

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: December 14, 2021

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

### Members Present:

Dewey Severson, Eric Johnson, Robert Burns, Teresa Walter, and Greg Myhre  
(attended remotely)

### 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, Financial Assistance Supervisor Karen Kohlmeyer, Social Services Supervisor Bethany Moen, Chief Deputy Brian Swedberg, Board Clerk/EDA Director Allison Wagner, Engineer Brian Pogodzinski, Interim Recorder Mary Betz, Merchant's Bank President Matt Schuldt, Bank of the West Vice President and Branch Manager Steve Ingvalson, Bank of the West Vice President and Relationship Manager Claudia Stegora, Bank of the West Vice President and Senior Lead, Treasury Solutions Sales Consultant Jennifer Norman, and DNR Area Wildlife Supervisor Brandon Schad, and Houston County Agriculture Society Fair Manager Emily Johnson

Presiding: Chairperson Burns

Call to order.

Pledge of Allegiance.

Prior to approving the agenda Commissioner Burns asked that an additional four action items be added to the consent agenda. Motion was made by Commissioner Walter, seconded by Commissioner Severson, motion carried unanimously to approve the agenda with the additional consent agenda items.

Motion was made by Commissioner Walter, seconded by Commissioner Severson, motion unanimously carried to approve the meeting minutes from November 23, 2021.

Public Comment: No public comments were made.

### APPOINTMENTS

Department of Natural Resources (DNR), Area Wildlife Supervisor Division of Fish and Wildlife Site Coordinator, Brandon Schad presented to the Commissioners. He shared with the Board that the DNR wanted a resolution approved for a proposed State land acquisition by the State of Minnesota for wildlife management area purposes in Hokah Township. Schad told the board the parcel was about 37 acres and was adjacent to a current root river wildlife area.

Fair Manager, Emily Johnson presented the Houston County Agriculture Society/Fair Board financials for 2021 to the Commissioners and requested an additional \$4,000. She told the Commissioners the fair had returned in 2021, but numbers were down most likely due to COVID-19. The 2021 Houston County Fair did make a profits. Some events were more profitable than others. Commissioners thanked Johnson for the report.

Hiawatha Valley Mental Health Center (HVMHC), Executive Director, Erik Seivers presented to the board on HVMHC. He said HVMHC had been in their new location on Kingston Street in Caledonia in Houston County for the past year and a half. He said the center was working on becoming a Certified Community Behavioral Health Clinic (CCBHC). These clinics are community clinics that offer integrated mental health and substance use disorder services as well as a range of other services. CCBHC's provide outreach, increase access, improve services, and serve as a "one-stop-shop" to those who are currently underserved. HVMHC would continue to offer all of their regular services in addition to becoming a CCBHC. The goal of becoming a CCBHC was to provide better access to care. The new model would not require any additional County funds.

Bank of the West representatives Vice President and Caledonia Branch Manager Steve Ingvalson, Vice President and Sr. Lead Relationship Manager Claudia Stegora, and Cash Management Specialist Jennifer Norman presented to the board. Ingvalson shared that the County had a long history of working with Bank of the West. Stegora and Norman reviewed various services. They also discussed some new ideas and options for the County including possibly transferring County money into a money market account during certain times of the year when there was a surplus of funds.

Auditor/Treasurer Trehus presented the Cash and Investment review including a copy of the Daily Cash Balance Report for the County ending 10-29-21. Balance of Pooled and Cash Investments for that period showed \$19,235,417.85. This amount included all General Fund accounts the County held at that time with respective balances of all accounts held. Also included were the total Fund Investments the County carries reflecting Road and Bridge, Human Services, Misc. General fund, Collaborative, and Soil and Water accounts. Trehus also presented the board with an illustration of maturity dates and liquidity of all current investments totaling \$11,472,032.04. Sixty three percent of all County investments show 63% liquidity. It was concluded by Commissioner Johnson that based on a 5 yr. period, the total cash on hand fell in place with cash balances in 2018.

## CLOSED SESSIONS

At 10:37 a.m. motion by Commissioner Severson seconded by Commissioner Walter 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 11:15 a.m. motion by Commissioner Severson, seconded by Commissioner Walter, motion unanimously carried to return to regular session. Kruger gave a summary of the closed session saying that they had discussed labor negotiations and that she had updated the board on the status of all six unions. No formal action was taken.

## CONSENT AGENDA

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

- 1) Approve regional contract management agreement with Olmsted County and authorize PH & HS Director to sign the agreement.
- 2) Renew the AVI Courtroom Support contract for 2022 (Court's technology maintenance/support).
- 3) Hire Tricia Laganieri-Sand, as a probationary Child Protection Social Worker, C41 Step 4 (non-exempt), effective 12/27/2021 conditioned upon successful completion of a background check.
- 4) Renew the Professional Services Agreement and Addendum with the Community and Economic Development Associates (CEDA) for years 2022 and 2023. (The revised agreement included a 2% increase in rates for services for each year.)
- 5) Accept the resignation of Lauren Arneson, Adult Services Social Worker effective the end of the business day on 12/30/2021 and thank Lauren for her year of service to the residents of Houston County.
- 6) Initiate a competitive search for an Adult Services Social Worker
- 7) Accept the resignation of Michelle Massman, Child Support Officer effective the end of the business day on 01/03/2022 and thank Michelle for her 13 years of service to the residents of Houston County.
- 8) Initiate a competitive search for a Child Support Officer.
- 9) Adopt Resolution 21-59 authorizing County staff to execute all necessary documents to ensure County participation in the multistate settlements relating to opioid distributors and manufacturers, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement, and declaring support for an amendment to Minn. Stat. § 256.043, subd. 3(d). See Resolution Below.

## RESOLUTION 21-59

**Authorizing county staff to execute all necessary documents to ensure County participation in the multistate settlements relating to opioid distributors and manufacturers, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement, and declaring support for an amendment to Minn. Stat. § 256.043, subd. 3(d).**

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against manufacturers and distributors of prescription opioids related to the opioid crisis; and

WHEREAS, the Minnesota Attorney General has signed on to multistate settlement agreements with several pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen, as well as opioid manufacturer Johnson & Johnson, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

WHEREAS, there is a deadline of January 2, 2022, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

WHEREAS, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement (the "State-Subdivision Agreement"); and

WHEREAS, during negotiations of the State-Subdivision Agreement, representatives of Minnesota's counties prioritized flexibility in how local governments may use settlement funds for opioids abatement and remediation and advocated for counties to receive settlement allocations directly rather than using the distribution mechanism detailed in Minn. Stat. § 256.043, subd. 3(d); and

WHEREAS, in order to achieve the goals of flexibility and direct allocation, Minn. Stat. § 256.043, subd. 3(d), must be amended to remove a provision which would otherwise appropriate approximately 50 percent of the state's settlement allocation to county social service agencies for statutorily-prescribed use(s); and

WHEREAS, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota; now, therefore,

BE IT RESOLVED, Houston County supports and agrees to the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Houston County supports and opts in to the multistate settlements with McKesson, Cardinal Health, and AmerisourceBergen, and with Johnson & Johnson; and

BE IT FURTHER RESOLVED, Houston County authorizes county staff to execute all necessary documents to ensure County participation in the multistate settlements, including the

Participation Agreement and accompanying Release, and in the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Houston County, supports the amending of Minn. Stat. § 256.043, subd. 3(d), to remove a provision which would appropriate approximately 50 percent of the state's settlement allocation to county social service agencies via the existing Opiate Epidemic Response Fund distribution mechanism for statutorily-prescribed use(s).

## ACTION ITEMS

File No. 1 – Commissioner Walter moved, Commissioner Severson seconded, motion unanimously carried to approve Resolution 21-58 Proposed State Land Acquisition by the State of Minnesota for wildlife management area purposes in Hokah Township. Resolution is below.

### **Resolution No. 21-58**

#### **Houston County Board of County Commissioners Review of Proposed State Land Acquisition**

In accordance with; Minnesota Statutes 84.944, Subd. 3, 97A.145, Subd. 2, and 97C.02 the Commissioner of the Department of Natural Resources on 12/14/2021 provided the county board with a description of lands to be acquired by the State of Minnesota for Wildlife Management Area purposes.

Lands to be acquired are described as follows:

That part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 104 North, Range 5 West, Houston County, Minnesota, lying southerly of the center line of County State Aid Highway Number 21.

*This is a preliminary version of the legal description. This description is intended to generally describe the property in the proposed transaction. However, the final legal description is subject to change for reasons including but not limited to correcting errors, ensuring accuracy, and/or after property surveying.*

Subject to easements, reservations, and restrictions, if any, of record.  
Containing 36.57, more or less.

File No. 2 – Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to approve request from Houston County Agricultural Society/Fair Board for additional \$4,000.

File No. 3 – Commissioner Myhre moved, Commissioner Johnson seconded, motion unanimously carried to accept a donation from Farm to Table Event in the amount of \$1,000 to the Sheriff's Office to use for Sheriff's Office needs.

File No. 4 – Commissioner Walter moved, Commissioner Severson seconded, motion unanimously carried to accept a donation from Houston County K9 Foundation Inc. in the amount of \$1,500 for K9 lease.

File No. 5 – Commissioner Severson moved, Commissioner Johnson seconded, motion unanimously carried to accept a donation from Houston County K9 Foundation Inc. in the amount of \$2,571.75 for new K9 squad car cage.

File No. 6 – Commissioner Severson moved, Commissioner Walter seconded, motion unanimously carried to approve Change Order No. 34 to purchase and install a door closure at the new Highway Facility.

File No. 7 – Before making a motion Commissioner Johnson suggested that a meeting for the 2022 schedule be added on the final Tuesday of the year Tuesday, December 27, 2021 since there was sometimes last minute businesses that may need to be voted on during the last week of the year. The Commissioners agreed. Commissioner Johnson moved, Commissioner Walter seconded, motion unanimously carried to approve the 2022 Board of Commissioner Meeting Schedule with the additional meeting the last week of the year. The schedule would be posted to the County website.

File No. 8 – Commissioner Walter moved, Commissioner Johnson seconded, motion unanimously carried to approve 2021 PH&HS budget amendments. The changes reflected the line item increases/decreases in payroll due to the 2021 labor contract settlements. A lump sum change had previously been provided to the Board.

File No. 9 – After some discussion Commissioner Johnson moved, Commissioner Walter seconded, motion unanimously carried to approve MOA with the U of M for providing Extension programs locally and employing Extension Staff. The MOA covered the AFNR (Ag) and 4-H Youth Development Extension Educators.

File No. 10 - Commissioner Severson moved, Commissioner Myhre seconded, motion unanimously carried to authorize a request to expend funds to approve an initial inquiry to look into three complaints to see if they warranted an investigating. The complaints had been filed with the County Attorney's Office.

File No. 11 - Commissioner Walter moved, Commissioner Johnson seconded, motion unanimously carried to disburse a \$40,000 appropriation of ARPA funds to CCWSCD to support clean water efforts by the district.

File No. 12 - Commissioner Walter moved, Commissioner Severson seconded, motion passed 3-2 with Commissioners Johnson and Myhre voting no to hire Martin Herrick as a probationary Environmental Services Director, D61 (exempt) Step 4 effective 12/20/2021.

File No. 13 - Commissioner Severson moved, Commissioner Walter seconded, motion unanimously carried to approve the Summit proposal for the replacement of the existing fire alarm panel, smoke detectors, heat detectors, horn strobes, and pull stations and the associated Inspection Service Agreement.

#### DISCUSSION ITEMS

Commissioners discussed recent meetings they had attended including meetings at the AMC conference, a budget meeting, and negotiations.

Chairperson Burns said the budget was ready and would be approved the following week. He reminded those at the meeting that the Truth and Taxation meeting for the County would be that night on December 14<sup>th</sup>.

Commissioner Walter said she had been working on an ordinance for a no wake zone near La Crescent that affected some areas during a fishing tournament. Commissioner Walter also thanked on behalf of the County Lauren Arneson, Michelle Massman, and recent retiree Mary Gulbranson for their years of service to Houston County.

Commissioners discussed the possibility of adding in one last meeting for the 2021 year on December 28, 2021. Some departments thought adding a meeting in the last week of the year would be helpful as they were anticipating some end of the year things to possibly come up that would need board approval. It was the general consensus of the board to add one more board meeting on the last Tuesday of the year. The meeting would be publicized accordingly.

Public Comment: No public comments were made.

There being no further business at 12:30 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 December 21, 2021.

#### BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Robert Burns, Chairperson

Attest: \_\_\_\_\_  
Donna Trehus, Auditor/Treasurer



## **2021 Employee Recognition Awards**

### **30 Year Awards**

Julie M Schleich	3/1/1991
Brian L Swedberg	10/1/1991

### **25 Year Awards**

### **20 Year Awards**

Patrick R Burns	6/11/2001
Tracie L Erickson	11/5/2001
Nickie L Folsom	12/17/2001
Theresa S Gavin-Kubitz	4/3/2001
Randall C Hongerholt	7/9/2001
Karen L Kohlmeyer	3/26/2001

### **15 Year Awards**

Laurie A Bigalk	8/14/2006
Jennifer L Blocker	2/8/2006
Bethany M Moen	3/14/2006
Michelle L Schulte	2/22/2006

### **10 Year Awards**

Justin L Conway	6/27/2011
Steven T Garrett	12/5/2011
James L Houdek	1/18/2011
Kathleen A Lager	11/9/2011
Maria L Stemper	10/12/2011
Donna I Trehus	1/3/2011
Teresa A Walter	1/3/2011

## HOUSTON COUNTY

### AGENDA REQUEST FORM

**Date Submitted: 12.21.21**

**By: Donna Trehus-Auditor-Treasurer**

**CONSENT AGENDA REQUEST: Consider approving the 2022 Tobacco Licenses for the following:**

- 1) River Valley Convenience Store, Inc. Cennex, Houston, MN.**
- 2) Houston Food Mart/BP, Houston, MN**
- 3) DG Retail, LLC dba Dollar General #20006**

**Reviewed by:**

\_\_\_\_ **HR Director**

\_\_\_\_ **Finance Director**

\_\_\_\_ **IS Director**

\_\_\_\_ **County Attorney**

\_\_\_\_ **Environmental Svcs**

\_\_\_\_ **County**

\_\_\_\_ **Sheriff**

\_\_\_\_ **County**

\_\_\_\_ **Engineer**

\_\_\_\_ **PHHS**

\_\_\_\_ **Other**

\_\_\_\_ **(indicate**

\_\_\_\_ **dept)**

\_\_\_\_ **Auditor/Treasurer**

**Recommendation:**

**Decision:**

**License Application to Make Retail Sales of Cigarette and Other Tobacco Products**

To be completed by applicant when applying for a license with a city or county.

The Minnesota Tax ID must be issued in the same legal name of the licensee below.

**FOR MUNICIPAL USE ONLY**

Print or Type

Cigarettes/tobacco products will be sold (a separate license is required for each location or vending machine):

☒ Over Counter ☐ Through Vending Machine ☐ Both

Licensee's Legal Name: Illiver Valley Convenience Store

Business Trade Name (doing business as): 163 East Cedar St.

Complete Address of Business Location (permit location): Houston

City: Houston County: MN State: MN ZIP Code: 55943  
Mailing Address (if different than business address): P.O. Box 771 City: Houston State: MN ZIP Code: 55943

License Authority

License Number: 22-10

Period Covered: 12-31-22

Date of Issuance

Federal Employer ID Number (FEIN)

Daytime Phone

Other Phone Number

Fax Number

Email Address

Business Information

Type of legal organization (check one):

☐ Sole proprietor

☐ Partnership

☐ Other (describe)

☒ Minnesota corporation: Enter date of incorporation 3-15-2012

☐ Out-of-state corporation: State of Incorporation

Are you registered to do business in Minnesota? ☐ Yes ☐ No

Corporate officers or partners (attach a list if necessary)

Name: Tracy Huger Title: President  
Address: 19497 City 13 City: Houston State: MN ZIP Code: 55943  
Name: Brady Huger Title: Vice-President  
Address: 19497 City 13 City: Houston State: MN ZIP Code: 55943

As a licensed tobacco products or cigarette retailer, I understand that:

Statement of Understanding

1. I can purchase cigarettes and tobacco from a Minnesota distributor or subjobber who holds a license with the Minnesota Department of Revenue. The Cigarette and Tobacco Distributor List is on our website. Go to [www.revenue.state.mn.us](http://www.revenue.state.mn.us) and type Distributor List in the Search box.
2. I must obtain a tobacco products distributor license if I purchase untaxed tobacco products from an out-of-state company.
3. I may not sell cigarettes affixed with Minnesota Native American stamps unless my retail business is located on a reservation that has a tax agreement with the State of Minnesota.
4. I may not purchase from or exchange cigarettes or tobacco products with another retailer.
5. I must keep complete and legible cigarette and tobacco products invoices on the licensed premises, or make invoices available within one hour of request, for at least one year after the date of the purchase.
6. I know that the Minnesota Department of Revenue and/or law enforcement may conduct cigarette and tobacco inspections of the premises, including inspections of inventory, invoices and licenses, and I understand that a refusal to allow an inspection is grounds for revocation of my license.
7. I know that failure to comply with all requirements can result in criminal penalties, including the loss of cigarettes and tobacco products.

Sign Here

Licensee's Signature: Tracy Huger Title: owner Print Name: Tracy Huger Date: 12-1-2021 Daytime Phone: 507-896-3221  
Licensing Agent's Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

License applicant: Submit this form to the licensing authority along with the license application.

Licensing authority: Mail, email or fax to:

Minnesota Revenue, Mail Station 3331, St. Paul, MN 55146-3331.

Fax: 651-556-5236. Email: [cigarette.tobacco@state.mn.us](mailto:cigarette.tobacco@state.mn.us)



CT102

# License Application to Make Retail Sales of Cigarette and Other Tobacco Products

To be completed by applicant when applying for a license with a city or county.

## FOR MUNICIPAL USE ONLY

The Minnesota Tax ID must be issued in the same legal name of the licensee below.

Cigarettes/tobacco products will be sold (a separate license is required for each location or vending machine):

☒ Over Counter ☐ Through Vending Machine ☐ Both

License Authority
License Number 22-11
Period Covered 12-31-22
Date of Issuance

Licensee's Legal Name Houston Food Mart (BP)		Business Phone 507-896-3000	
Business Trade Name (doing business as) 33A Petroleum Inc		Other Phone Number 507-896-3000	
Complete Address of Business Location (permit location) Hwy 16 Box 578		City Houston	
City Houston	State MN	ZIP Code 55943	Fax Number 507-896-3133
Mailing Address (if different than business address)		City	State
		ZIP Code	Email Address 33a@petroleum.com

## Type of legal organization (check one):

☐ Sole proprietor ☒ Minnesota corporation: Enter date of Incorporation MARCH 14, 86  
☐ Partnership ☐ Out-of-state corporation: State of Incorporation \_\_\_\_\_  
☐ Other (describe) \_\_\_\_\_ Are you registered to do business in Minnesota? ☐ Yes ☐ No

## Corporate officers or partners (attach a list if necessary):

Name Jeff Schwichtenberg	Title President	City Camden	State MN	ZIP Code 55949
Name Rick Frank	Title V-P	City Chatfield	State MN	ZIP Code 55923

## As a licensed tobacco products or cigarette retailer, I understand that:

1. I can purchase cigarettes and tobacco from a Minnesota distributor or subjobber who holds a license with the Minnesota Department of Revenue. The Cigarette and Tobacco Distributor List is on our website. Go to [www.revenue.state.mn.us](http://www.revenue.state.mn.us) and type Distributor List in the Search box.
2. I must obtain a tobacco products distributor license if I purchase untaxed tobacco products from an out-of-state company.
3. I may not sell cigarettes affixed with Minnesota Native American stamps unless my retail business is located on a reservation that has a tax agreement with the State of Minnesota.
4. I may not purchase from or exchange cigarettes or tobacco products with another retailer.
5. I must keep complete and legible cigarette and tobacco products invoices on the licensed premises, or make invoices available within one hour of request, for at least one year after the date of the purchase.
6. I know that the Minnesota Department of Revenue and/or law enforcement may conduct cigarette and tobacco inspections of the premises, including inspections of inventory, invoices and licenses, and I understand that a refusal to allow an inspection is grounds for revocation of my license.
7. I know that failure to comply with all requirements can result in criminal penalties, including the loss of cigarettes and tobacco products.

Licensee Signature Rick Frank	Title V-P	Print Name Richard P Frank	Date 11-22-21	Daytime Phone 507-467-2121
Licensing Agent's Signature	Title	Print Name	Date	Daytime Phone

License applicant: Submit this form to the licensing authority along with the license application.

Licensing authority: Mail, email or fax to:  
 Minnesota Revenue, Mail Station 3393, St. Paul, MN 55146-3393.  
 Fax: 651-556-5236. Email: [cigarette.tobacco@state.mn.us](mailto:cigarette.tobacco@state.mn.us)

**License Application to Make Retail Sales of Cigarette and Other Tobacco Products**

To be completed by applicant when applying for a license with a city or county.

The Minnesota Tax ID must be issued in the same legal name of the licensee below.

**FOR MUNICIPAL USE ONLY**

Print or Type

Cigarettes/tobacco products will be sold (a separate license is required for each location or vending machine):

☒ Over Counter ☐ Through Vending Machine ☐ Both

Licensee's Legal Name  
DG RETAIL, LLC

Business Trade Name (doing business as)  
DOLLAR GENERAL STORE #20005

Complete Address of Business Location (permit location)  
714 E CEDAR ST

City  
HOUSTON

County  
HOUSTON

State  
MN

ZIP Code  
55943-2617

Mailing Address (if different than business address)  
100 MISSION RIDGE

City  
GOODLETTSVILLE

State  
TN

ZIP Code  
37072

License Authority

License Number  
32-14

Period Covered  
12-31-22

Date of Issuance

Daytime Phone  
6517646715

Other Phone Number  
615-855-4000

Fax Number  
877-364-4130

Email Address  
Tax-beerandwineilicense@dollargeneral.com

Business Information

Type of legal organization (check one):

☐ Sole proprietor

☐ Partnership

☒ Other (describe) LLC

☐ Minnesota corporation: Enter date of Incorporation

☐ Out-of-state corporation: State of Incorporation

Are you registered to do business in Minnesota? ☒ Yes ☐ No

Corporate officers or partners (attach a list if necessary)

Name	Title
SEE ATTACHED	

Address	City	State	ZIP Code

Name	Title

Address	City	State	ZIP Code

Statement of Understanding

As a licensed tobacco products or cigarette retailer, I understand that:

1. I can purchase cigarettes and tobacco from a Minnesota distributor or subjobber who holds a license with the Minnesota Department of Revenue. The Cigarette and Tobacco Distributor List is on our website. Go to [www.revenue.state.mn.us](http://www.revenue.state.mn.us) and type Distributor List in the Search box.
2. I must obtain a tobacco products distributor license if I purchase untaxed tobacco products from an out-of-state company.
3. I may not sell cigarettes affixed with Minnesota Native American stamps unless my retail business is located on a reservation that has a tax agreement with the State of Minnesota.
4. I may not purchase from or exchange cigarettes or tobacco products with another retailer.
5. I must keep complete and legible cigarette and tobacco products invoices on the licensed premises, or make invoices available within one hour of request, for at least one year after the date of the purchase.
6. I know that the Minnesota Department of Revenue and/or law enforcement may conduct cigarette and tobacco inspections of the premises, including inspections of inventory, invoices and licenses, and I understand that a refusal to allow an inspection is grounds for revocation of my license.
7. I know that failure to comply with all requirements can result in criminal penalties, including the loss of cigarettes and tobacco products.

Sign Here

Licensee's Signature	Title CEO	Print Name Emily Taylor	Date	Daytime Phone 615-855-4000
Licensing Agent's Signature	Title	Print Name	Date	Daytime Phone

License applicant: Submit this form to the licensing authority along with the license application.

Licensing authority: Mail, email or fax to:  
Minnesota Revenue, Mail Station 3331, St. Paul, MN 55146-3331.  
Fax: 651-556-5236. Email: [cigarette.tobacco@state.mn.us](mailto:cigarette.tobacco@state.mn.us)

Consider approving a Resolution to allow the Auditor-Treasurer to apply for a VEGA-3 Grant on behalf of Money Creek Township. The VEGA 3 grant is authorized to offset 50% of the cost for optical scan equipment. The proposed cost of a new DS200 Ballot Counter is \$5,540.00. This purchase will enable the township to hold their own standalone elections going forward. Grant funds are expected to arrive in February 2022, if approved.

Money Creek Township is providing a Township Resolution approving the 50% match.

## **RESOLUTION NO. 21-60**

### **AUTHORIZATION TO APPLY FOR GRANT FUNDING FOR ELECTION EQUIPMENT December 21, 2021**

WHEREAS, Minnesota legislature has remaining funds in the Voting Equipment Grant Account (VEGA-3) following the first two rounds of VEGA grants. These funds are available to counties, cities, towns, and school districts to assist with the purchase of voting equipment. Similar to previous legislative authorization, these funds of \$1,935,058.86 are authorized to offset up to 50% of optical scan precinct counters, optical scan central counters, or assisted voting devices; or up to 75% of electronic rosters; AND

WHEREAS, there will be three priority levels of funding for this VEGA-3 round of funding with Houston County falling into the third priority level due to the fact that Voting Equipment is not being replaced.

WHEREAS, to receive funding from the Voting Equipment Grant Account, counties must submit an application to the Minnesota Secretary of State before December 17, 2021 followed by a resolution within the following week.

WHEREAS, the County certifies that any funds awarded from the Voting Equipment Grant will be used only to purchase optical scan equipment (DS 200 ballot counters) meeting the requirements of MN statute section 206.56, subdivision 8 as certified by the MN Secretary of State: AND

WHEREAS, that by law, the grant may only be used for up to 50% of the optical scan equipment with Money Creek Township matching the 50% cost of the newly purchased equipment; AND

THEREFORE, BE IT RESOLVED, the Houston County Board of Commissioners authorizes Auditor-Treasurer Trehus to apply for grant funding on behalf of Money Creek Township in accordance with the requirements of Minnesota Statutes Section 206.95.

#### **\*\*\*\*\*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 December 21, 2021.

WITNESS my hand and the seal of my office this 21st day of December, 2021.

(SEAL)

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Donna Trehus, Houston County Auditor/Treasurer

# HOUSTON COUNTY

## AGENDA REQUEST FORM

**Date Submitted:** 12/17/21

**By:** Assessor/Auditor/Treasurer/Finance

**CONSENT AGENDA REQUEST:** Abatement approval for Sunrise Care Facility parcel #26.0296.001

### ACTION ITEM:

**Reviewed by:**

\_\_\_\_ **HR Director**

\_\_\_\_ **Finance Director**

\_\_\_\_ **IS Director**

\_\_\_\_ **County Attorney**

\_\_\_\_ **Environmental Svcs**

\_\_\_\_ **County Sheriff**

\_\_\_\_ **County Engineer**

  x   **PHHS**  
**Other**  
**(indicate**  
**dept)**

\_\_\_\_ **Finance/Auditor**

\_\_\_\_ **Assessor**

**Recommendation:**

**Decision:**



**Application for Property Tax Abatement**For Taxes Levied in Tax Year(s): 2020And Taxes Payable in Year(s): 2021Applicant and Property  
Information**Applicant Information**

Last Name <u>Sun Rise Care Facility INC</u>		First Name	Middle Initial
Property Address <u>551 Division Ave S</u>		Social Security Number	
City <u>Spring Grove</u>	State <u>MN</u>	Zip code <u>55974</u>	County <u>Houston</u>
Parcel ID or legal description of property (from tax statement or valuation notice) <u>26.0296.001</u>			School District Number <u>297</u>

**Applicant's Statement of Facts**

If the assessed value is being contested, list approximate market value.

Land <u>40,000</u>	Structures <u>170,100</u>	Total <u>210,100</u>
-----------------------	------------------------------	-------------------------

If taxes, penalties, interest, or costs which are now a lien against the real estate are being contested, list below.

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
Explain why the above amount has not been paid			

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
Explain why the above amount has not been paid			

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
Explain why the above amount has not been paid			

Total Amount Contested	Portion of total amount contested you are willing to pay
------------------------	--

Explain why you think this settlement is fair and reasonable

Property was incorrectly classed as taxable. Should be exempt application on file and approved.

Sign Here

**Signature of Applicant**

Applicant requests that the portion of the contested amount in excess of said sum offered should be abated, canceled and refunded. This statement is a true and full statement of all facts known to the applicant relative to this matter.

Signature of Applicant <u>M. G. Roth</u>	Date <u>12-7-21</u>
---	------------------------

Note: Minnesota Statutes, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00, or both."

**Use of Information**

In order to be considered for abatement, you must file this form.

The information on this form will be used to properly identify you and determine if you qualify for abatement of property taxes under M.S. 270C.86 or 270C.34. Your Social Security number is required. If you do not provide the required information, your application may be delayed or denied. Your County Assessor may also ask for additional verification of qualifications. Your Social Security number is considered private data.

## For Office Use Only

I, the undersigned county auditor, hereby certify the following amounts are the values and taxes currently on our records.

Amounts on Record

Year	Market Value		Taxes	Penalties	Interest	Costs	Total
	Land	Improvements					

### Certifications of Approval

For this abatement to be granted by the Commissioner of Revenue, it must have been carefully investigated and receive the favorable recommendation of (i) either the assessor or the county treasurer; (ii) the county auditor; and (iii) the county board.

#### Recommendation of Assessor or Treasurer

☒ Approved ☐ Denied

Signature Lucas Overland Title Assessor Date 12/6/21

#### Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Donna Tullu Date 12/15/21

#### County Board of Commissioner's Action (to be completed by County Auditor)

☐ Approved ☐ Denied

Signature \_\_\_\_\_ Date \_\_\_\_\_

### Certifications of Final Approval

(complete only for approved abatements; to be completed by County Auditor)

I certify that the approval of this abatement will result in the following changes:

Total Tax, Penalty, and Interest \$ \_\_\_\_\_ Proposed Penalty Reduction \$ \_\_\_\_\_

Proposed Tax Reduction \$ \_\_\_\_\_ Total Proposed Reduction \$ \_\_\_\_\_

Proposed Interest Reduction \$ \_\_\_\_\_ Total Amount Payable \$ \_\_\_\_\_

Upon payment of \$ \_\_\_\_\_ by the applicant, all taxes, penalties, interest, and costs above in excess of the payment amount are abated and cancelled, and the payment will be accepted as a full settlement.

This approval was granted by the county board as an official action of that body or by the county auditor under a delegation from the board and has been entered upon the records of the county as a public record showing the names of the taxpayers, other concerned persons, and the amounts.

Signature of County Auditor \_\_\_\_\_ Date \_\_\_\_\_

Final Approval

DEPARTMENT OF REVENUE

The Commissioner of Revenue may grant these reductions or abatements of inequitable or unjust taxes, penalties, interest or special assessments not yet paid, and order the refund of taxes, penalties, interest or special assessments that have been erroneously or unjustly paid. (M.S. 270C.86, Subd. 1) Upon the favorable recommendation of the local officials, as certified above, the Commissioner of Revenue approves the abatement of the following amounts:

Proposed Penalty and Interest Reduction \$ \_\_\_\_\_

Proposed Tax Reduction \$ \_\_\_\_\_

Total Proposed Reduction \$ \_\_\_\_\_

Signature of Commissioner or Delegate \_\_\_\_\_ Date \_\_\_\_\_

Signature of Commissioner or Delegate \_\_\_\_\_ Date \_\_\_\_\_

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
December 21, 2021**

**Date Submitted: 12.13.2021**

**By: Tess Kruger, HRD/Facilities Mgr.**

**ACTION REQUEST**

- **Consider approving the Memorandum of Understanding with AFSCME regarding the 10/01/2021 union grievance**

**APPOINTMENT REQUEST**

- **None**

**HR CONSENT AGENDA REQUEST**

- **None**

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

## **MEMORANDUM OF UNDERSTANDING**

### **REGARDING THE INITIAL PLACEMENT OF NEW HIRES WITHIN THE AFSCME COUNCIL 65, Local No. 2166 BARGAINING UNIT**

**This Memorandum of Understanding (“MOU”) is made and entered into effect the 23<sup>rd</sup> day of November 2021 by and between the COUNTY OF HOUSTON (“COUNTY”) and the AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES COUNCIL 65, Local No. 2166 (“UNION”).**

### **RECITALS**

- A.** A grievance dated 10/01/2021 was put forth by the UNION asserting the County hired a Lead Social Worker at Step 8 of the salary grid of the parties collective bargaining agreement (“CBA”) and that doing so constituted a violation of Article XI Subd. B.
- B.** The COUNTY and the UNION desire to settle this grievance.
- C.** The COUNTY and UNION met on 11/17/2021 pursuant to the procedure set forth in Article XX, D. Step 2 of the CBA and the parties reached a mediated settlement with the assistance of the Bureau of Mediation Services.

**NOW, THEREFORE, the COUNTY and the UNION agree to the following:**

- 1.** This MOU addresses the initial placement of new hires for exempt classifications on the CBA Salary grid. It does not apply to the initial placement of promoted or reassigned UNION members.
- 2.** The COUNTY agrees not to offer employment to a prospective exempt new hire at a salary greater than Step 4 of the 2021 CBA salary grid except by prior mutual agreement of between the COUNTY and the UNION.
- 3.** The COUNTY and the UNION agree to act in good faith and to exchange information in a timely manner so as not to impede reasonable hiring timeframes.
- 4.** This MOU is effective for the term of the 2021 CBA and until such time as the COUNTY and the UNION have negotiated a subsequent collective bargaining agreement.
- 5.** Specific terms and/or conditions set forth in this MOA supersede conflicting terms or provisions of the 2021 CBA; however, the CBA is controlling regarding the terms and conditions of employment provisions set forth therein which are not specifically addressed in this MOU.


6. This MOU is not precedent setting for any purposes.
7. This MOU represents the full and complete understanding of the parties regarding this matter.

**IN WITNESS WHEREOF**, the COUNTY and the UNION have executed the Memorandum effective the 24th day of November, 2021.

**FOR THE UNION:**

  
Max Forrester, AFSCME Business Agent

Date: 11/22/2021

  
Jennifer Daley-Oakes, President  
AFSCME Local 2166

Date: 11/22/2021

**FOR THE COUNTY:**

\_\_\_\_\_  
Robert Burns, County Board Chair

Date: 11/ /2021

\_\_\_\_\_  
Theresa Arrick-Kruger, County HR Director

Date: 11/ /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: 21-Dec-21

Person requesting appointment with County Board: Amelia Meiners

**Issue:**

CUP Approval/Denial:1) Shawn Allen - Build an accessory building in a residential district in La Crescent Township.

**Justification:**

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

**Action Requested:**

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

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.

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Shawn Allen, 4643 County 6, La Crescent, MN 55947, for a Conditional Use Permit for an Accessory Building in a Residential District (Section 29 – 29.14 Accessory Buildings and Structures in Residential Districts, Subdivision 1), in La Crescent Township on following premises, to-wit:

SOUTH PINE CREEK ADDITION Lot-003 Block-001, Section 1, Township 104, Range 5, Houston County, Minnesota. (Parcel #08.0734.000)

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, December 16, 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](mailto:amelia.meiners@co.houston.mn.us), and must be received by Tuesday, December 7, 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: December 1, 2021



Houston County Board of Adjustment  
December 16, 2021

**DRAFT            DRAFT            DRAFT**

The Houston County Board of Adjustment met at 5:30 p.m. on Thursday, December 23, 2021. A summary of the meeting follows.

The meeting was called to order by Chairman Ken Anderson. Roll call was taken. Members present were Ken Anderson, Ken Visger, Larry Hafner, Franklin Hahn and Wayne Runningen. Amelia Meiners was present for Environmental Services.

XXXXX made a motion to approve the minutes of September 23, 2021. XXXXX seconded. Roll call vote was taken. All were in favor. Motion carried.

**Notice of Public Hearing No. 503** was read for **Shawn Allen**, 4643 County 6, La Crescent, MN 55947.

The Applicant is seeking two variances:

1. Variance to allow an accessory building nearer the front lot line than the principal building (29.14 subd. 2).
2. Variance to allow a garage door height in excess of 10 feet (29.14 subd. 1 (5)).

- This is a 4.2-acre lot in the South Pine Creek Addition subdivision in La Crescent Township. The subdivision was platted in 1980. The dwelling was constructed in 1993 with Permit #691 and Permit #1186 was issued for a pole shed in 2011. Both were issued by La Crescent Township Zoning.
- Section 29, General Provisions, of the Houston County Zoning Ordinance (HCZO) includes language regulating accessory structures in various districts, which contains the CUP requirement. There is no limit on the number of accessory structures allowed.
- **29.14 ACCESSORY BUILDINGS AND STRUCTURES**  
***Subdivision 1. Accessory Buildings and Structures in Residential Districts.***  
*(1) No accessory buildings may be located within five (5) feet of the side lot line or within eight (8) feet of the rear lot line.*  
*(2) No accessory building shall be located nearer the front lot line than the principal building on the lot.*  
*(3) No accessory building shall exceed the height of the principal building.*  
*(4) Accessory buildings, 200 square feet in area or less that are portable and not attached to any foundation, and which meet all other requirements of this ordinance, are permitted uses and do not require a building permit. All other accessory structures in the Residential District, except as provided in paragraph 5 below shall require a conditional use permit.*  
*(5) No private garage used or intended for the storage of passenger automobiles shall exceed fifteen hundred square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet. Setback standards shall meet the requirements as set forth in section 15 of this ordinance.*  
*(6) When a private garage is oriented so as to face onto a public street it shall not be less than twenty (20) feet from the right-of-way line.*
- The language is less-than-perfect and requires interpretation, thus a written policy has been drafted, which provides for placement of accessory buildings in the Residential District as follows:



=<200 sf	No permit required
201-1499 sf	Zoning permit required
=>1500 sf	CUP required

- No components that generate wastewater are proposed.
- This site is located south of County 6 in La Crescent Township. The parcel is approximately 4.2-acres, which is larger than most residential lots. It borders ag protection district to the east and residential zoning to the west. The lot has only gradual slope near the highway that increases dramatically behind the dwelling. Slopes may allow a building behind the house, but risk for erosion would be increased in that location. Since most septic systems are pressurized, this may be an ideal secondary septic location.
- Soils in the proposed location are 455B2, a silt loam. The limiting factor for this soil is its low strength. No floodplain, water features or wetlands are mapped on the property. Feedlot and mine setbacks are not relevant to accessory structures.
- The applicant will seek a CUP at the 5:00pm Planning Commission hearing for a structure over 1,500 square feet.
- La Crescent Township and the ten closest property owners were notified. Two comments were received.

Chairman Anderson asked Shawn Allen if he had anything to add.

Chairman Anderson asked if anyone else wished to speak. There were no comments.

Chairman Anderson asked that the Findings be read being there were no further comments.

## 12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls?

Staff Analysis: The Comprehensive Land Use Plan identifies that urban development will be encouraged in rural areas adjacent to the City of La Crescent. Accessory structures are allowable within urban areas, but are limited in size.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The dwelling is located near the back of the lot similar to the neighboring lot, which makes building behind the dwelling difficult. To make matters more complex, the grade behind the house increases dramatically which would make for a greater potential erosion issue. In respect to the garage door height, the garage door must be larger to accommodate taller equipment such as an RV.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: The natural topography prevents over half of the lot from being buildable and while the current landowners built the house back in 1993, the dwelling location at the toe of the hill is very similar to the other three houses in this subdivision. It is also reasonable to believe that they did not know what their needs would be in 30 years and the ordinance in effect at that time does not appear to have the same requirement had they planned for it.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The dwelling was constructed almost thirty years ago and would have needed to be located closer to CSAH 6 to allow for easily locating another structure behind it in this long, narrow lot. Slopes may allow a building behind the house at this point, but there is a high potential for erosion issues. The garage door height variance can be alleviated by storing taller equipment outside, however the purpose of building this shed is to house equipment out of sight of neighboring properties.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: This proposal would be a permitted use in the ag protection district and two out of the other three lots in this subdivision have sheds very near 1,500 square feet so larger accessory buildings are not out of character for the location.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: There is no floodplain in the vicinity of the building location and this will not allow a use not allowed in the zoning district, provided a CUP is granted.

Board agreed to the finding by a unanimous vote.

XXXXX made a motion to accept the findings. XXXXX seconded. Roll call vote was taken. All were in favor. Motion carried.

Chairman Anderson asked for a motion on the variance request if there were no additional comments or questions.

XXXXX made a motion to grant a variance to allow an accessory building nearer the front lot line than the principal building and a variance to allow a garage door height in excess of 10 feet.

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

**Notice of Public Hearing No. 504** was read for **Greg Josewski**, 12040 Sahara Circle, Rogers, MN 55374.

The petitioner is seeking variances from the side lot setback requirement for an existing building and a structure under construction that is replacing an old building. *The BOA may need to consider whether to consider the variances independently.*

- This parcel is one of eight created with a land split back in the early 2000s and contains the original farmstead. When the applicant purchased this property in 2019, all that remained was two barns and a silo (see Fig. 1). According to Assessor's records, the buildings on the parcel have no value.
- A previous owner sought a conditional use permit (CUP) in 2007 to build a house on less than 40 acres in the agricultural district. He later removed the existing house, but never constructed a new dwelling, resulting in the CUP expiring after nine months. Multiple landowners own property in that quarter-quarter and a different landowner was issued a dwelling permit in 2016. This quarter-quarter is now occupied so this building can never be repurposed into a dwelling.
- The applicant purchased this property not realizing the structures are non-compliant. As you will read in the application, the petitioner claims to have contacted the office with questions and was told that replacing a structure in kind did not require a building permit or variance. I have no record of contact for Aaron or myself from the applicant or for this parcel in general. If we research a parcel for landowners, it is documented in our digital notebook.
- On October 14, the Zoning Office received an inquiry into the building being constructed at this location. After finding no permit had been issued and construction was indeed taking place, a stop work order was hand delivered on October 22. The initial concern was the structure possibly encroaching on the township road setback. The applicant submitted a building permit application on October 27 and a site visit to investigate the township road setback found that the structure was 85 feet from Union Ridge Drive, but the east property line is only 32 feet from the building. The building on the western boundary is in the same situation and the landowner plans to utilize it in the future as well.
- Even though this building is replacing an older structure, the reality is that this was an illegal parcel split. The building that is being replaced could have been relocated to meet the standards, but regardless, a variance is still needed to make the other structure compliant since they do not plan to remove that. In addition, concerns have been raised over the use of the building. The landowner states he plans to use trailers (a camper and fish house) for sleeping quarters and the shed will provide a bathroom, kitchen, heat, electricity, and storage for equipment.
- The slopes at the building location are minimal. Approximately 1.8 acres near the road and outside of setback area could have been easily utilized for building. The existing driveway meets access requirements.
- There are no floodplain, wetland or shoreland concerns. The intermittent streams are about 1,200 feet to the northwest and southwest and one is approximately 2,000 feet to the east.

- Ag buildings have no soil restrictions. The soil type at the location of the new building is 103B, a Seaton silt loam, which is described as suitable for building site development based on the Soil Survey – Houston County. The remaining area near the road is 103C2 which sometimes requires more land shaping. A septic system will be required for the bathroom and will need to be designed by a licensed professional. Feedlot and mine setbacks are irrelevant to this proposal.
- Mound Prairie Township and the ten closest property owners were notified. Two comments were received.

Chairman Anderson asked Greg Josewski if he had anything to add.

Chairman Anderson asked if anyone else wished to speak. There were no comments.

Chairman Anderson asked that the Findings be read being there were no further comments.

## 12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls?

Staff Analysis: The Land Use Plan encourages development at or near existing developed locations and rehabilitation of existing infrastructure.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The applicant claims to have contacted the Zoning Office regarding permitting this structure and was told he could proceed without a permit, since he was replacing it in kind. The structure on the east side of the parcel has been partially completed at this point and the structure on the west side of the parcel was built in 1962. The landowner plans to use the building to house equipment necessary for maintaining the property.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: The applicant claims to have contacted the Zoning Office regarding permitting this structure and claims he was told he could proceed without a permit because he was replacing a structure in kind. In addition, the parcel split that created this non-compliance was completed prior to the applicant's ownership.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: This building could have easily been relocated had a building permit application been submitted. This would have made the applicant aware of the non-compliance before construction commenced. However, a variance would still have been required to bring the existing building along the western boundary into compliance after the illegal split.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: Ag sheds are commonly found in the agriculture district. The new construction project will improve property values and mitigate safety concerns around the old structure.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: The request is to allow a reduced side yard setback for an ag building that is replacing a dilapidated ag building. Ag buildings are permitted uses in the agricultural district. There is no floodplain in the vicinity.

Board agreed to the finding by a unanimous vote.

Chairman Anderson asked for a motion on the findings if there were no additional comments or questions.

XXXXX made a motion to accept the findings. XXXXX seconded. Roll call vote was taken. All were in favor. Motion carried.

Chairman Anderson asked for a motion on the variance request if there were no additional comments or questions.

XXXXX made a motion to grant a variance of 17 feet for an existing building to the east property line and 32 feet for an existing building on the west property line.

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



**Notice of Public Hearing No. 505** was read for **Mark Erickson**, 9686 Day Valley Dr, Houston, MN 55943.

The petitioner is looking for a variance from the toe of bluff setback requirement and 12' to reduce side yard setbacks for the proposed building.

- This site was an old school house that was first repurposed into a cabin and then dwelling. On 5/28/2003, Permit #2640 allowed for an addition on the house and an attached garage. Permit #2522 from 5/21/2002 allowed for a pole shed. It is unclear to staff how the original pole shed structure was allowed because the same bluff standards existed at that time as do now. The landowner lost the existing shed to a fire in early 2021 and instead of rebuilding in the same location, he was hoping to move the building in line with the dwelling so he could create a covered access in between.
- After mapping the parcel based on the survey, staff believe that the western boundary is not correct as pictured on Beacon. As lines are drawn on Beacon currently the structure is right at the 50 foot setback requirement so this correction may require a side yard setback variance. The Surveyor's Office has been asked to confirm this, but that was not provided prior to this publication. A final determination will be provided at the hearing.
- County 25 right-of-way (Fig. 3) extends beyond the normal distance in this area to allow for repair of the hillside should an issue arise. This proposal will be very close to that line and the landowner has located the right of way markers. Brian Pogodzinski, the County Engineer, has been involved with the building permit review from the beginning and recommended the following conditions be part of the building permit approval.
  1. Property owner shall hire a registered land surveyor to survey and stake the right-of-way line adjacent to the construction site to ensure the new building is outside of the right-of-way.
  2. No disturbance within the right-of-way shall occur without first obtaining a "Work in the Right of Way Permit" from the Highway Department.
- His other concern was the disturbance, "The area recently disturbed appears to be very close to, if not already across, the property line and has a vertical slope cut at the edge of disturbance. The vertical slope would not be a stable slope long-term which could negatively impact their building and the snowmobile trail above it that goes along the old roadbed. With the existing slope between the old roadbed and existing garage area already being very steep, engineering/geotechnical analysis may be warranted if the landowner disturbs the existing slope."
- See applicable ordinance citations below:
 

**14.8 SIDE YARD SETBACK STANDARDS**  
*Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifty (50) feet on each side of the building.*

**29.17 BLUFF LAND PROTECTION**  
*Subdivision 2. Setback from the Toe of a Bluff. Structures shall be set back forty (40) feet from the top of a bluff and twenty-five (25) feet from the toe of a bluff.*
- Slope and addressing water runoff issues are the main concerns at this site. Sites are to be evaluated based on the natural topography, but the applicant had begun excavation work by the time staff viewed the site. Realistically, the hillside was likely altered back in 2002.
- Soils are 388E, a Churchtown silt loam. The Soil Survey – Houston County identifies the main limitation as slope, which requires extensive land shaping. It recommends that buildings conform to the natural topography.
- There is an intermittent stream 300 feet to the northeast that skirts around the property and then ends up about 1,000 feet south of the site. There are no wetland, shoreland or floodplain concerns. Feedlot and mine setbacks are irrelevant to this proposal.
- The SWCD plans to review the site and will provide a report for the hearing.

- Mound Prairie Township and the ten closest property owners were notified. One comment was received.
- Mound Prairie Township has concerns with the second driveway that the applicant maintains and this will be addressed as a condition on the building permit.

Chairman Anderson asked Mark Erickson if he had anything to add.

Chairman Anderson asked if anyone else wished to speak. There were no comments.

Chairman Anderson asked that the Findings be read being there were no further comments.

## 12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls?

Staff Analysis: The Land Use Plan has a policy to promote land management practices that protect our natural resources. Bluff land is one of those resources and the applicant has identified strategies he believes will mitigate any risk.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The applicant is seeking to replace an accessory structure that was lost to a fire in early 2021. Accessory structures are common on any property within the County. While this parcel does have over two acres, the buildable area is extremely limited when all setbacks, slopes, right of way, well and septic locations are taken into account.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: There was an existing shed in a similar location, so it is reasonable that the landowner expected to be able to build in the proposed location. Slopes and road setbacks limit the usability of this parcel and there is no alternative location to build a structure of that size on this parcel.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: Between steep slopes and road setbacks, there is no alternative location available. The applicant feels this proposal is an improvement upon what had been existing because there will only be one building impacting runoff from the hillside, rather than two as it was when the old shed structure was present.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: Accessory structures are commonly found in the agricultural district so this proposal will not alter the essential character of the locality nor impair property values, public health, safety or welfare.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: There is no floodplain in the vicinity of this proposal. Structures accessory to a dwelling are a permitted use in the agricultural district.

Board agreed to the finding by a unanimous vote.

Chairman Anderson asked for a motion on the findings if there were no additional comments or questions.

XXXXX made a motion to accept the findings. XXXXX seconded. Roll call vote was taken. All were in favor. Motion carried.

Chairman Anderson asked for a motion on the variance request if there were no additional comments or questions.

XXXXX made a motion to grant a variance for the toe of bluff setback requirement and a variance of 12 feet to reduce the side yard setback for the proposed building.

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

XXXXX made a motion to adjourn the meeting. XXXXX seconded. All were in favor. Motion carried.



Submitted by Houston County Board of Adjustment Clerk on December 17, 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 11/30/2021

Application Date: 11/1/21  
Hearing Date: 12/16/2021  
Petitioner: Shawn Allen  
Reviewer: Amelia Meiners  
Zoning: Residential  
Address: 4643 County 6  
Township: La Crescent  
Parcel Number: 080734000  
Submitted Materials: CUP Application, Site Plan and supporting materials

## OVERVIEW

### REQUEST

The petitioners are seeking a Conditional Use Permit (CUP) to build a 2,400 square foot accessory building in the residential district. The use of which will be accessory to the primary dwelling.

### SUMMARY OF NOTEWORTHY TOPICS

This is a 4.2-acre lot in the South Pine Creek Addition subdivision in La Crescent Township. The subdivision was platted in 1980. The dwelling was constructed in 1993 with Permit #691 and Permit #1186 was issued for a pole shed in 2011. Both were issued by La Crescent Township Zoning.

Section 29, General Provisions, of the Houston County Zoning Ordinance (HCZO) includes language regulating accessory structures in various districts, which contains the CUP requirement. There is no limit on the number of accessory structures allowed.

#### **29.14 ACCESSORY BUILDINGS AND STRUCTURES**

##### ***Subdivision 1. Accessory Buildings and Structures in Residential Districts.***

*(1) No accessory buildings may be located within five (5) feet of the side lot line or within eight (8) feet of the rear lot line.*

*(2) No accessory building shall be located nearer the front lot line than the principal building on the lot.*

*(3) No accessory building shall exceed the height of the principal building.*

*(4) Accessory buildings, 200 square feet in area or less that are portable and not attached to any foundation, and which meet all other requirements of this ordinance, are permitted uses and do not require a building permit. All other accessory structures in the Residential District, except as provided in paragraph 5 below shall require a conditional use permit.*

- (5) No private garage used or intended for the storage of passenger automobiles shall exceed fifteen hundred square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet. Setback standards shall meet the requirements as set forth in section 15 of this ordinance.
- (6) When a private garage is oriented so as to face onto a public street it shall not be less than twenty (20) feet from the right-of-way line.

The language is less-than-perfect and requires interpretation, thus a written policy has been drafted, which provides for placement of accessory buildings in the Residential District as follows:

$\leq 200$ sf	No permit required
201-1499 sf	Zoning permit required
$\geq 1500$ sf	CUP required

No components that generate wastewater are proposed.

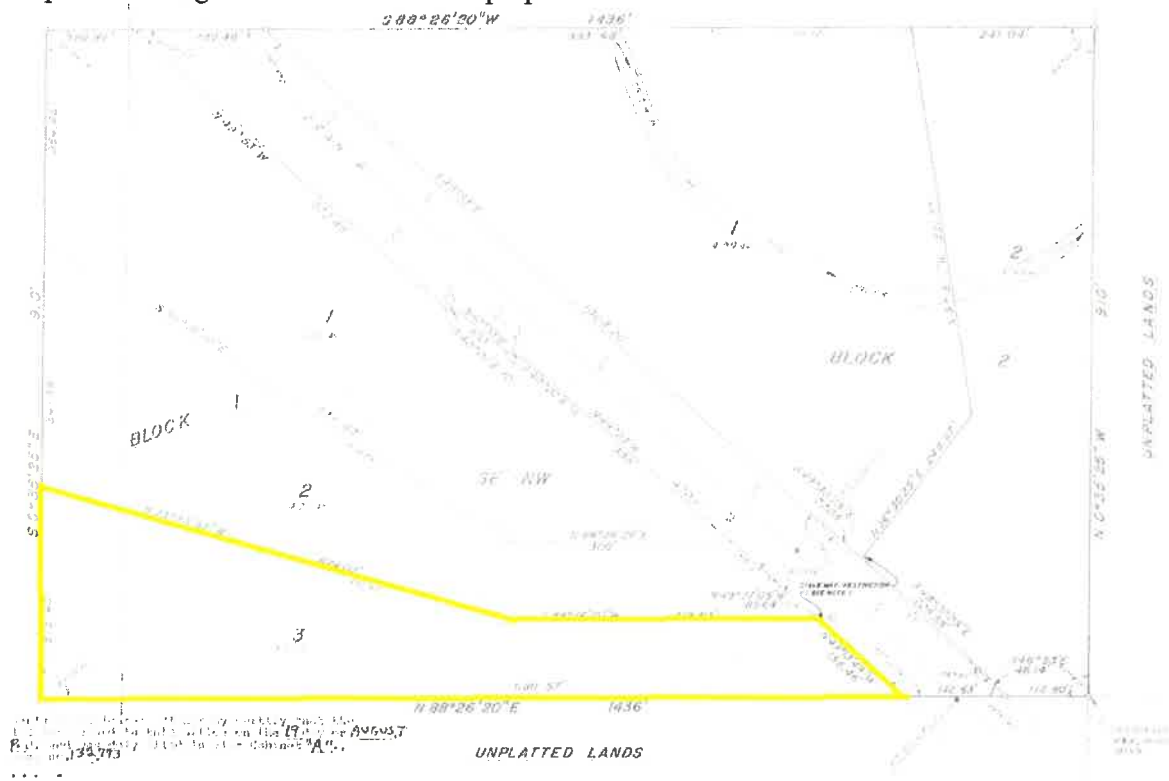


Figure 1. South Pine Creek Addition subdivision plat with lot outlined in yellow.

The applicant will seek variances at the 5:30PM hearing for garage door height and locating nearer the front lot line than the dwelling.



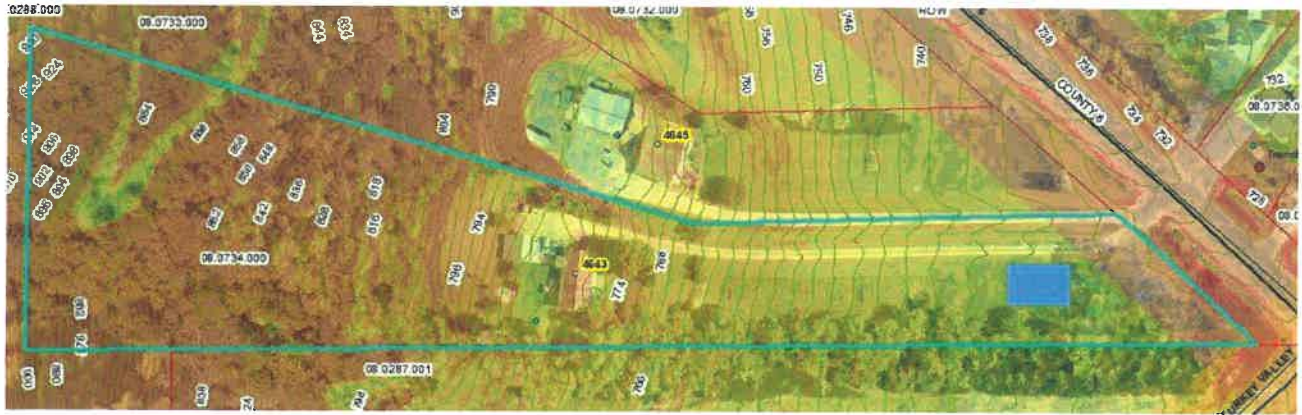
**Figure 2. View of proposed site looking south from County 6.**

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

La Crescent Township and the ten closest property owners were notified. Two comments were received and are enclosed.

#### SITE CHARACTERISTICS

This site is located south of County 6 in La Crescent Township. The parcel is approximately 4.2-acres, which is larger than most residential lots. It borders ag protection district to the east and residential zoning to the west. The lot has only gradual slope near the highway that increases dramatically behind the dwelling. Slopes may allow a building behind the house, but risk for erosion would be increased in that location. Since most septic systems are pressurized, this may be an ideal secondary septic location.



**Figure 3. Slopes are dark green (0-2%), green (2-6%), light green (6-12%), yellow (12-18%), orange (18-24%) and red (over 24%). The proposed building is shown in blue.**

Soils in the proposed location are 455B2, a silt loam. The limiting factor for this soil is its low strength. No floodplain, water features or wetlands are mapped on the property. Feedlot and mine setbacks are not relevant to accessory structures.

## 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 Land Use Plan identifies that urban development will be encouraged in rural areas adjacent to the City of La Crescent. Accessory structures are allowable within urban areas, but are limited in size.

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

Staff Analysis: The applicant is in need of storage for equipment that currently sits out in view of all the neighbors. Note that there are ordinances dictating what is allowable for exterior storage as well.

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

Staff Analysis: No impacts to the water quality are anticipated.

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

Staff Analysis: The applicant states that his desire is to place the structure in this location to minimize potential water runoff issues.

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

Staff Analysis: Soils are 455B2. Soil Survey – Houston County identifies the main limitation as the shrinking-swelling characteristic of the soils and recommends backfilling around foundations with suitable coarse materials to provide assurance against structural damage.

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



Staff Analysis: No pollution hazards are anticipated.

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

Staff Analysis: This is an existing residential property so all utilities are present, but will be extended to the new structure. That cost is the responsibility of the applicant.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: The property is bordered on one side by ag protection district in which this proposal would be a permitted use. The landowner on the residentially zoned side has a structure just over 1,500 square feet, but behind his dwelling. Overall, this structure will create a more visually appealing site for all neighbors.

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: The land surrounding them is fully developed to the extent possible. No impact is anticipated.

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: NA

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 shed is not intended to be used as a residence and accessory structures are allowable in the residential 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: NA

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: As proposed, no impacts to the public's health, safety, moral, and general welfare have been identified.

#### RECOMMENDATION

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

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Proposed motion: To recommend approval of a CUP to build a 2,400 square foot accessory building in the residential district.

Number <b>2021- CUP- 85733</b>	<b>ALLEN, SHAWN E   080734000  </b> <b>Conditional Use Request</b> Submitted by <b>allenshawn</b> on 11/1/2021	
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## CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 11/1/2021 3:35:46 PM and saved by: allenshawn

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    **\$700.00**  
Fee

Recording Fee                      **\$46.00**

Application Type:  
Conditional Use

## APPLICANT INFORMATION [\[Edit\]](#) Last updated: 11/1/2021 3:40:12 PM and saved by: allenshawn



Applicant Name **ALLEN,SHAWN E**

Telephone Number **5078958450**

Address **4643 COUNTY 6**

City **LA CRESCENT**

Zip **55947**

Parcel Tax ID **080734000**

Legal Description

Section-Township-Range **01/104/005**

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

**Township Contacts**

**CONDITIONAL USE REQUEST** [Edit] Last updated: 11/1/2021 3:40:18 PM and saved by: allenshawn

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**[Click here to view the Houston County Zoning Ordinance](#)**

Describe in detail your request.

**I am requesting a Conditional use report to construct a 40' x 60' foot building with a 16' x 14' overhead door. Currently I park several accessories (boats, cars, campers, and utility trailers) on the spot where I would like to put the building.**

**I can not construct the building behind the home because the grade of the lot is too steep and will surely cause excessive run off, and erosion problems.**

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

**29.14.1 (2) and 29.14.1 (5)**

Requested Dimension:

**40' x 60'**

**Please upload any  
supporting documents:**

[Shawn Allen current lot Nov 2021.jpg \(download\)](#)  
[Shawn Allen lot 08734000 plot plan.pdf \(download\)](#)  
[Shawn Allen lot grade Nov 2021.jpg \(download\)](#)  
[Shawn Allen proposed Building location road view Nov 2021.jpg \(download\)](#)

**CONDITIONAL USE FINDING OF FACTS** [Edit] Last updated: 11/1/2021 3:40:27 PM and saved by: allenshawn

---

[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:

**The proposed use for the building is personal use for my accessories. This use is not in conflict as far as I know for the Land Plan**

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

**Yes**

Comments:

**Currently I am storing my accessories outside in direct view of the neighbors, and passers-by. After speaking with the affected parties they agree that a nice building would be an improvement to the property, regardless that is in front the home**

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

**No**

Comments:

**As this is only a storage area; the proposed project will have no impact on water quality.**

**No**

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

Comments:

**The reason I am requesting this variance to place the building below the home is directly related to control of water runoff. If the building is placed above the home (which would require major excavation) there would be an erosion problem from excessive water runoff.**

**Yes**

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

Comments:

**There will be no septic or well. The soil is clay and loam. This type of soil is appropriate for this use.**

**Yes**

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

Comments:

**This is only a residential storage shed that should have no impact on pollution.**

**Yes**

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

Comments:

**This storage building will not require any more access from any type of utility than is currently in place.**

**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:

**A main reason for the building is to provide parking space that will not be obtrusive to passers-by or my surrounding neighbors.**

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

**Yes**

Comments:

**As this is residential storage building, and there are no plans for an increase in traffic. I can see no probability where an increase in traffic congestion or a create any traffic hazard may be created.**

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

**Yes**

Comments:

**One of the main reasons for this request is to construct a building that will increase the beauty of the immediate vicinity. Currently I am parking vehicles and trailers in direct view. It is my intention to create a more eye appealing view.**

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

**No**

Comments:

**Currently much of the property in this vicinity is agricultural. There are many types of buildings similar to what I am proposing. Also this building will not impede the normal development of any of the surrounding vacant agricultural property. The lot is also mostly surrounded by trees and thus hidden from view.**

**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**

**Yes**

**neighboring properties will result.**

Comments:

**There are no plans to do any kind of activities that would create any of the above offenses to the human senses. Also there will be no lighted signs and it is my intention improve the possibility of any disturbances to the neighbors.**

**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:

**This is a rural area, much of the surrounding lots are agricultural therefore I feel that there will be no impact to the residential development of the surrounding area. Also this should have no impact on zoning. There is no additional housing requested.**

**No**

**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:

**This application is for residential use; therefore there should be no impact to any development either commercial or residential. Also there will be no impact to the intensity characteristic. I am not adding dwellings, businesses, increased traffic, nor manufacturing.**

**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:

**This residential storage building should have no impact to the public's health, safety, morals, or general welfare.**

# SITE PLAN INFORMATION [Edit] Submitted by Applicant 13 Last updated: 11/1/2021 3:40:35 PM and saved by: allenshawn

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

## Upload Site Plan

[Shawn Allen lot 08734000 site plan.pdf \(download\)](#)

[Shawn Allen lot grade Nov 2021.jpg \(download\)](#)

## Use Interactive Map to Create Site Plan



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

**I have added a red rectangle of the approximate size and estimated location of the proposed building. Please note that I have uploaded pictures of the current lot and grade behind the home showing the grade elevation. It is generally agreed that the grade behind the home too steep to excavate for a building. It would require major excavation, drainage work and retaining walls.**

## APPLICATION SUBMITTAL [Edit] Last updated: 11/1/2021 3:40:44 PM and saved by: allenshawn

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 **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**

Date Signed:  
11/01/2021

---

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

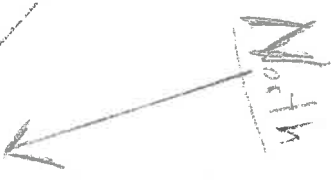


Parcel 08.0734.000



Not Done

La Crescent DRH









**Amelia Meiners**

---

**From:** Brian Pogodzinski  
**Sent:** Monday, November 29, 2021 7:43 AM  
**To:** Amelia Meiners  
**Subject:** RE: Conditional Use Notice for Public Hearing

I don't have any concerns with the proposed building.

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

**From:** amelia.meiners@co.houston.mn.us <amelia.meiners@co.houston.mn.us>  
**Sent:** Wednesday, November 24, 2021 11:57 AM  
**To:** Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>  
**Subject:** Conditional Use Notice for Public Hearing

\*\*\* HOUSTON COUNTY SECURITY NOTICE \*\*\*

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

Notice of Public Hearing. A hearing on a Conditional Use request will be held at 5:00 PM on 12/16/21 at the Houston County Courthouse.

Applicant: ALLEN,SHAWN E:  
Parcel ID: 080734000

The purpose of the hearing is to consider a request for: I am requesting a Conditional use report to construct a 40' x 60' foot building with a 16' x 14' overhead door. Currently I park several accessories (boats, cars, campers, and utility trailers) on the spot where I would like to put the building. I can not construct the building behind the home because the grade of the lot is too steep and will surely cause excessive run off, and erosion problems.

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

Amelia Meiners

**Number:** [2021-CUP-85733](#)  
**Project:** Conditional Use Request  
**Description:** ALLEN,SHAWN E | 080734000 |  
**Created On:** 11/1/2021

[View this application](#)

**Amelia Meiners**

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**From:** Ron Beach <rlbeach48@gmail.com>  
**Sent:** Friday, November 26, 2021 7:25 PM  
**To:** Amelia Meiners  
**Subject:** Notice of public hearing

\*\*\* HOUSTON COUNTY SECURITY NOTICE \*\*\*

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

In regards to the application that Shawn Allen applied for I am for letting him go foreword with the building as it will hide all is junk which he said will be inside of said the new building Thank you Ron Beach

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Shawn Allen DATE: December 16, 2021

C.U.P. REQUESTED: To build an accessory building in the Residential 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 Land Use Plan identifies that urban development will be encouraged in rural areas adjacent to the City of La Crescent. Accessory structures are allowable within urban areas, but are limited in size.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant is in need of storage for equipment that currently sits out in view of all the neighbors. Note that there are ordinances dictating what is allowable for exterior storage as well.

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: No impacts to the water quality 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: The applicant states that his desire is to place the structure in this location to minimize potential water runoff issues.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 455B2. Soil Survey – Houston County identifies the main limitation as the shrinking-swelling characteristic of the soils and recommends backfilling around foundations with suitable coarse materials to provide assurance against structural damage.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: No pollution hazards are anticipated.

Board agreed to the finding by a unanimous vote.



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

Staff Analysis: This is an existing residential property so all utilities are present, but will be extended to the new structure. That cost is the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: 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: The property is bordered on one side by ag protection district in which this proposal would be a permitted use. The landowner on the residentially zoned side has a structure just over 1,500 square feet, but behind his dwelling. Overall, this structure will create a more visually appealing site for all neighbors.

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: The land surrounding them is fully developed to the extent possible. No impact is anticipated.

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 shed is not intended to be used as a residence and accessory structures are allowable in the residential district.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: As proposed, no impacts to the public's health, safety, moral, and general welfare have been identified.

Board agreed to the finding by a unanimous vote.

Larry Hafner made a motion to accept the findings as presented. Greg Myhre seconded. All were in favor. Motion carried.

Bob Conway made the motion to recommend the Houston County Board approve the Conditional Use application to build an accessory building in a residential district with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.



**HOUSTON COUNTY  
AGENDA REQUEST FORM  
December 21, 2021**

**Date Submitted: 12.13.2021**

**By: Tess Kruger, HRD/Facilities Mgr.**

**ACTION REQUEST**

- **Consider approving the Memorandum of Understanding with AFSCME regarding the 10/01/2021 union grievance**
- **Consider approval of the elected officials 2022 salaries:**  
**County Attorney Samuel Jandt, \$120,803.90**  
**County Sheriff Mark Inglett, \$109,750.00**  
**Auditor/Treasurer Donna Trehus, \$89,419.00**
- **Non-Represented Employees**
  - **Consider approving placing all non-represented employees on the proposed initial placement pay grid at a step which is the next closest step that is equal to or greater than their current 2021 hourly rate equivalency with an across the board 2% COLA for year 2022. (See attached 2022 pay grid)**
  - **Employees whose current pay rate is beyond the new adjusted pay grid will receive a 2% COLA adjustment of their current pay rate for year 2022.**
  - **Temporary/seasonal employee wage scales for seasonal help, Veterans Service Drivers and Sheriff's Office Transport Officers pay rates will be adjusted 2% for 2022. (See attached agreement)**
- **Consider through mutual agreement with the IUOE, Local #49, that the current 2021-2023 agreement expires on 12/31/2021 and approve the proposed 2022-2024 Labor Agreement between the County of Houston and The International Union of Operating Engineers Local No 49, AFL-CIO**

**APPOINTMENT REQUEST**

- **None**

**HR CONSENT AGENDA REQUEST**

- **None**

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

2022 2%	Current Band	Grade	Steps									
			3.50%									
			0	1 yr	2 yr	3 yr	4 yr	5 yr	6 yr	7 yr	8 yr	9
A11			\$15.30	\$15.84	\$16.39	\$16.96	\$17.55	\$18.17	\$18.80	\$19.46	\$20.15	
A12			\$16.83	\$17.42	\$18.03	\$18.67	\$19.32	\$19.99	\$20.70	\$21.42	\$22.17	
A13			\$17.84	\$18.46	\$19.10	\$19.78	\$20.47	\$21.19	\$21.93	\$22.70	\$23.49	
B21			\$18.91	\$19.57	\$20.26	\$20.97	\$21.71	\$22.46	\$23.25	\$24.06	\$24.91	
B22			\$20.04	\$20.75	\$21.47	\$22.23	\$23.00	\$23.81	\$24.64	\$25.51	\$26.41	
B23			\$21.85	\$22.61	\$23.41	\$24.23	\$25.07	\$25.95	\$26.86	\$27.80	\$28.76	
B/24			\$23.16	\$23.97	\$24.81	\$25.67	\$26.57	\$27.50	\$28.46	\$29.46	\$30.49	
B25			\$24.55	\$25.41	\$26.30	\$27.21	\$28.16	\$29.15	\$30.17	\$31.23	\$32.32	
B31			\$25.29	\$26.17	\$27.09	\$28.04	\$29.02	\$30.04	\$31.09	\$32.18	\$33.30	
B32			\$26.81	\$27.74	\$28.71	\$29.72	\$30.76	\$31.84	\$32.96	\$34.11	\$35.30	
C41			\$28.42	\$29.42	\$30.45	\$31.51	\$32.61	\$33.75	\$34.94	\$36.16	\$37.42	
C42			\$29.84	\$30.88	\$31.96	\$33.08	\$34.24	\$35.43	\$36.68	\$37.96	\$39.29	
C43			\$31.03	\$32.11	\$33.23	\$34.39	\$35.60	\$36.84	\$38.13	\$39.46	\$40.84	
C44			\$32.58	\$33.72	\$34.90	\$36.13	\$37.39	\$38.70	\$40.06	\$41.45	\$42.90	
C52			\$34.54	\$35.75	\$37.01	\$38.30	\$39.64	\$41.02	\$42.46	\$43.95	\$45.49	
C53			\$35.58	\$36.82	\$38.11	\$39.44	\$40.82	\$42.25	\$43.73	\$45.26	\$46.84	
D61			\$36.65	\$37.93	\$39.26	\$40.64	\$42.05	\$43.52	\$45.04	\$46.62	\$48.26	
D62			\$38.12	\$39.45	\$40.83	\$42.26	\$43.74	\$45.27	\$46.85	\$48.49	\$50.18	
D63			\$41.93	\$43.40	\$44.92	\$46.49	\$48.12	\$49.81	\$51.55	\$53.36	\$55.22	
E81			\$46.12	\$47.74	\$49.41	\$51.14	\$52.93	\$54.78	\$56.70	\$58.69	\$60.74	
E82			\$48.89	\$50.60	\$52.38	\$54.21	\$56.11	\$58.08	\$60.11	\$62.21	\$64.38	

## **MEMORANDUM OF UNDERSTANDING**

### **REGARDING THE INITIAL PLACEMENT OF NEW HIRES WITHIN THE AFSCME COUNCIL 65, Local No. 2166 BARGAINING UNIT**

**This Memorandum of Understanding ("MOU") is made and entered into effect the 23<sup>rd</sup> day of November 2021 by and between the COUNTY OF HOUSTON ("COUNTY") and the AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES COUNCIL 65, Local No. 2166 ("UNION").**

### **RECITALS**

- A.** A grievance dated 10/01/2021 was put forth by the UNION asserting the County hired a Lead Social Worker at Step 8 of the salary grid of the parties collective bargaining agreement ("CBA") and that doing so constituted a violation of Article XI Subd. B.
- B.** The COUNTY and the UNION desire to settle this grievance.
- C.** The COUNTY and UNION met on 11/17/2021 pursuant to the procedure set forth in Article XX, D. Step 2 of the CBA and the parties reached a mediated settlement with the assistance of the Bureau of Mediation Services.

**NOW, THEREFORE, the COUNTY and the UNION agree to the following:**

- 1. This MOU addresses the initial placement of new hires for exempt classifications on the CBA Salary grid. It does not apply to the initial placement of promoted or reassigned UNION members.
- 2. The COUNTY agrees not to offer employment to a prospective exempt new hire at a salary greater than Step 4 of the 2021 CBA salary grid except by prior mutual agreement of between the COUNTY and the UNION.
- 3. The COUNTY and the UNION agree to act in good faith and to exchange information in a timely manner so as not to impede reasonable hiring timeframes.
- 4. This MOU is effective for the term of the 2021 CBA and until such time as the COUNTY and the UNION have negotiated a subsequent collective bargaining agreement.
- 5. Specific terms and/or conditions set forth in this MOA supersede conflicting terms or provisions of the 2021 CBA; however, the CBA is controlling regarding the terms and conditions of employment provisions set forth therein which are not specifically addressed in this MOU.

6. This MOU is not precedent setting for any purposes.
7. This MOU represents the full and complete understanding of the parties regarding this matter.

**IN WITNESS WHEREOF**, the COUNTY and the UNION have executed the Memorandum effective the 24th day of November, 2021.

**FOR THE UNION:**

  
Max Forrester, AFSCME Business Agent

Date: 11/22/2021

  
Jennifer Daley-Oakes, President  
AFSCME Local 2166

Date: 11/22/2021

**FOR THE COUNTY:**

\_\_\_\_\_  
Robert Burns, County Board Chair

Date: 11/ /2021

\_\_\_\_\_  
Theresa Arrick-Kruger, County HR Director

Date: 11/ /2021

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
December 21, 2021**

**Date Submitted: December 17, 2021**

**By: Carol Lapham**

Action item:

Adopt 2022 Tax Levy Resolution 21-61.

Action item:

Adopt 2022 Operating Budget Resolution 21-62.

**Reviewed by:**

\_\_\_ HR Director

\_\_\_ Finance Director

\_\_\_ IS Director

\_\_\_ County Attorney

\_\_\_ Environmental Svcs

County

Sheriff

County

Engineer

X

X

PHHS

Other

(indicate

dept)

**Recommendation:**

**Decision:**

**RESOLUTION NO. 21-61**

BE IT RESOLVED, that the certified levy after the deduction of County Program Aid (CPA), in the amount of \$12,875,727 be made on all taxable property in the County of Houston for taxes payable in 2022 in the following amounts by County Fund:

County Revenue	\$ 8,209,057
Road & Bridge	2,152,869
Human Services	2,198,932
Bond Fund – 2017A Jail Bonds	744,817
Bond Fund – 2020A Jail Bonds	628,163
	-----
Total	\$13,933,838
Less CPA	(1,058,111)
	-----
Total Levy	<u><u>\$12,875,727</u></u>

**\*\*\*\*\*CERTIFICATION\*\*\*\*\***

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, Donna I Trehus, do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners at a special session dated December 21, 2021.

WITNESS my hand and the seal of my office this 21st day of December, 2021.

(SEAL)

\_\_\_\_\_  
Donna I Trehus, County Auditor/Treasurer

**RESOLUTION NO. 21-62**  
**RESOLUTION ADOPTING 2022 OPERATING BUDGET**

	Revenue	Expenditures	Revenues Over (Under) Expenditures
	-----	-----	-----
County Revenue	\$11,777,537	\$11,804,508	\$ (26,971)
Road & Bridge	9,851,135	9,858,208	(7,073)
Human Services	6,881,417	6,888,641	(7,224)
Debt Service	1,419,308	1,419,308	
	-----	-----	-----
Grand Total	\$29,929,397	\$29,970,665	\$ (41,268)
	=====	=====	=====

**\*\*\*\*\*CERTIFICATION\*\*\*\*\***

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, Donna I Trehus, do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners at a special session dated December 21, 2021.

WITNESS my hand and the seal of my office this 21st day of December, 2021.

(SEAL)

\_\_\_\_\_  
Donna I Trehus, County Auditor/Treasurer