct, St. Cloud, MN 56301.

The parties agree as follows:

1. This Agreement shall commence on September 1, 2021, and expire December 31, 2024, unless cancelled or terminated earlier in accordance with the provisions herein.
2. As directed by COUNTY, DS Solutions shall provide COUNTY with an Online Election Judge Training course (may be referred to as the "Project").

Where applicable, works of authorship created by DS Solutions for COUNTY in performance of this Agreement shall be considered "works made for hire" as defined in the U.S. Copyright Act. All right, title and interest in all copyrightable material which DS Solutions may conceive or originate either individually or jointly with others, and which arises out of the performance of this Agreement, are the property of the COUNTY.

DS Solutions warrants that, when legally required, DS Solutions shall obtain the written consent of both the owner and licensor to reproduce, publish, and/or use any material supplied to COUNTY including, but not limited to documentation, and/or any other item. DS Solutions further warrants that any material or item delivered by DS Solutions will not violate the United States copyright law or any property right of another.

3. DS Solutions shall select the means, method, and manner of performing the services. Nothing is intended nor should be construed as creating or establishing the relationship of a partnership or a joint venture between the parties or as constituting DS Solutions as the agent, representative, or employee of COUNTY for any purpose. DS Solutions is and shall remain an independent contractor for all services performed under this Agreement. DS Solutions shall secure at its own expense all personnel required in performing services under this Agreement. DS Solutions' personnel and/or subcontractors engaged to perform any work or services required by this Agreement will have no contractual relationship with COUNTY and will not be considered employees of COUNTY. COUNTY shall not be responsible for any claims that arise out of employment or alleged employment under the Minnesota Unemployment Insurance Law or Minnesota Statutes, chapter 176 (which may be referred to as the "Workers' Compensation Act"), on behalf of any personnel, including, without limitation, claims of discrimination against DS Solutions, its officers, agents, contractors, or employees. Such personnel or other persons shall neither accrue nor be entitled to any compensation, rights, or benefits of any kind from COUNTY, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, workers' compensation, unemployment compensation, disability, severance pay, and retirement benefits.

4. Pursuant hereto, COUNTY may disclose to DS Solutions or DS Solutions may gain access to certain data, information or documentation. As used herein and as consistent with applicable law, "Data" shall mean any data, information or documentation in any format or media, electronic or otherwise (i) that is provided to DS Solutions by or on behalf of COUNTY; (ii) that is acquired by DS Solutions by virtue of access to COUNTY data, information, documentation, premises, personnel, clients, or computers; or (iii) that is otherwise acquired in relation to the Project or this Agreement. Further, as applicable throughout this Agreement, the term "Data" shall include any subset, portion, piece, view, duplication, copy, or sampling of any Data.

References to DS Solutions shall include DS Solutions' personnel including but not limited to DS Solutions' employees, directors, officers, subcontractors, partners, volunteers and all other agents and representatives that may have access to Data or that may participate in or perform services related to the Project (said individuals may, collectively or individually, be referred to as "Personnel").

5. All data collected, created, received, maintained or disseminated, or used for any purposes in the course of DS Solutions' performance of this Agreement is governed by the Minnesota Government Data Practices Act, Chapter 13 Minnesota Statutes (the "Act" or MGDPA"); Minn. Stat. §201.091, or any other applicable state statutes and any state rules adopted to protect the rights of voters or to implement the Act, as well as state statutes and federal regulations on data privacy. DS Solutions agrees to abide by these statutes, rules and regulations as they may be amended.

6. Nothing in this Agreement is intended to nor shall be construed as conveying to DS Solutions, either expressly or by implication, any right, title or interest in any Data including but not limited to any copyright, trade secret or other right, whether intellectual or otherwise.

7. As directed in writing by COUNTY, DS Solutions will promptly return or destroy all Data, including but not limited to all duly authorized shared copies of Data as well as DS Solutions' copies, duplicates, subsets, pieces or samplings thereof. Except to the extent directed by COUNTY to return or destroy Data, DS Solutions shall not be relieved of any obligation to maintain records.

8. DS Solutions agrees to defend, indemnify, and hold harmless the COUNTY, its officials, officers, agents, volunteers and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney's fees, resulting directly or indirectly from: (i) DS Solutions' failure to duly use, control and safeguard Data; (ii) DS Solutions' prohibited use, distribution, disclosure or sharing of Data; (iii) DS Solutions' failure to comply with applicable law including but not limited to the MGDPA; (iv) DS Solutions' breach of or failure to comply with any provisions of this Agreement; and (v) any other liability or claims related to the Data, the Project or this Agreement.

9. Customer hereby agrees to use DS Solutions as its exclusive provider for the products and services set forth on Exhibit A attached hereto from DS Solutions for the Term of this Agreement at the pricing set forth on each applicable Exhibit.

10. The parties shall comply with all applicable federal, state and local statutes, regulations, rules and ordinances currently in force or later enacted including but not limited to the MGDPA; Minnesota Statutes section 16C.05, subd. 5 and Minnesota Statutes section 471.425, subd. 4a and, as applicable, COUNTY's Affirmative Action Policy.

11. This Agreement shall be in effect beginning on the Effective Date and concluding on December 31, 2024. This Agreement may be terminated by either party without cause upon thirty (30) days written notice to the other, at any time by either party. Subject to the terms and conditions set forth on Exhibit A, this Agreement may be terminated by either party without cause upon thirty (30) days written notice to the other.

12. Any alterations, variations, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties hereto.

13. This Agreement, including all Exhibits hereto (all of which are incorporated herein by this reference), contains the entire agreement of the parties with respect to the subject matter hereof and shall supersede and replace any and all other prior or contemporaneous discussions, negotiations, agreements or understandings between the parties, whether written or oral, regarding the subject matter hereof. Any provision of any purchase order, form or other agreement which conflicts with or is in addition to the provisions of this Agreement shall be of no force or effect. In the event of any conflict between a provision contained in an Exhibit to this Agreement and these General Terms, the provision contained in the Exhibit shall control. No waiver, amendment or modification of any provision of this Agreement shall be effective unless in writing and signed by the party against whom such waiver, amendment or modification is sought to be enforced. No consent by either party to, or waiver of, a breach by either party shall constitute a consent to or waiver of any other different or subsequent breach by either party.

14. Provisions that by their nature are intended to survive termination of this Agreement shall survive accordingly.

15. The rights, duties and obligations established herein are in addition to the rights, duties and obligations set forth in other agreements between the parties. If there is a conflict between the terms of this Agreement and any other agreement, the terms of this Agreement shall prevail.

16. This Agreement shall be governed by the laws of the State of Minnesota.

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EXHIBIT A

SUMMARY OF SERVICES

Description	Refer to
Online Election Judge Training Course Fees	Exhibit B
Terms & Conditions:	
Note 1: Payment terms: Invoices shall be paid according to the terms of this Contract. If no terms apply, payment shall be made thirty-five (35) days from receipt of the commodities or completion of services or receipt of the invoice, whichever is later, unless the County in good faith disputes the obligation. Minn. Stat. § 471.425. Initial course set-up fee will be invoiced upon the acceptance of the final course build. The “per participant” charge will be invoiced at the end of each calendar year. The annual maintenance fee will be invoiced within the first quarter of each calendar year. 100% of invoice total due within 35 calendar days of invoice date.	
Note 2: COUNTY understands, acknowledges and agrees that DS Solutions’ fees for the products and services described on the accompanying exhibits are based upon (a) a contractual commitment by COUNTY to exclusively subscribe for and purchase such products and services for a period of at least two (2) years, subject to the rights of either party to terminate this agreement pursuant to clause #11 of this agreement, (b) DS Solutions’ dedication of sufficient resources during the Term to provide such products, perform such services and provide associated prioritization of COUNTY in its service deliveries, and (c) the descriptions of such products and services in the accompanying exhibits.	
Note 3: The fees set forth in this agreement are for services provided to the Customer. In the event the Customer acts as a facilitator of services for participants from other jurisdictions within their county, in whole or in part, and is the billing entity for the services provided, only the annual charge per participant in the accompanying exhibits would apply to those additional participants.	

EXHIBIT B

ONLINE ELECTION JUDGE TRAINING COURSE

Description	Fees
Initial Course Set-up	\$1500.00
Annual charge per participant (per calendar year)	\$11.00
Annual maintenance	\$500.00
Hourly rate for alterations and customization	\$125.00 per hour

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COUNTY APPROVAL

Reviewed by the County
Attorney's Office

COUNTY OF HOUSTON
STATE OF MINNESOTA

By: _____

Date: _____

Printed Name: _____

Date: _____

DS Solutions, Inc.
2810 Jasmin Ct
Saint Cloud, MN 56301

DS Solutions warrants that the person who
executed this Agreement is authorized to do so on
behalf of DS Solutions as required by applicable
articles, bylaws, resolutions or ordinances.

By: _____

Printed Name: Douglas T. Sunde

Printed Title: President / CEO

Date: _____

Houston County Agenda Request Form

Date Submitted: November 1, 2021 **Board Date:** November 9, 2021

Person requesting appointment with County Board: Brian Pogodzinski

Issue:

The National Association of County Engineers (NACE) conference will be held in Buffalo, NY on April 24-28, 2022. I typically attend the conference when it is held in the midwest. The Minnesota County Engineers Association Executive Board members usually attend NACE conferences, of which it is anticipated I will be Vice-President of the Association at that time. Being that the conference is in New York, out of state travel needs to be approved in order to attend the conference.

Attachments/Documentation for the Board's Review:

Out of State Travel Policy

Justification:

Between 1/3 to 1/2 of MN County Engineers attend the NACE conference each year and the Executive Board members rarely miss the conference.

Action Requested:

Approval for out of state travel to attend the NACE conference. Transportation to and from the conference may be via plane or car depending on most economical option and carpooling options.

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

9.26 Out of State Travel Policy

The Houston County Board of Commissioners have determined that duly designated representatives of the County shall be authorized to participate in the meetings and activities of their respective State Association by membership and attendance at meetings or training sessions, provided that such membership, meetings and/or trainings are job-related and serve a public purpose. Money may be appropriated from the County Revenue Fund to defray expenses of such officials in connection with such expenses to be paid upon presentation and allowance of properly itemized claims in an amount not to exceed county policy or statutory limitations.

This policy applies to out of state travel necessary for job-related meetings and/or training for all Houston County employees, including elected officials as required by Minnesota Statutes 471.661.

When out-of-state travel is appropriate

Out-of-state travel may be appropriate when the travel is to obtain ongoing education and training, receive updated information and technical expertise, or to attend an event related to County business, which serves a public purpose, and is directly related to the betterment of the County. The County Board shall determine when out-of-state travel is appropriate and in the interest of Houston County.

Definition of out-of-state travel

Out-of-state travel, for the purpose of this policy, is defined as any travel that exceeds 500 miles in length (one way) and/or requires air transportation.

Procedure for approval of out-of-state travel

As required by MS 471.661, out-of-state travel for Elected Officials, including County Commissioners, is permitted within the budgetary allowance for "travel" as stipulated in the approved annual budget and the County Board officially approves such travel at a regular, special, or emergency County Board meeting prior to the travel date.

Out-of-state travel for all other employees is permitted provided there are adequate budgetary funds within the departmental budget and the County Board and/or employee's Department Head determines that out-of-state travel is appropriate and in the interest of the position they hold as well as in the interest of Houston County.

The budgetary allowance for "travel" by definition for this policy includes: Salary; Mileage and/or transportation expenses; Lodging, Food, Parking; and Registration fees.

Airline Travel Credit

Whenever public funds are used to pay for airline travel by an elected official or public employee, MS 15.435 requires that any credits or other benefits issued by any airline must accrue to the benefit of the public body providing the funding. In the event the issuing airline will not honor a transfer or assignment of any credit or benefit, the individual passenger shall report receipt of the credit or benefit to the public body issuing the initial payment within 90 days of receipt.

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Houston County Agenda Request Form

Date Submitted: 3-Nov-21

Board Date: 9-Nov-21

Person requesting appointment with County Board: Brian Pogodzinski

Issue:

Project # SAP 028-599-099 with ICON Constructors, LLC who provided for a bridge replacement on Freeburg Ridge Road in Crooked Creek Twp in Houston County is complete and ready for final payment.

Attachments/Documentation for the Board's Review:

Final Contract Voucher (5 need to be signed)

(1-County Claim, 1 Contractor, 1-Auditor's office, and 2-Highway Dept)

Justification:

Action Requested:

Resolution for Final Acceptance needed for contract.

Language for Minutes:

Commissioner 56 moved, Commissioner _____ seconded, unanimously carried to approve Resolution 21-55 Final Acceptance of Contract #312 – ICON Constructors, LLC completes SAP 028-599-099 for a total cost of \$922,169.82.

WHEREAS, Contract No. 312 has in all things been completed, and the County Board being fully advised in the premises; and

THEREFORE, BE IT RESOLVED, the Houston County Board of Commissioners accepts said completed project for and on behalf of the Houston County DOT and authorize final payment as specified herein.

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

Houston County Highway Department

1124 E Washington St, Caledonia, MN 55921
SAP 028-599-099 Freeburg Ridge Road
Final Payment No. 5

Contractor: ICON Constructors, LLC
13498 County Road 28
Mabel, MN 55954

Contract No. 312 SAP 028-599-099
Freeburg Ridge Road
Vendor Number: 6139
Up To Date: 10/8/2021
Warrant # _____ **Date** _____

Contract Amount

Original Contract	\$926,798.00
Contract Changes	\$2,300.00
Revised Contract	\$929,098.00

Work Certified To Date

Base Bid Items	\$920,119.82
Contract Changes	\$2,050.00
Material On Hand	\$0.00
Total	\$922,169.82

Funds Encumbered

Original	\$926,798.00
Additional	N/A
Total	\$926,798.00

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$0.00	\$922,169.82	\$0.00	\$912,948.12	\$9,221.70	\$922,169.82
Percent: Retained: 0%			Percent Complete: 99.25%		
Amount Paid This Partial Payment				\$9,221.70	

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By



County Engineer

Date 11/3/2021

Approved By ICON Constructors, LLC



Contractor

Date 10/29/21

Certificate of Final Contract Acceptance
Final Voucher Number: number

This is to certify that to the best of my knowledge, the items of work shown in the Statement of Work Certified herein have actually furnished in accordance with the Plans and Specifications. This Project has been completed in accordance with the Laws, Standards and Procedures of as they apply to projects in this category, and if applicable, approved by the Federal Highway Administration.

Dated 11/3/2021 Signature [Signature] County/City/Project Engineer

The undersigned Contractor hereby certifies that the work described has been performed in accordance with the terms of the Contract, and agrees that the Final Value of Work Certified on this Contract is \$922,169.82 and agrees to the amount of \$9,221.70 as Final Payment on this Contract in accordance with this Final Voucher.

Contractor: name By [Signature]

And NA And NA State of ,

On This 29 Day October, 2021, Before me appeared Laura Thorsen To me known to

(Individual Acknowledgment)

be the person who executed the foregoing Acceptance and Acknowledged that he/she executed the same as
_____ free to act and deed

(Corporate Acknowledgment)

Laura Thorsen And NA, to me personally known, who, being each by me duly sworn

each did say that they are respectively the CEO and NA of the

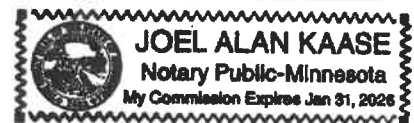
CON
Construction LLC Corporation named in the foregoing instrument, and that the seal affixed to said instrument is the Corporate Seal of said Corporation, and the said instrument was signed and sealed in behalf of said Corporation by authority of its

CEO and said NA and NA

acknowledged said instrument to be the free act and deed of said Corporation.

Notarial My Commission as Notary Public in Freeburg County

Seal Expires 1/31/21 Signature [Signature]



I hereby certify that a Final Examination has been made of the noted Contract, that the Contract has been completed, that the entire amount of Work Shown in this Final Voucher has been performed and the Total Value of the Work Performed in accordance with, the terms of the Contract is as shown in this Final Voucher.

This Contract is hereby accepted in accordance with the Specification 1516. Final acceptance of the Contract will be effective upon full Execution, by the Contractor and the Department, of the "Certificate of Final Acceptance" included with the Final Voucher.

Dated _____ Signature _____ District Engineer

Houston County Highway Department
1124 E Washington St, Caledonia, MN 55921
SAP 028-599-099 Freeburg Ridge Road
Final Payment No. 5

**Houston County Highway Department
Certificate of Final Acceptance
Board Acknowledgment**

Contract Number: 312 SAP 028-599-099 Freeburg Ridge Road
Contractor: ICON Constructors, LLC
Date Certified: 10/8/2021
Payment Number: 5

Whereas; Contract No.312 SAP 028-599-099 Freeburg Ridge Road has in all things been completed, and the County Board being fully advised in the premises, now then be it resolved; that we do hereby accept said completed project for and in behalf of Houston County Highway Department a and authorize final payment as specified herein.

State of

I, Donna Trehus, Houston County Auditor-Treasurer, within and for said county do hereby certify that the foregoing resolution is a true and correct copy of the resolution on file in my office.

Dated this _____ day of _____, 20____

At Caledonia, Minnesota

Signed By _____

(SEAL)

Houston County Highway Department
1124 E Washington St, Caledonia, MN 55921
SAP 028-599-099 Freeburg Ridge Road
Final Payment No. 5

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	5/19/2021	\$209,503.50	\$10,475.18	\$199,028.32
2	6/23/2021	\$420,093.00	\$21,004.65	\$399,088.35
3	7/22/2021	\$292,215.48	\$14,610.77	\$277,604.71
4	8/20/2021	\$357.84	(\$36,868.90)	\$37,226.74
5	10/8/2021	\$0.00	(\$9,221.70)	\$9,221.70

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
SAP 028-599-099 Non-Participating		\$240,397.32	\$0.00	\$237,993.35	\$2,403.97	\$240,397.32
SAP 028-599-099 Participating		\$681,772.50	\$0.00	\$674,954.77	\$6,817.73	\$681,772.50

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
602	Town Bridge	\$1,679.00	\$167,900.27	\$167,900.27	\$167,900.27
603	Special Town Bridge	\$7,442.70	\$751,197.73	\$748,897.73	\$744,269.55
604	Local / Township Match	\$100.00	\$10,000.00	\$10,000.00	\$10,000.00

Contract Item Status								
Base/Alt	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501 MOBILIZATION (LS)	\$45,000.00	0.80	0.00	\$0.00	0.8	\$36,000.00
Base Bid	2	2105.507 SELECT GRANULAR BORROW MOD 10% (CV) (P) (C Y)	\$25.00	245.00	0.00	\$0.00	245	\$6,125.00
Base Bid	3	2401.503 TYPE S (TL-4) BARRIER CONC (3S52) (P) (L F)	\$105.00	317.00	0.00	\$0.00	317	\$33,285.00
Base Bid	4	2401.507 STRUCTURAL CONCRETE (3B52) (P) (C Y)	\$800.00	78.00	0.00	\$0.00	78	\$62,400.00
Base Bid	5	2401.508 REINFORCEMENT BARS (EPOXY COATED) (P) (LB)	\$1.25	108,580.00	0.00	\$0.00	108,580	\$135,725.00
Base Bid	6	2401.601 STRUCTURE EXCAVATION (LS)	\$25,000.00	1.00	0.00	\$0.00	1	\$25,000.00
Base Bid	7	2401.601 SLOPE PREPARATION (LS)	\$10,000.00	1.00	0.00	\$0.00	1	\$10,000.00
Base Bid	8	2401.618 BRIDGE SLAB CONCRETE (3YHPC-M) (P) (S F)	\$50.00	4,917.00	0.00	\$0.00	4,917	\$245,850.00
Base Bid	9	2402.502 FLOOR DRAIN TYPE B702 MODIFIED (EACH)	\$1,000.00	2.00	0.00	\$0.00	2	\$2,000.00
Base Bid	10	2402.508 STRUCTURAL STEEL (3306) (P) (LB)	\$6.00	480.00	0.00	\$0.00	480	\$2,880.00

Houston County Highway Department
1124 E Washington St, Caledonia, MN 55921
SAP 028-599-099 Freeburg Ridge Road
Final Payment No. 5

Contract Item Status								
Base/Alt	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	11	2452.502 STEEL H-TEST PILE 25 FT LONG 10" (EACH)	\$7,500.00	1.00	0.00	\$0.00	1	\$7,500.00
Base Bid	12	2452.502 STEEL H-TEST PILE 35 FT LONG 10" (EACH)	\$7,500.00	1.00	0.00	\$0.00	1	\$7,500.00
Base Bid	13	2452.502 STEEL H-TEST PILE 50 FT LONG 10" (EACH)	\$8,500.00	1.00	0.00	\$0.00	1	\$8,500.00
Base Bid	14	2452.502 STEEL H-TEST PILE 55 FT LONG 10" (EACH)	\$8,500.00	1.00	0.00	\$0.00	1	\$8,500.00
Base Bid	15	2452.502 PILE TIP PROTECTION 10" (EACH)	\$200.00	20.00	0.00	\$0.00	20	\$4,000.00
Base Bid	16	2452.603 STEEL H-PILING 10" (L F)	\$50.00	515.00	0.00	\$0.00	622	\$31,100.00
Base Bid	17	2452.603 16" STEEL PILE SHELLS (L F)	\$125.00	180.00	0.00	\$0.00	180	\$22,500.00
Base Bid	18	2502.501 DRAINAGE SYSTEM TYPE (B910) (LS)	\$4,000.00	1.00	0.00	\$0.00	1	\$4,000.00
Base Bid	19	2511.504 GEOTEXTILE FILTER TYPE 7 (S Y)	\$5.00	640.00	0.00	\$0.00	313.5	\$1,567.50
Base Bid	20	2511.507 RANDOM RIPRAP CLASS IV (C Y)	\$50.00	415.00	0.00	\$0.00	406	\$20,300.00
Base Bid	21	2563.601 TRAFFIC CONTROL (LS)	\$2,000.00	0.80	0.00	\$0.00	0.8	\$1,600.00
Base Bid	22	2575.504 TURF REINFORCEMENT MAT CATEGORY 3 (S Y)	\$65.00	46.00	0.00	\$0.00	56	\$3,640.00
Base Bid	23	2021.501 MOBILIZATION (LS)	\$45,000.00	0.20	0.00	\$0.00	0.2	\$9,000.00
Base Bid	24	2101.501 CLEARING & GRUBBING (LS)	\$5,000.00	1.00	0.00	\$0.00	1	\$5,000.00
Base Bid	25	2105.603 OBLITERATE OLD ROADWAY (L F)	\$50.00	417.00	0.00	\$0.00	417	\$20,850.00
Base Bid	26	2106.507 EXCAVATION - COMMON (P) (C Y)	\$12.00	921.00	0.00	\$0.00	921	\$11,052.00
Base Bid	27	2106.507 COMMON EMBANKMENT (CV) (P) (C Y)	\$20.00	3,437.00	0.00	\$0.00	3,437	\$68,740.00
Base Bid	28	2123.510 3.0 CU YD SHOVEL (HOUR)	\$150.00	8.00	0.00	\$0.00	3.5	\$525.00
Base Bid	29	2123.510 DOZER (HOUR)	\$150.00	8.00	0.00	\$0.00	1	\$150.00
Base Bid	30	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$22.00	652.00	0.00	\$0.00	650.16	\$14,303.52
Base Bid	31	2211.509 AGGREGATE BASE CLASS 5Q (TON)	\$22.00	633.00	0.00	\$0.00	621.4	\$13,670.80
Base Bid	32	2360.509 TYPE SP 12.5 WEARING COURSE MIX (2;C) (TON)	\$135.00	31.00	0.00	\$0.00	31	\$4,185.00
Base Bid	33	2442.501 REMOVE EXISTING BRIDGE (LS)	\$75,000.00	1.00	0.00	\$0.00	1	\$75,000.00

Houston County Highway Department
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SAP 028-599-099 Freeburg Ridge Road
Final Payment No. 5

Contract Item Status

Base/Alt	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	34	2563.601 TRAFFIC CONTROL (LS)	\$2,000.00	0.20	0.00	\$0.00	0.2	\$400.00
Base Bid	35	2573.501 EROSION CONTROL SUPERVISOR (LS)	\$1.00	1.00	0.00	\$0.00	1	\$1.00
Base Bid	36	2573.503 SILT FENCE; TYPE MS (L F)	\$3.00	1,694.00	0.00	\$0.00	914	\$2,742.00
Base Bid	37	2573.503 FLOTATION SILT CURTAIN TYPE MOVING WATER (2 FT DEPTH) (L F)	\$20.00	400.00	0.00	\$0.00	200	\$4,000.00
Base Bid	38	2573.503 SEDIMENT CONTROL LOG TYPE WOOD FIBER (L F)	\$6.00	756.00	0.00	\$0.00	326	\$1,956.00
Base Bid	39	2575.501 TURF ESTABLISHMENT (LS)	\$3,000.00	1.00	0.00	\$0.00	1	\$3,000.00
Base Bid	40	2575.504 EROSION CONTROL BLANKETS CATEGORY 3N (S Y)	\$2.00	2,596.00	0.00	\$0.00	2,786	\$5,572.00
Base Bid	41	2575.523 RAPID STABILIZATION METHOD 3 (MGAL)	\$1.00	35.00	0.00	\$0.00		\$0.00
Base Bid Totals:						\$0.00		\$920,119.82

Project Category Totals

Project	Category	Amount This Request	Amount To Date
SAP 028-599-099	Participating	\$0.00	\$679,972.50
SAP 028-599-099	Non-Participating	\$0.00	\$240,147.32

Contract Change Item Status

Project	CC	CC#	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SAP 028-599-099	BK	1	42	2452.602 STEEL H-PILING SPLICE 10" (EACH)	\$300.00	6.00	0.00	\$0.00	6.00	\$1,800.00
SAP 028-599-099	BK	2	43	2575.505 RAPID STABILIZATION METHOD 1 (ACRE)	\$500.00	1.00	0.00	\$0.00	0.50	\$250.00
Contract Change Totals:								\$0.00		\$2,050.00

Contract Total

\$922,169.82

Contract Change Totals

Number	Description	Amount This Request	Amount To Date
2	RAPID STABILIZATION METHOD 1	\$0.00	\$250.00
1	STEEL H-PILING SPLICE 10"	\$0.00	\$1,800.00

Material On Hand Additions

Line	Item	Description	Date	Added	Comments
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Houston County Highway Department
1124 E Washington St, Caledonia, MN 55921
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Final Payment No. 5

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Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

Contract Item Status by Funding Breakdown								
Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SAP 028-599-099 Non-Participating	23	2021.501 MOBILIZATION (LS)	\$45,000.00	0.20	0.00	\$0.00	0.20	\$9,000.00
SAP 028-599-099 Non-Participating	24	2101.501 CLEARING & GRUBBING (LS)	\$5,000.00	1.00	0.00	\$0.00	1.00	\$5,000.00
SAP 028-599-099 Non-Participating	25	2105.603 OBLITERATE OLD ROADWAY (L F)	\$50.00	417.00	0.00	\$0.00	417.00	\$20,850.00
SAP 028-599-099 Non-Participating	26	2106.507 EXCAVATION - COMMON (P) (C Y)	\$12.00	921.00	0.00	\$0.00	921.00	\$11,052.00
SAP 028-599-099 Non-Participating	27	2106.507 COMMON EMBANKMENT (CV) (P) (C Y)	\$20.00	3,437.00	0.00	\$0.00	3,437.00	\$68,740.00
SAP 028-599-099 Non-Participating	28	2123.510 3.0 CU YD SHOVEL (HOUR)	\$150.00	8.00	0.00	\$0.00	3.50	\$525.00
SAP 028-599-099 Non-Participating	29	2123.510 DOZER (HOUR)	\$150.00	8.00	0.00	\$0.00	1.00	\$150.00
SAP 028-599-099 Non-Participating	30	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$22.00	652.00	0.00	\$0.00	650.16	\$14,303.52
SAP 028-599-099 Non-Participating	31	2211.509 AGGREGATE BASE CLASS 5Q (TON)	\$22.00	633.00	0.00	\$0.00	621.40	\$13,670.80
SAP 028-599-099 Non-Participating	32	2360.509 TYPE SP 12.5 WEARING COURSE MIX (2;C) (TON)	\$135.00	31.00	0.00	\$0.00	31.00	\$4,185.00

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Final Payment No. 5

Contract Item Status by Funding Breakdown

Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SAP 028-599-099 Non-Participating	33	2442.501 REMOVE EXISTING BRIDGE (LS)	\$75,000.00	1.00	0.00	\$0.00	1.00	\$75,000.00
SAP 028-599-099 Non-Participating	34	2563.601 TRAFFIC CONTROL (LS)	\$2,000.00	0.20	0.00	\$0.00	0.20	\$400.00
SAP 028-599-099 Non-Participating	35	2573.501 EROSION CONTROL SUPERVISOR (LS)	\$1.00	1.00	0.00	\$0.00	1.00	\$1.00
SAP 028-599-099 Non-Participating	36	2573.503 SILT FENCE; TYPE MS (L F)	\$3.00	1,694.00	0.00	\$0.00	914.00	\$2,742.00
SAP 028-599-099 Non-Participating	37	2573.503 FLOTATION SILT CURTAIN TYPE MOVING WATER (2 FT DEPTH) (L F)	\$20.00	400.00	0.00	\$0.00	200.00	\$4,000.00
SAP 028-599-099 Non-Participating	38	2573.503 SEDIMENT CONTROL LOG TYPE WOOD FIBER (L F)	\$6.00	756.00	0.00	\$0.00	326.00	\$1,956.00
SAP 028-599-099 Non-Participating	39	2575.501 TURF ESTABLISHMENT (LS)	\$3,000.00	1.00	0.00	\$0.00	1.00	\$3,000.00
SAP 028-599-099 Non-Participating	40	2575.504 EROSION CONTROL BLANKETS CATEGORY 3N (S Y)	\$2.00	2,596.00	0.00	\$0.00	2,786.00	\$5,572.00
SAP 028-599-099 Non-Participating	41	2575.523 RAPID STABILIZATION METHOD 3 (MGAL)	\$1.00	35.00	0.00	\$0.00	0.00	\$0.00
SAP 028-599-099 Non-Participating	43	2575.505 RAPID STABILIZATION METHOD 1 (ACRE)	\$500.00	1.00	0.00	\$0.00	0.50	\$250.00
SAP 028-599-099 Participating	1	2021.501 MOBILIZATION (LS)	\$45,000.00	0.80	0.00	\$0.00	0.80	\$36,000.00
SAP 028-599-099 Participating	2	2105.507 SELECT GRANULAR BORROW MOD 10% (CV) (P) (C Y)	\$25.00	245.00	0.00	\$0.00	245.00	\$6,125.00
SAP 028-599-099 Participating	3	2401.503 TYPE S (TL-4) BARRIER CONC (3S52) (P) (L F)	\$105.00	317.00	0.00	\$0.00	317.00	\$33,285.00

Houston County Highway Department
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SAP 028-599-099 Freeburg Ridge Road
Final Payment No. 5

Contract Item Status by Funding Breakdown

Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SAP 028-599-099 Participating	4	2401.507 STRUCTURAL CONCRETE (3B52) (P) (C Y)	\$800.00	78.00	0.00	\$0.00	78.00	\$62,400.00
SAP 028-599-099 Participating	5	2401.508 REINFORCEMENT BARS (EPOXY COATED) (P) (LB)	\$1.25	108,580.00	0.00	\$0.00	108,580.00	\$135,725.00
SAP 028-599-099 Participating	6	2401.601 STRUCTURE EXCAVATION (LS)	\$25,000.00	1.00	0.00	\$0.00	1.00	\$25,000.00
SAP 028-599-099 Participating	7	2401.601 SLOPE PREPARATION (LS)	\$10,000.00	1.00	0.00	\$0.00	1.00	\$10,000.00
SAP 028-599-099 Participating	8	2401.618 BRIDGE SLAB CONCRETE (3YHPC-M) (P) (S F)	\$50.00	4,917.00	0.00	\$0.00	4,917.00	\$245,850.00
SAP 028-599-099 Participating	9	2402.502 FLOOR DRAIN TYPE B702 MODIFIED (EACH)	\$1,000.00	2.00	0.00	\$0.00	2.00	\$2,000.00
SAP 028-599-099 Participating	10	2402.508 STRUCTURAL STEEL (3306) (P) (LB)	\$6.00	480.00	0.00	\$0.00	480.00	\$2,880.00
SAP 028-599-099 Participating	11	2452.502 STEEL H-TEST PILE 25 FT LONG 10" (EACH)	\$7,500.00	1.00	0.00	\$0.00	1.00	\$7,500.00
SAP 028-599-099 Participating	12	2452.502 STEEL H-TEST PILE 35 FT LONG 10" (EACH)	\$7,500.00	1.00	0.00	\$0.00	1.00	\$7,500.00
SAP 028-599-099 Participating	13	2452.502 STEEL H-TEST PILE 50 FT LONG 10" (EACH)	\$8,500.00	1.00	0.00	\$0.00	1.00	\$8,500.00
SAP 028-599-099 Participating	14	2452.502 STEEL H-TEST PILE 55 FT LONG 10" (EACH)	\$8,500.00	1.00	0.00	\$0.00	1.00	\$8,500.00
SAP 028-599-099 Participating	15	2452.502 PILE TIP PROTECTION 10" (EACH)	\$200.00	20.00	0.00	\$0.00	20.00	\$4,000.00
SAP 028-599-099 Participating	16	2452.603 STEEL H-PILING 10" (L F)	\$50.00	515.00	0.00	\$0.00	622.00	\$31,100.00
SAP 028-599-099 Participating	17	2452.603 16" STEEL PILE SHELLS (L F)	\$125.00	180.00	0.00	\$0.00	180.00	\$22,500.00
SAP 028-599-099 Participating	18	2502.501 DRAINAGE SYSTEM TYPE (B910) (LS)	\$4,000.00	1.00	0.00	\$0.00	1.00	\$4,000.00
SAP 028-599-099 Participating	19	2511.504 GEOTEXTILE FILTER TYPE 7 (S Y)	\$5.00	640.00	0.00	\$0.00	313.50	\$1,567.50

Houston County Highway Department
1124 E Washington St, Caledonia, MN 55921
SAP 028-599-099 Freeburg Ridge Road
Final Payment No. 5

Contract Item Status by Funding Breakdown

Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SAP 028-599-099 Participating	20	2511.507 RANDOM RIPRAP CLASS IV (C Y)	\$50.00	415.00	0.00	\$0.00	406.00	\$20,300.00
SAP 028-599-099 Participating	21	2563.601 TRAFFIC CONTROL (LS)	\$2,000.00	0.80	0.00	\$0.00	0.80	\$1,600.00
SAP 028-599-099 Participating	22	2575.504 TURF REINFORCEMENT MAT CATEGORY 3 (S Y)	\$65.00	46.00	0.00	\$0.00	56.00	\$3,640.00
SAP 028-599-099 Participating	42	2452.602 STEEL H-PILING SPLICE 10" (EACH)	\$300.00	6.00	0.00	\$0.00	6.00	\$1,800.00
Totals:						\$0.00		\$922,169.82



Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	1-120-535-200
Submitted Date and Time:	29-Oct-2021 12:43:52 PM
Legal Name:	ICON CONSTRUCTORS, LLC
Federal Employer ID:	45-5162943
User Who Submitted:	momof3GsinMN
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	1348276224
Minnesota ID:	3014475
Project Owner:	HOUSTON COUNTY HWY DEPARTMENT
Project Number:	SAP 028-599-099
Project Begin Date:	21-Apr-2021
Project End Date:	17-Sep-2021
Project Location:	HOUSTON COUNTY
Project Amount:	\$922,169.82

Subcontractor Summary

Name	ID	Affidavit Number
WARNING LITES OF MINNESOTA	3086922	1672155136
REGER COMPANIES	2332702	1312886784
MATHY CONSTRUCTION CO	8749839	1147604992

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) withholding.tax@state.mn.us. Business hours are 8:00 a.m. - 4:30 p.m. Monday - Friday.

Please [print this page](#) for your records using the print or save functionality built into your browser.



Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	2-068-782-240
Submitted Date and Time:	12-Oct-2021 10:30:11 AM
Legal Name:	WARNING LITES OF MINNESOTA INC
Federal Employer ID:	36-4762529
User Who Submitted:	jjewels
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	1672155136
Minnesota ID:	3086922
Project Owner:	HOUSTON CTY HWY DEPARTMENT
Project Number:	SAP 028-599-099
Project Begin Date:	06-Apr-2021
Project End Date:	02-Aug-2021
Project Location:	FREEBURG RIDGE ROAD
Project Amount:	\$1,700.00
Subcontractors:	No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

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Please [print this page](#) for your records using the print or save functionality built into your browser.

Your Contractor Affidavit request is Approved. A copy of this page MUST be provided to the contractor or government agency that hired you.

Submitted Date and Time: 23-Jul-2021 2:01:21 PM
Confirmation Number: 1-448-802-464
Name: REGER COMPANIES
ID: 2332702
Affidavit Number: 1312886784
Project Owner: HOUSTON COUNTY HWY DEPT
Project Number: SAP 028-599-099
Project Begin Date: 5/10/2021
Project End Date: 6/11/2021
Project Location: CALEDONIA
Project Amount: \$38,003.00
Subcontractors: No Subcontractors

Please print this page for your records using the print or save functionality built into your browser.

2105



Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	1-808-268-448
Submitted Date and Time:	28-Oct-2021 4:45:49 PM
Legal Name:	MATHY CONSTRUCTION CO
Federal Employer ID:	39-0752519
User Who Submitted:	mathy1
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	1147604992
Minnesota ID:	8749839
Project Owner:	HOUSTON COUNTY
Project Number:	SAP 028-599-099
Project Begin Date:	16-Jul-2021
Project End Date:	21-Jul-2021
Project Location:	FREEBURG RIDGE RD
Project Amount:	\$8,735.00
Subcontractors:	No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) withholding.tax@state.mn.us. Business hours are 8:00 a.m. - 4:30 p.m. Monday - Friday.

Please [print this page](#) for your records using the print or save functionality built into your browser.

RESOLUTION NO. 21-56

**FINAL ACCEPTANCE FOR SAP 028-599-099
BRIDGE REPLACEMENT
CONTRACT # 312 – ICON CONSTRUCTORS LLC**

November 9, 2021

WHEREAS, Contract No. 312 has in all things been completed, and the County Board
being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for
and in behalf of the County of Houston and authorize final payment as specified herein.

*****CERTIFICATION*****

STATE OF MINNESOTA
COUNTY OF HOUSTON

I, Donna Trehus, County Auditor/Treasurer do certify that the above is a true and correct
copy of a resolution adopted by the Houston County Board of Commissioners at the session
dated November 9, 2021.

WITNESS my hand and the seal of my office this 9th day of November 2021.

Signed by _____

Houston County Auditor - Treasurer

Houston County Agenda Request Form

Date Submitted: November 1, 2021 **Board Date:** November 9, 2021

Person requesting appointment with County Board: Brian Pogodzinski

Issue:

Attached is **Change Order Request #31** for creating a surcharge pile over the hoop structure areas and exporting excess material from the site.

Attachments/Documentation for the Board's Review:

Change Order Request #31

Justification:

Surcharge pile was necessary over original ground prior to constructing hoop structures to prevent future settlement.

Action Requested:

Approved Change Order Request #31

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



CHANGE ORDER REQUEST #31

Project Name: Houston County Hwy Department

Job # 220193

Date: 10/26/2021

DESCRIPTION OF WORK TO BE DONE:

Move fill material to surcharge pile and remove/export the material later. Reimburse Houston County for use of their equipment and operator prior to asphalt paving.

	Sub Quote	Labor Total	Tax Exempt Material Total	Material Total	Total Cost
Surcharge Material	\$58,532.65				\$58,532.65
Reimburse County resources used	-\$2,607.50				-\$2,607.50
Subtotal	\$55,925.15	\$0.00	\$0.00	\$0.00	
Subtotal					\$55,925.15
Contractor's Fee					\$5,592.52
Total for Change Order					\$61,517.67

Approval: _____

Date: _____

Donna Trehus

From: Houston County BOC
Sent: Friday, November 5, 2021 9:23 AM
To: Donna Trehus
Subject: Print fifth Fw: reappointments to the Crooked Creek Watershed Board

Donna please print Bob's email for backup in packet.

Thanks,

Allison

From: Allison Wagner <allison.wagner@cedausa.com>
Sent: Wednesday, November 3, 2021 8:54 AM
To: Houston County BOC
Subject: Fwd: reappointments to the Crooked Creek Watershed Board

*** 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.

----- Forwarded message -----

From: Bob Scanlan <scanlancrew@gmail.com>
Date: Wed, Nov 3, 2021 at 8:53 AM
Subject: reappointments to the Crooked Creek Watershed Board
To: Allison Wagner <allison.wagner@cedausa.com>

Hi Allison,
There are two Watershed Managers, Dan Goetzinger and Tim McCormick, whose terms expire at the end of the month. Could you bring this to the County Board for action to reappoint these individuals before the end of the month? Let me know if you have any questions. Thanks!

Bob Scanlan

Root River SWCD

Crooked Creek Watershed District

805 N. Hwy 44/76, Suite 1

Caledonia, MN 55921

(507) 724-5261 ext. 3



Allison Wagner
*Small Cities Development Program
Specialist*

**Community and Economic
Development Associates**

o: 507-867-3164 || m: 507-458-2492

allison.wagner@cedausa.com

e: www.cedausa.com

w:

**HOUSTON COUNTY
PLANNING COMMISSION
AGENDA**

Thursday, November 4, 2021

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

PLANNING COMMISSION

Approve Minutes for September 23, 2021

CONDITIONAL USE HEARINGS:

- 5:00 p.m. ***Daniel & Marissa Solum – La Crescent Township***
Conditional Use Permit to build a dwelling on less than 40 acres in an Agricultural Protection District (14.3 Subdivision 1 (10)).
- 5:20 p.m. ***Carl & Elizabeth Olson and Wayne & Elsie Olson – Sheldon Township***
Conditional Use Permit to build a dwelling on less than 40 acres in an Agricultural Protection District (14.3 Subdivision 1 (10)).



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

10/26/2021

Application Date: 9/9/21
Hearing Date: 11/4/2021
Petitioner: Dan & Marissa Solum
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: 470 Bush Valley Rd
Township: La Crescent
Parcel Number: 080340001
Submitted Materials: CUP Application, Site Plan

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 a 24-acre parcel in La Crescent Township with a single pole-shed type structure. Permit #1011 was issued by La Crescent Township on 8/11/2003 for a 33' x 44' pole building and on 9/23/03 Permit #1018 was issued for the septic system. The applicants at that time identified the pole shed would be used for storage and that a future house was planned for the following year. There is no record a separate dwelling permit was sought. Assessor's records indicate that in 2007, the pole shed had been a residence for three years.

In 2019, the applicant contacted the office to see about constructing an addition on the current structure and it was discovered that the previous landowners had only permitted the structure as an accessory building and had never received a conditional use permit for a dwelling on the property. It has been a 24-acre parcel since it was created in 1997 and the La Crescent Township Ordinance in effect at that time mirrored the County ordinance language for farm and non-farm dwellings (see Fig. 1 below). For the above reasons, the addition permit application was denied until the applicants could bring the site into compliance. At this point, they are seeking the conditional use permit so they can construct a new dwelling, which will require that the established, unpermitted "dwelling" at the site be reverted to the use it was actually permitted for in order to comply with the dwelling density rule.

11. Dwellings. Single-family dwellings subject to the following:

- a. Not more than one (1) dwelling per quarter-quarter section is permitted.**
- b. 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. 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.**
- d. Dwelling units shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. 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. Dwelling units shall be required to be located on lots having at least 150 feet of**

La Crescent Township Zoning Ordinance ~ Page ~60

Figure 1. Excerpt from the Ag Protection District, Conditional Uses Section of the La Crescent Township Zoning Ordinance adopted on July 29, 2002.

The current 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 2. 1968 aerial imagery show that this was an old building site.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

La Crescent Township and the ten nearest property owners were notified. One comment was received and is included in the packet.

SITE CHARACTERISTICS

This site is located on the side hill and slopes seem to be the biggest challenge, but the site does meet the bluff setbacks and slope requirements. Slopes range from 7-12% at the building site. There is one soil area, 580C2, near the proposed dwelling location that is a Class 3 soil, but this ground has been out of production for at least 10 years and is now exempt from the prime ag soil requirement. This will be the only dwelling in the NE SE quarter-quarter of Section 13. The closest feedlot is 2,150 feet away and there is no mine within 1,000 feet.

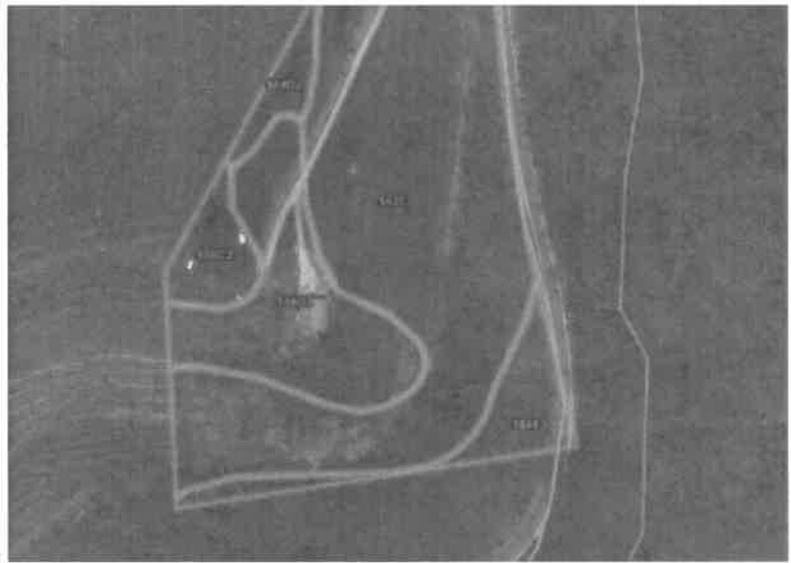


Figure 3. Dwelling location shown in red (at left) and Figure 4. Soils classifications (at right).



Figure 4. Red is slopes over 24%, orange is 18-24%, yellow is 12-18%, and light green is 6-12%, green is 2-6% and dark green is 0-2%.

Floodplain, wetlands and shoreland are not a concern. There is an unnamed intermittent stream approximately 375 feet east of the existing structure that then skirts about 575 feet south as well.

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 this is an area of the County where growth is encouraged.

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 and this will correct a non-compliant dwelling situation left by a previous landowner.

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

Staff Analysis: A licensed septic professional will be utilized to design and install a new septic system. The existing system will be abandoned as required.

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

Staff Analysis: Strictly adhering to the approved erosion control plan will ensure runoff is managed adequately. A new structure will not adversely increase the quantity of runoff. Compliance with an approved erosion control plan will be required during and post construction.

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

Staff Analysis: Soil types 580C2 and 580D2 are present in the proposed dwelling location. They are identified as somewhat limited or very limited primarily due to slope. This location requires extensive land shaping and a design that conforms to the natural slope of the land and to accommodate the natural shrinking and swelling of soils.

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

Staff Analysis: The largest potential pollution hazard with single-family dwellings is the septic system. The septic system will be designed and installed by a licensed MN septic professional. Erosion potential will be addressed with the erosion control plan.

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

Staff Analysis: This is an existing site and all utilities are present. Any modifications or new utility requirements are the financial 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: N/A

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: This site has been used as a residential property for almost twenty years and to our knowledge, there have been no complaints regarding that use.

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 conditional use request brings the site into compliance for a use that has been present at this location since 2003. The continuation of a residential property will not influence the surrounding agricultural properties.

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: The continuation of 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.
3. *Use of the pole shed as a dwelling shall end upon occupancy of the proposed dwelling. If that dwelling is not constructed, the landowner must apply for a change of use permit on the existing building.*

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

Number 2021- CUP- 83005	Daniel & Marissa Solum 080340001 Conditional Use Request Submitted by DanielS on 9/2/2021	
---	---	---

CONDITIONAL USE INTRO [Edit] Last updated: 9/3/2021 12:59:25 PM and saved by: DanielS

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: 9/3/2021 12:59:37 PM and saved by: DanielS

Applicant Name **Daniel & Marissa Solum**

Telephone Number **5074290074**

Address **470 Bush Valley Rd**

City **La Crescent**

Zip **55947**

Parcel Tax ID **080340001**

Legal Description **PT E1/2 SE1/4 DOC 232581; DOC 283466**

Section-Township-Range **13/104/005**

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 **Yes** to inform my township of my application.

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 9/3/2021 1:03:07 PM and saved by: DanielS

Click here to view the Houston County Zoning Ordinance

Describe in detail your request.

Requesting CUP for purpose of building a house on the same parcel that we currently live on. It is our understanding that previous owners did not obtain CUP when they built the current structure.

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

14.3-Subdivision 1(10)

Requested Dimension:

non- farm dwelling

**Please upload any
supporting documents:**

There are no attached documents.

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 9/3/2021 1:27:54 PM and saved by: Daniels

**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:

**As noted in Houston County Land Use Plan, Section 1 Part
0100.0105, our parcel falls in north-eastern part of county
where growth is encouraged.**

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

Yes

Comments:

**We would like to build a house. We are also correcting an
error by previous owner who did not obtain CUP.**

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

Yes

Comments:

**Already used as residential dwelling. The use will not
change.**

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

Yes

Comments:

We will be doing erosion control plan and run off will not change.

Yes

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

Comments:

Soil on our parcel has not been used for production.

Yes

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

Comments:

There will not be large pollution production from our project.

Yes

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

Comments:

They are already provided.

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.

Comments:

Already has driveway and off-street parking.

Yes

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

Comments:

Already has driveway that doesn't congest traffic or cause a traffic hazard.

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.

Comments: **The use of property will not be changing.**

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: **The use of property will not be changing.**

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: **The use of property will not be changing.**

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: **We will be the only house in the 1/4 1/4 parcel.**

Yes

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: **not applicable**

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: **Nothing will be impacting health, safety, morals, or general welfare.**

SITE PLAN INFORMATION [Edit] Last updated: 9/3/2021 1:28:30 PM and saved by: Daniels

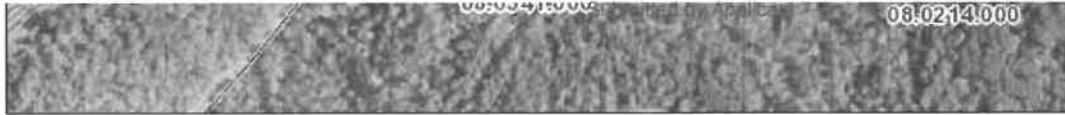
A site plan **MUST** accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan **plan location.pdf (download)**

Use Interactive Map to Create Site Plan

Layer List:

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



☐ Streams 14
☐ Floodplain (Effective 12/7/2018)

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

Build house where we have hand drawn and turn existing structure into shed/storage.

APPLICATION SUBMITTAL [Edit] Last updated: 9/3/2021 1:29:40 PM and saved by: Daniels

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**

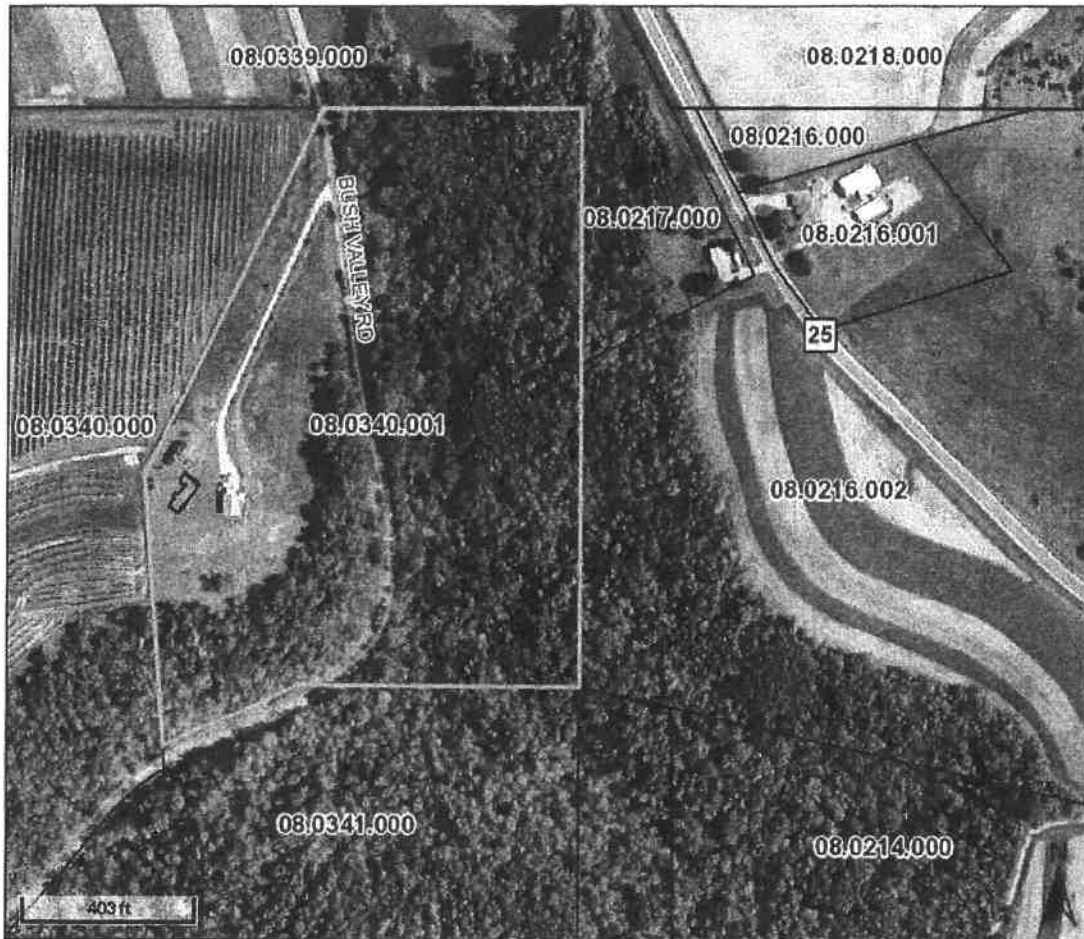
By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge. **Yes**

Signature

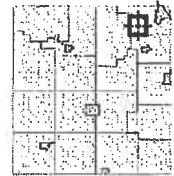
Date Signed:
09/03/2021

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

BeaconTM Houston County, MN



Overview



Legend

- Parcels
- Corporate Limits
- Roads**
 - <Null>
 - COUNTY
 - STATE
 - US
- Political Township

Parcel ID	080340001	Alternate ID	n/a	Owner Address	SOLUM,DANIEL W
Sec/Twp/Rng	13/104/005	Class	Residential		470 BUSH VALLEY RD
Property Address	470 BUSH VALLEY RD	Acreage	24		LA CRESCENT, MN 55947
	LA CRESCENT				
District	LCSTT/SD300/FD6				
Brief Tax Description	PT E1/2 SE1/4 DOC 232581; DOC 283466				
	(Note: Not to be used on legal documents)				

Date created: 9/3/2021

Last Data Uploaded: 9/3/2021 4:21:56 AM

Developed by Schneider
GEOSPATIAL

Amelia Meiners

From: Judy Winsky <juda76@hotmail.com>
Sent: Friday, October 22, 2021 7:36 AM
To: Amelia Meiners
Subject: hi

*** 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.

We are in favor of the conditional use permit to build on your property. David and Judith Winsky trust.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Daniel and Marissa Solum, 470 Bush Valley Rd, 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 following premises, to-wit:

Part E1/2 SE1/4, Section 13, Township 104, Range 5, Houston County, Minnesota.
(Parcel #08.0340.001)

Said applicant standing and making application 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, November 4, 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, October 26, 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: October 20, 2021



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

10/26/2021

Application Date: 10/11/2021
Hearing Date: 11/4/2021
Petitioner: Carl & Elizabeth Olson, Wayne & Elsie Olson
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: TBD County 10
Township: Sheldon
Parcel Number: 120126000
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

The applicants will be purchasing approximately seven acres of the family farm in the northwest corner of the SW NW quarter-quarter of Section 17 in Sheldon Township to build a dwelling. The building site has historically been pasture.

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.

Buildable Lot. A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance. Buildings or structures shall not be permitted on land which has a slope of twenty-four (24) percent or greater. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

- Area of a slope of twenty-four (24) percent or greater.
- A shoreland impact zone as defined by this Ordinance.
- Protected waters as defined in this Ordinance.
- Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.

All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with Section 29.19.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Sheldon Township and the ten nearest property owners were notified. One comment was received and is included in the packet. There were a couple additional inquiries, but no formal comments submitted.

SITE CHARACTERISTICS

There are no bluff, floodplain, wetland, or shoreland concerns. There is a registered feedlot, belonging to Wayne and Elsie Olson, at 8454 County 10, but the applicants are exempt from meeting the setback to site. The next closest is over a half mile away. There does not appear to be a mine within 1,000 feet. A septic installer has been on-site to identify two potential type I systems as is required for new lots, but the specific details were not available at the time of publication. They will have approximately 675 feet of road frontage off County 10.

The structure will need to be located on slopes under 23%. There is approximately 0.9 acres in the immediate vicinity of the proposed dwelling that will meet the slope requirement. The soil type is 388C2, which is a class III Seaton silt loam soil. It is suggested that buildings constructed on this soil type be designed to conform to the natural slope of the land. The site has always been pasture and most of the parcel will continue to be after construction.



Figure 1. Plan layout showing slopes and road setback. Red is slopes over 24%, orange is 18-24%, yellow is 12-18%, light green is 6-12%, green is 2-6% and dark green is 0-2%. The road setback color is difficult to see against slope colors, but the house will be placed very near that line.



Figure 2. Aerial imagery from 2008 (left) and 2020 (right). The site is pasture in both.

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 provides the basis for limiting development in the agricultural protection district. The proposal satisfies the conditions necessary.

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: Wastewater is a potential pollutant associated with any dwelling. The applicants will install an onsite sewage treatment system meeting all applicable standards. No other impacts are anticipated.

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

Staff Analysis: An erosion control plan will be required with the zoning permit application to address construction and post construction site drainage. The effects of increased runoff due to impervious surfaces (e.g. roof, driveway) are estimated to be negligible.

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

Staff Analysis: The soils are class III, but it qualifies for an exemption from the prime ag soils requirement since it has historically been pasture. Soil borings will be needed to determine suitability for septic system.

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

Staff Analysis: Wastewater and erosion are two potential hazards. Both will be mitigated to an acceptable extent.

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

Staff Analysis: A Driveway Access Permit, Soil Erosion Control Permit, and Septic Permit will be required prior to building. Nothing is known at this time that would prevent these permits from being issued.

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: N/A

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: No effect is anticipated. There are other dwellings in this vicinity and an additional one will not impact the uses of adjacent properties.

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: Granting the permit will close the SW NW quarter-quarter per the dwelling density policy. All remaining property in that quarter-quarter belongs to the applicants. This proposal will enable applicants to continue operating the family farm which is a common use in the agricultural district.

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: The application conforms to the one dwelling per quarter-quarter density limitation standard.

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: The addition of a house is not anticipated to have any effect on 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.
3. *A Certificate of Survey completed by a licensed surveyor is required for the newly created parcel, which shall be substantially similar to the proposed parcel as described in the application.*

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

Number 2021- CUP- 84409	OLSON, WAYNE M & ELSIE K TRUSTS and Carl A. and Elizabeth E. Olson 120126000 Conditional Use Request Submitted by Olson5Carl on 10/3/2021	
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CONDITIONAL USE INTRO [Edit] Last updated: 10/3/2021 7:58:57 PM and saved by: Olson5Carl

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: 10/10/2021 4:30:38 PM and saved by: Olson5Carl

Applicant Name **OLSON,WAYNE M & ELSIE K TRUSTS and Carl A. and Elizabeth E. Olson**

Telephone Number **5078962236**

Address **8454 COUNTY 10**

City **HOUSTON**

Zip **55943**

Parcel Tax ID **120126000**

Legal Description **NE1/4 NW1/4 & S1/2 NW1/4 N1/2 SW1/4 (EX 1A); UNDIV 1/2 INT TO WAYNE OLSON TRUST &**

Section-Township-Range **17/103/006**

Do you own additional adjacent parcels **Yes**

Township of: **Sheldon**

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: 10/10/2021 4:32:17 PM and saved by: Olson5Carl

Click here to view the Houston County Zoning Ordinance

Describe in detail your request. **My son; Carl and wife; Elizabeth Olson would like to build a house on the family owned property in order to assist and**

continue the operation of the Family Farm. With Setback, 7 acres is being requested for the building of their home. Requesting to sell and allow my son and his wife to build their house on less than 40 acres of my property.

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

To Build on less than 40 Acres

Requested Dimension:

742.6ft.x701.3ft.x563.6ft.x322.9ft.= 7.139 Acres

**Please upload any
supporting documents:**

There are no attached documents.

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 10/10/2021 4:32:27 PM and saved by: Olson5Carl

**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 not taking Crop land, and building away from Rivers and Wetlands, and not building in any woodlands. Currently the area is being used for Live Stock Pasture. It will remain Pasture with the building of the home.

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

Yes

Comments:

A place to live while continuing to operate the family farm.

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

No

Comments:

We are not spraying or using Chemicals.

No

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

Comments: **There will be grass. We will also have a culverts.**

Yes

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

Comments: **Sandy soil is good for building a family home.**

N/A

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

Comments: **N/A**

N/A

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

Comments: **N/A**

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.

Comments: **There will be a Driveway and a Garage attached to home.**

Yes

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

Comments: **There will be a Driveway and Garage from main road for parking of Vehicles to keep the highway and county road clear.**

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:

Currently the property is used for pasture and will remain pasture after the home is built.

No

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:

Since the home to being built to continue the current use of farm operations, it will not interfere with any development or improvements of surrounding vacant property.

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:

Since this is home, there will not be any signs or bright lights. There will be a front porch light and garage motion light. There will be a Personal Septic and a Well installed.

No

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:

Submitted by Applicant
there will only be a home with attached garage built on this 7 acres. No other residential buildings will be built.

11

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:

The Current land is Pasture and remain pasture.

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:

All SAFetly guidelines will be followed. Most of the Construction of the home will be done by by son who is a Builder IN addition to a licensed contractor. Many of those assisting in the construction of the home are local. All Licenses, permits and documents will be in order and will follow all rules and guidelines of Houston County.

SITE PLAN INFORMATION [Edit] Last updated: 10/10/2021 4:32:38 PM and saved by: Olson5Carl

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****Layer List:**

- ☒ NG911 Address Points
- ☒ Wells_MWI_Jan_2018



- ☐ Contours 12
- ☒ Septic Permit
 - ☐ Septic Permits
- ☒ Corporate Limits
- ☐ Political Townships
- ☐ Subdivisions
- ☐ Blocks
- ☐ Lot Boundaries
- ☒ Parcels
- ☒ Roads
- ☐ Streams
- ☐ Floodplain (Effective 12/7/2018)
- ☒ 2020 Imagery

House: 1815 sq. ft Main Floor 535 sq. ft upper level= 2350
sq, ft Garage: 1168 sq ft.

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

APPLICATION SUBMITTAL [Edit] Last updated: 10/10/2021 4:38:30 PM and saved by:
Olson5Carl

By checking this box, I **Yes**
grant Houston County
access to my property for
the purpose of evaluating
this application.

By checking this box, I **Yes**
certified that I have notified
my town board of my
application.

By checking this box, I **Yes**
certify that the information
provided in this application
is true and accurate to the
best of my knowledge.

Signature

[Handwritten Signature]

Date Signed:
10/10/2021

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

10-10-21

We are in the process of
selling about 7 acres of land
to Carl & Elizabeth Olson.

So they can build a new
house and assist in the
operation of the family farm.

Wayne M. Olson

Elsie K. Olson

Amelia Meiners

From: Brent Parent <Brent@parentcustomhomes.com>
Sent: Tuesday, October 19, 2021 8:54 AM
To: Amelia Meiners
Subject: RE: Olsen conditional use permit

*** 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.

I have no concerns to issues. I wish them luck in the new home building process. Building a new home is exciting and I hope they enjoy their new home.

Brent Parent

From: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Tuesday, October 19, 2021 8:31 AM
To: Brent Parent <Brent@parentcustomhomes.com>
Subject: RE: Olsen conditional use permit

Hi Brent,

Below is the site map Carl provided in his application. The outer red line is the area they propose to parcel off for their building site.



If you have any further questions let me know.

Amelia Meiners
Houston County Environmental Services

304 S. Marshall St., Room 209
Caledonia, MN 55921
(507) 725-5800

From: Brent Parent <Brent@parentcustomhomes.com>
Sent: Tuesday, October 19, 2021 8:14 AM
To: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Subject: Olsen conditional use permit

*** HOUSTON COUNTY SECURITY NOTICE ***

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Hi Amelia,

I received your letter about a new home with a map of the entire parcel.

Where on the property is the location of the proposed home?

Thanks, Brent

Brent Parent
Parent Custom Homes
13654 Van Buren St Suite 400 Ham Lake MN
www.parentcustomhomes.com
612 282 2380 Cell
763 421 5559 Office



[Follow Parent Custom Homes on Facebook](#)

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Carl and Elizabeth Olson, 127 2nd Ave SE, Spring Grove, MN 55974 and Wayne and Elsie Olson (Co-applicant), 8454 County 10, Houston, MN 55943, 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 Sheldon Township on following premises, to-wit:

NE1/4 NW1/4 & S1/2 NW1/4 N1/2 SW1/4, Section 17, Township 103, Range 6, Houston County, Minnesota. (Parcel #12.0126.000)

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 5:20 p.m. on Thursday, November 4, 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, October 26, 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: October 20, 2021

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: 4-Nov-21

Person requesting appointment with County Board: Amelia Meiners

Issue:

CUP Approval/Denial: 1) Daniel & Marissa Solum - Build a dwelling on less than 40 acres in La Crescent Township. 2) Carl & Elizabeth Olson - Build a dwelling on less than 40 acres in Sheldon Township.

Justification:

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

Action Requested:

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

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Carl & Elizabeth Olson DATE: November 4, 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: The Comprehensive Plan provides the basis for limiting development in the agricultural protection district. The proposal satisfies the conditions necessary.

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: Wastewater is a potential pollutant associated with any dwelling. The applicants will install an onsite sewage treatment system meeting all applicable standards. No other impacts are anticipated.

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: An erosion control plan will be required with the zoning permit application to address construction and post construction site drainage. The effects of increased runoff due to impervious surfaces (e.g. roof, driveway) are estimated to be negligible.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The soils are class III, but it qualifies for an exemption from the prime ag soils requirement since it has historically been pasture. Soil borings will be needed to determine suitability for septic system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Wastewater and erosion are two potential hazards. Both will be mitigated to an acceptable extent.

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: A Driveway Access Permit, Soil Erosion Control Permit, and Septic Permit will be required prior to building. Nothing is known at this time that would prevent these permits from being issued.

Bob Conway commented that Olson's should carefully consider erosion control as they decide on a site plan.

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: N/A

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: No effect is anticipated. There are other dwellings in this vicinity and an additional one will not impact the uses of adjacent properties.

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: Granting the permit will close the SW NW quarter-quarter per the dwelling density policy. All remaining property in that quarter-quarter belongs to the applicants. This proposal will enable applicants to continue operating the family farm which is a common use in the agricultural district.

Board agreed to the finding by a unanimous vote.

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: The application conforms to the one dwelling per quarter-quarter density limitation standard.

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: The addition of a house is not anticipated to have any effect on the public's health, safety, morals, and general welfare.

Board agreed to the finding by a unanimous vote.

Greg Myhre made a motion to accept the findings as presented. Larry Hafner 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 for a single-family dwelling on under 40 acres 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. A Certificate of Survey completed by a licensed surveyor is required for the newly created parcel, which shall be substantially similar to the proposed parcel as described in the application.

Rich Schild seconded. Roll call vote was taken. All were in favor.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: *Daniel & Marissa Solum* DATE: *November 4, 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 this is an area of the County where growth is encouraged.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the 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 and this will correct a non-compliant dwelling situation left by a previous landowner.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: A licensed septic professional will be utilized to design and install a new septic system. The existing system will be abandoned as required.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: Strictly adhering to the approved erosion control plan will ensure runoff is managed adequately. A new structure will not adversely increase the quantity of runoff. Compliance with an approved erosion control plan will be required during and post construction.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: Soil types 580C2 and 580D2 are present in the proposed dwelling location. They are identified as somewhat limited or very limited primarily due to slope. This location requires extensive land shaping and a design that conforms to the natural slope of the land and to accommodate the natural shrinking and swelling of soils.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: The largest potential pollution hazard with single-family dwellings is the septic system. The septic system will be designed and installed by a licensed MN septic professional. Erosion potential will be addressed with the erosion control plan.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: This is an existing site and all utilities are present. Any modifications or new utility requirements are the financial responsibility of the applicant.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the 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: N/A

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: This site has been used as a residential property for almost twenty years and to our knowledge, there have been no complaints regarding that use.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the 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: This conditional use request brings the site into compliance for a use that has been present at this location since 2003. The continuation of a residential property will not influence the surrounding agricultural properties.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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. Bob Conway was not present to participate in the 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: The continuation of 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. Bob Conway was not present to participate in the vote.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for a single-family dwelling on under 40 acres 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. Use of the pole shed as a dwelling shall end upon occupancy of the proposed dwelling. If that dwelling is not constructed, the landowner must apply for a change of use permit on the existing building.

Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

