

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: August 23, 2022

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present:

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

Others Present:

Auditor/Treasurer Donna Trehus, Reporter Craig Moorhead, Reporter Charlene Selbee, Finance Director Carol Lapham, Board Clerk/EDA Director Allison Wagner, Interim Recorder Mary Betz, Human Resources Director Theresa Arrick-Kruger, County Engineer Brian Pogodzinski, MnDOT Principal Planner Kurt Wayne, MnDOT personnel Cindy Morgan, Tracy Schnell, Greg Paulson, and Fausto Cabral, Southern Minnesota Regional Medical Examiner's Office Death Investigations Monica Kendall, Southern Minnesota Regional Medical Examiner's Office Chief Medical Examiner Ross Reichard, SMIF Vice President of Philanthropy Alissa Oeltjenbruns, Attorney Samuel Jandt, Chief Deputy Brian Swedberg, Assessor Lucas Onstad, and John Fuchsel

Presiding: Chairperson Myhre

Call to order.

Pledge of Allegiance.

Prior to approving the agenda consent items No. 4 and 5 were removed from the agenda as an employee had rescinded their resignation. The items were no longer needed. Motion was made by Commissioner Burns, seconded by Commissioner Severson motion unanimously carried to approve the agenda with the changes.

Motion was made by Commissioner Walter, seconded by Commissioner Severson, motion unanimously carried to approve the meeting minutes from August 9, 2022.

Motion was made by Commissioner Burns, seconded by Commissioner Johnson, motion unanimously carried to approve the workgroup session minutes from August 16, 2022.

Public Comment:

None.

APPOINTMENTS

REGULAR SESSION—August 23, 2022

Kurt Wayne, Principal Planner from MnDOT presented to the County board as a part of MnDOT's D6 County Outreach Plan. He gave State and District planning updates. Wayne reviewed the 10-year District Roadway and Bridge Plan. He also gave an update on the Statewide Multimodal Transportation Plan (SMTP) for 2022-2041. Focus areas within the plan included aging infrastructure, climate, economy and employment, equity, safety, and transportation options. Wayne also discussed the Minnesota State Highway Investment Plan (MnSHIP) and the Minnesota Electric Vehicle Infrastructure Plan. Minnesota would be investing \$68 million in the plan over the next five years. Commissioner Johnson asked about lost revenue from collecting gas tax and if the State was looking into that. Wayne and MnDOT employees also discussed local projects and concerns with Commissioners.

Chief Medical Examiner, Ross Reichard, presented the Southern Minnesota Regional Medical Examiner's Office 2021 Houston County report to Commissioners. He said the report and the office's work was a joint effort between many medical examiner staff. The report included total deaths and cases reported to the medical examiner. Information in the report included cause of death, manner of death, how many autopsies occurred, and injury types.

Alissa Oeltjenbruns, Vice President of Philanthropy, from Southern Minnesota Initiative Foundation (SMIF) presented to the board. Oeltjenbruns said SMIF had assisted with COVID-19 relief and that 23 million dollars had flowed through SMIF in the last couple years. She thanked Houston County for continued support and said it was through donors that SMIF was able to offer many grant programs that had benefited Houston County. Some of these grants included Community Foundation Relief Grants, Emergency Childcare Grants, Grow a Farmer Assistance Grants, Small Town Grants, Small Business Relief Grants and Loans, and Early Childcare and Education Wrap Around Grants.

At 10:35 a.m. motion by Commissioner Johnson, seconded by Commissioner Severson, motion unanimously carried to go into Closed Session pursuant to Minn. Stat. 13D.05, subdivision 1 (d), attorney – client privilege to consider the recent MAPE arbitration results. The Commissioners and Attorney Jandt attended the closed session.

At 11:23 the regular session resumed. Attorney Jandt said the Commissioners could make a decision regarding negotiations with MAPE. Commissioner Walter motioned to conclude negotiations with MAPE. The Commissioners voted by roll. All Commissioners voted no except for Commissioner Walter who voted to conclude negotiations with MAPE.

Dist. 1:	No	Dist. 2:	No	Dist. 3:	No	Dist. 4:	Yes	Dist. 5:	No
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CONSENT AGENDA

Motion was made by Commissioner Burns, seconded by Commissioner Severson, motion unanimously carried to approve the consent agenda. Approved items are listed below.

- 1) Approve MCAPS (Minnesota County Attorney Practice System) Agreement with Strategic Technologies Inc. (STI).
- 2) Change the employment status of Social Worker, Dianna Sunnes, from probationary to regular, effective 8/28/2022.
- 3) Change the employment status of Child Support Officer, Erin Woods, from probationary to regular, effective 9/07/2022.
- 4) Removed from consent agenda.
- 5) Removed from consent agenda.
- 6) Approve a competitive search for a 1.0 FTE Administrative Assistant, B22.

ACTION ITEMS

File No. 1 – Commissioner Walter moved, Commissioner Severson seconded, motion unanimously carried to approve Third Amendment to Medical Examiner/Autopsy Services Agreement.

File No. 2 – Commissioner Johnson moved, Commissioner Burns seconded, motion unanimously carried to approve Resolution No. 22-40 Emergency Operations Plan. See resolution below.

Resolution Approving 2022 Emergency Operations Plan

Resolution # 22-40

WHEREAS, the Houston County Board of Commissioners recognizes the 2022 update of the Emergency Operations Plan and all of its annexes as approved by the responsible department heads;

WHEREAS, the Houston County Board of Commissioners recognizes and accepts its roles prior to, during, and after a disaster as outlined in the 2022 update of the Emergency Operations Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Houston County Board of Commissioners accept the 2022 Houston County Emergency Operations Plan and all of its annexes, roles, and responsibilities.

File No. 3 – Commissioner Walter moved, Commissioner Burns seconded, motion unanimously carried to accept a donation of \$200 from the Brownsville VFW to the Veteran Services Office to use for any veteran's needs.

File No. 4 – Commissioner Severson moved, Commissioner Johnson seconded, motion unanimously carried to approve Resolution No. 22-41 and Joint Powers agreement between the County of Houston on behalf of the Sheriff's Office and the MN BCA. See resolution below.

RESOLUTION NO. 22-41

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE COUNTY OF HOUSTON ON BEHALF OF ITS SHERIFF

WHEREAS, the County of Houston on behalf of its Sheriff, desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County is eligible. The Joint Powers Agreements further provide the County with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Houston, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Houston on behalf of its County Attorney and Sheriff are hereby approved.
2. That the Houston County Sheriff- Mark Inglett, or his or her successor, is designated the Authorized Representative for the Sheriff. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Brian Swedberg, Houston County Chief Deputy, is appointed the Authorized Representative's designee.

3. That Greg Myhre -, the Chair of the County of Houston , and Donna Trehus, the County Board Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

File No. 5 – Commissioner Burns moved, Commissioner Severson seconded, motion unanimously carried to approve request to sign contract for purchase of a new County wide Law Enforcement software solution: Central Square. The initial set up would cost \$151,237.20 and would be split between the five cities (based on population) with police departments in the County. Chief Deputy Swedberg said the cities were aware of the upcoming costs and had agreed to pay their portion. Maintenance would be \$73,671.11 annually with the County's portion totaling \$43,051.99.

File No. 6 – Commissioners discussed approving additional ARPA dollars. Commissioner Burns moved, Commissioner Johnson seconded, motion unanimously carried to approve paying the initial payment for Central Square with ARPA funds.

Commissioner Johnson moved, Commissioner Burns seconded, motion unanimously carried to approve paying for initial Spring Grove related contract expenses such as training with ARPA dollars.

Commissioners discussed the possibility of allocating \$1,500 in ARPA funds to the Bluff Country Collaborative (BCC). The BCC was a partnership between schools, local businesses, and organizations in Houston and Fillmore County. Additional funding was needed for the upcoming school year. The Houston County Economic Development Authority (EDA) was an active partner in the program. It was the general consensus of the Commissioners that they would like to contribute to the BCC either through ARPA dollars or the EDA budget. No official decisions were made at the meeting.

DISCUSSION ITEMS

Commissioners discussed with departments including the Attorney's Office and Assessor's office 2023 budget requests.

Commissioners discussed recent and upcoming meetings and events they had attended. These included an EMS meeting, Workforce Development meeting, and the Highway Department Open House.

Commissioner Burns asked the Commissioners for feedback regarding SELCO negotiations. He would report back to the board.

Closing Public Comment: None.

Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to adjourn the meeting at 12:10 p.m. The next meeting would be a regular meeting on September 6, 2022.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Greg Myhre, Chairperson

Attest: _____
Donna Trehus, Auditor/Treasurer

Houston County Agenda Request Form

Date Submitted: 9/1/2022

Person requesting appointment with County Board: John Pugleasa, Director Public Health & Human Services

Will you be doing a power point or video presentation: Yes X NO

Issue:

This is an ammendment to the current Children's Mental Health Respite Grant agreement to extend the current grant term 6 months at 50% of current funding. This will result in a change from a State fiscal year (7/1 to 6/30) to a calendar year fiscal year (1/1-12/31).

Attachments/Documentation for the Board's Review:

Docusign document sent from State to Board Chair.

Justification:

Action Requested:

Approve as presented and sign docusign agreement

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

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and schedule appointments as appropriate.

**HOUSTON COUNTY
AGENDA REQUEST FORM
September 6, 2022**

Date Submitted: September 1, 2022

By: Tess Kruger, HRD/Facilities Mgr.

ACTION

- **Consider approval of AFSCME MOA regarding 2022 step placement**

APPOINTMENT REQUEST

- **NONE**

HR CONSENT AGENDA REQUEST

Auditor/Treasurer's Office

- **Initiate a competitive search for a full-time Deputy Auditor/Treasurer (replaces vacancy created by employee transfer to another department)**
- **Initiate a competitive search for a 0.5 FTE Deputy Auditor/Treasurer**

Environmental Services

- **Hire Lane Kountkofsky as a Drop Site Supervisor, 67 day casual employee at an hourly rate of \$15.49, conditioned upon successful completion of a background check**
- **Change Amelia Meiners' job classification from Environmental Specialist, B24 to Environmental Specialist Senior, C42, Step 1, effective September 12, 2022**

Information Systems

- **Hire Keyloe Xiong as a probationary, full-time Network/Helpdesk Technician, C42, Step 1, effective September 7, 2022, conditioned upon successful completion of background check**

Recorder's Office

- **Reassign Kathlene Barnet from Deputy Auditor/Treasurer to probationary, full-time Deputy Recorder, B21, Step 3, effective November 14, 2022**

Veterans Services

- **Hire Tim Klug, as a Veterans Services driver, 67 day casual employee at an hourly rate of \$14.97**

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: 31-Aug-22

Person requesting appointment with County Board: Martin Herrick

Issue:

CUP Approval/Denial: 1) William Gartner - To have a cabin in the ag district in Winnebago Township. 2) Jordan & Rachelle Meyer - to operate an agriculture oriented business in the ag district in Winnebago Township. 3) U.S. Fish & Wildlife Service - To repair a leve in a flood plain district in Hokah Township.

Justification:

Final Approval by the County Board. (Agenda, Hearing Notices, Findings and Board Packets are attached.)

Action Requested:

For County Use Only

Reviewed by:

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

Recommendation:

Decision:

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

**HOUSTON COUNTY
PLANNING COMMISSION
Thursday, August 25, 2022**

***Hearings are in the Houston County Commissioner's Room.
Please enter through the west entrance. Doors will open at 4:45 pm.***

PLANNING COMMISSION

Approve Minutes for July 28, 2022

CONDITIONAL USE HEARINGS:

- 5:00 pm ***William Gartner – Winnebago Township***
Conditional Use Permit to have a cabin in an agricultural district (14.3 Subd. 1(5)).
- 5:20 pm ***Jordan & Rachelle Meyer and Gordan & Barbara Meyer – Winnebago Township***
Conditional Use Permit to operate an agriculture oriented business in an agricultural district (14.3 Subd. 1 (1 & 25)).
- 5:40 pm ***U.S. Fish and Wildlife Service – Hokah Township***
Conditional Use Permit to repair a levee in a flood plain district (Section 21.5 Subd. 3 (6)).

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by William Gartner, 12670 McKusick Rd N, Stillwater, MN 55082 for a Conditional Use Permit to place a cabin in an agricultural district (Section 14 – 14.3, Subdivision 1, Subsection 5) in Winnebago Township on the following premises, to-wit:

PT W1/2 SE1/4, Section 29, Township 101, Range 5, Houston County, Minnesota. (Parcel 16.0314.003)

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, August 25, 2022.

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 martin.herrick@co.houston.mn.us, and must be received by Tuesday, August 16, 2022. 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 Martin Herrick
Zoning Administration

ADV: August 10, 2022

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: **William Gartner** DATE: **August 25, 2022**

C.U.P. REQUESTED: **To have a cabin in the agriculture protection district.**

The Planning Commission shall not recommend an interim use permit unless they find the following:

FINDINGS OF FACT

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

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

Staff Analysis: The Comprehensive Plan references limiting development in agricultural areas. This proposal has limited impact on tillable acreage and the soils are limited in that they are not good for row crop production.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant indicates the cabin is intended for recreational use. Which is a legitimate need.

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: Any effects on water quality resulting from the placement of a cabin are anticipated to be negligible. There is no plumbing or wastewater system with the cabin and a composting toilet is used. The cabin is not located in highly erodible soils and vegetation is established.

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 cabin footprint is minimal, and is not anticipated to have an effect on quantity of water runoff. The impermeable surfaces producing runoff are limited and the site is vegetated.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The soil survey indicates that soils can accommodate buildings, but should conform to the natural slope of the land. The placement of the skid mounted building was at the site's existing grade. The soils are best suited for woodlands.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There are no anticipated pollution hazards as the cabin is very limited with no utilities.

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: No utilities are proposed. Access is from Quarry Road. The owners have added a water retention structure on another part of the parcel to control site drainage.

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 parcel is located off Quarry Road. There are two farmsteads located greater than 1000 feet away. The addition of a cabin has minimal impact on Quarry Road and is not anticipated to negatively affect the use of neighboring properties.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The predominant land use is agriculture and woodland, the continuation of which will not be impacted by a cabin. The Zoning Office does not know of any new developments proposed in this area and a cabin should not impact neighboring landowner's ability to utilize their property for existing uses.

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: N/A

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

Staff Analysis: 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: Public health, safety, morals, and general welfare are not anticipated to be impacted.

Board agreed to the finding by a unanimous vote.

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

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for a cabin in the agricultural protection district with the following conditions:

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

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



HOUSTON COUNTY ENVIRONMENTAL SERVICES

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



STAFF REPORT

7/18/2022

Application Date: 7/14/2022
Hearing Date: 8/25/2022
Petitioner: William Gartner
Reviewer: Martin Herrick
Zoning: Ag Protection
Address: TBD Quarry Rd
Township: Winnebago
Parcel Number: 160314003
Submitted Materials: CUP Application

OVERVIEW

REQUEST

The petitioners are requesting a Conditional Use Permit for an existing cabin in the agricultural protection district of Winnebago Township.

SUMMARY OF NOTEWORTHY TOPICS

The Houston County Zoning Ordinance provides the following requirements for cabin structures:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(5) *Cabins. Cabins, subject to the following:*

- (a) *Not more than one (1) cabin per quarter of a quarter section shall be allowed.*
- (b) *A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.*
- (c) *A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling.*
- (d) *No cabin shall have a gross floor area exceeding 400 square feet.*
- (e) *Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.*

Section 5.2 Zoning Permits

Subdivision 8. Penalty for Beginning without a Zoning Permit. Any person, firm, or corporation and/or both landowners and contractors who shall violate any of the provisions hereof or who shall make any false statements in any document required to be submitted under the provisions hereof shall be subject to a penalty under this ordinance. The contractor, owner, person, firm or corporation that begins an activity or project requiring a zoning permit without first securing said zoning permit shall be subject to triple the normal application fees. This includes all applicable zoning applications required for the project or activity. A denial of said application shall require the owner, firm, corporation and/or contractor to restore the project or activity to its original and/or compliant use, tear down any non-compliant structures, excavate earth to original ground elevations, move structure to compliant location, or construct a compliant septic system as the case may be. After-the-fact zoning permit applications shall be subject to a fee of triple the original application fee. Projects of less than \$1000 in value may be exempt in tripling application fee. This includes any and all permits issued through the zoning office. Any activities in violation of this ordinance shall be subject to the legal remedies available.

Figure 1. The cabin and site



Figure 2. the cabin



TOWNSHIP AND NEIGHBORHOOD COMMENTS

Notice was sent to Winnebago Township and the ten closest property owners. No comments were received.

SITE CHARACTERISTICS

The parcel is in Winnebago Township. Minimal amounts of the parcel are tillable acreage, with the majority of the site comprised of woodlands. There are no cabins located on adjacent property within this quarter-quarter. The applicant has cleared some of the timber at this location and the slopes are under 12% grade. The entrance road is accessed from Quarry Road and a path was selected to minimize slopes. Soils in the proximity of the cabin are primarily 586 C2, Nodine-Rollingstone Silt Loam and on the boundary of 584F, LaMoille-Doerton Silt Loam which are considered good for woodland but poor for row crops. The structure fits the natural slope of the land.

EVALUATION

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

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

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

Staff Analysis: The Comprehensive Plan references limiting development in agricultural areas. This proposal has limited impact on tillable acreage and the soils are limited for row crop production.

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

Staff Analysis: The applicant indicates the cabin is intended for recreational use. Which is a legitimate need.

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

Staff Analysis: Any effects on water quality resulting from the placement of a cabin are anticipated to be negligible. There is no plumbing or wastewater system with the cabin and a composting toilet is used. The cabin is not located in highly erodible soils and vegetation is established.

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

Staff Analysis: The cabin footprint is minimal, and is not anticipated to have an effect on quantity of water runoff. The impermeable surfaces producing runoff are limited and the site is vegetated.

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

Staff Analysis: The soil survey indicates that soils can accommodate buildings, but should conform to the natural slope of the land. The placement of the skid mounted building was at the site's existing grade. The soils are best suited for woodlands.

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

Staff Analysis: There are no anticipated pollution hazards as the cabin is very limited with no utilities.

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

Staff Analysis: No utilities are proposed. Access is from Quarry Road. The owners have added a water retention structure on another part of the parcel to control site drainage.

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 parcel is located off Quarry Road. There are two farmsteads located greater than 1000 feet away. The addition of a cabin has minimal impact on Quarry Road and is not anticipated to negatively affect the use of neighboring properties.

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

Staff Analysis: The predominant land use is agriculture and woodland, the continuation of which will not be impacted by a cabin. The Zoning Office does not know of any new developments proposed in this area and a cabin should not impact neighboring landowner's ability to utilize their property for existing uses.

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: N/A

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

Staff Analysis: 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: Public health, safety, morals, and general welfare are not anticipated to be impacted.

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 conditional use permit for a cabin in the agricultural protection district.

Number 2022- CUP- 94688	GARTNER, WILLIAM C 160314003 Conditional Use Request Submitted by wgartner on 7/14/2022	
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CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 7/14/2022 10:49:14 AM and saved by: Amy Sylling

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

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

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

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

Conditional Use Application Fee **\$2,100.00**

Recording Fee **\$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [\[Edit\]](#) Last updated: 7/14/2022 10:50:24 AM and saved by: Amy Sylling

Applicant Name **GARTNER,WILLIAM C**

Telephone Number **651-260-5591**

Address **12670 MCKusick Rd N**

City **Stillwater**

Zip **55082**

Parcel Tax ID **160314003**

Legal Description **PT W1/2 SE1/4 DOC 281907**

Section-Township-Range **29/101/005**

Do you own additional adjacent parcels **No**

Township of: **Winnebago**

Applicants are required to inform township boards of their application.

Please reference the table below and contact the official for your township.

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

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 7/14/2022 10:53:14 AM and saved by: Amy Sylling

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

Describe in detail your request. **This is an existing cabin.**

Citation of Ordinance
Section from which the
Conditional Use is
requested: **14.3 1(5)**

Requested Dimension: **14x20**

**Please upload any
supporting documents:** There are no attached documents.

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 7/14/2022 11:04:16 AM and saved by: Amy Sylling

[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 cabin is not located on prime farm land and cabins are becoming common in the ag district.**

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

Comments: **This is a space for us to relax and unwind.**

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

Comments: **There is no plumbing. We have an composting outhouse.**

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

Comments: **The ground was not altered in any way. We've improved it by adding a retention pond to prevent runoff.**

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

Yes

Comments: **No alteration of the soil was done.**

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

Yes

Comments: **No pollution is created by the use.**

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

Yes

Comments: **There are existing roads on the property. No utilities.**

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

Yes

Comments: **There's plenty of space to park.**

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

Yes

Comments: **No impact on traffic congestion.**

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: **There are lots of trees around the property and no one can really see our cabin from the road.**

Yes

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

Comments: **Cabins are common and the surrounding ground is ag or woodland.**

Yes

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

Comments: **Lots of trees, no lights, just the campfire.**

N/A

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: **N/A**

N/A

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

of the applicable zoning district.

Comments: N/A

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: There will be no wild parties going on.

SITE PLAN INFORMATION [\[Edit\]](#) Last updated: 7/14/2022 11:05:39 AM and saved by: Amy Sylling

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

There are no attached documents.

Upload Site Plan

Use Interactive Map to Create Site Plan



Layer List:

- ☒ NG911 Address Points
- ☒ Wells_MWI_Jan_2018
- ☐ Contours
- ☒ Septic Permit
 - Septic Permits
- ☒ Corporate Limits
- ☒ Political Townships
- ☐ Subdivisions
- ☐ Blocks
- ☐ Lot Boundaries
- ☒ Parcels
- ☒ Roads
- ☐ Streams
- ☐ Floodplain (Effective 12/7/2018)

I have completed a forest management plan.

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

APPLICATION SUBMITTAL [Edit] Last updated: 7/14/2022 11:06:12 AM and saved by: Amy Sylling

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

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

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

Signature

X

Date Signed:
07/14/2022

Check this box if Staff
Signature on behalf of
Applicant. **Yes**

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Jordan and Rachelle Meyer, 18769 Eagle Heights Rd, Caledonia, MN 55921 and Gordan and Barbara Meyer, 9270 County 3, Caledonia, MN 55921 to operate an agricultural business in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 1 & 25) in Winnebago Township on the following premises, to-wit:

PT SW1/4 SW1/4 & PT SE1/4 SW1/4, Section 4, Township 101, Range 5, Houston County, Minnesota. (Parcel 16.0034.005)

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 5:20 p.m. on Thursday, August 25, 2022.

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 martin.herrick@co.houston.mn.us, and must be received by Tuesday, August 16, 2022. 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 Martin Herrick
Zoning Administration

ADV: August 10, 2022

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Jordan and Rachelle Meyer DATE: August 25, 2022

C.U.P. REQUESTED: To operate an agriculture oriented business in the agriculture protection district.

The Planning Commission shall not recommend an interim 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 main purpose of the Land Use Plan is to promote practices that allow expansion and maintenance of commercial agriculture.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicants are requesting a conditional use permit to change the use of a garage into a farm outlet store. This change to direct sales initiated the need for a conditional use permit.

Rich Schild questioned, if they chose to stop doing their farm store, could they do anything else ag related? Martin stated the language is pretty specific to that activity and tightly defined.

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: The applicant states they will have no additional septage from the proposed activity.

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: This is an existing building and the proposed change of use will not have a greater impact than the current use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: By virtue of food grade facilities the potential pollution hazards are minimized including routine inspections for the respective products.

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: The existing farmstead has all utilities and existing road access. Should any new utility need arise, the costs will be the responsibility of the landowner.

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: They have designated areas for parking at this time. The applicant owns adequate contiguous acres for off-street parking and loading.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Farm outlet guests will be managed.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This farm is set back off the road and not directly visible to neighbors. It will remain a dairy operation as it has been for many years, but include direct to consumer sales. The farm outlet itself will have no nuisance factors and its viewshed is blocked by other structures.

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: Much of the surrounding acreage is cropland and an additional component at this farm will not impede future surrounding development.

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: This proposal will not produce offensive odors, fumes, dust, noise or vibrations and there will be no lighted signs.

Vice Chairman Hafner asked if there will be there be any signage. Rachelle stated that currently they have a farm sign at the end of the driveway, but it is not lighted. Martin explained that a permit would be required to add a farm sign close to the public road.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: The agricultural community is evolving and many smaller producers are beginning to provide a unique direct sales service to increase viability. This practice ultimately does not change the commercial agriculture that already exists at this and neighboring sites.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant is required to follow all county, state and federal guidelines for the operation of their business, which should result in protection for the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Greg Myhre made a motion to accept the findings as presented. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

Jim Wieser made the motion to recommend the Houston County Board approve the Conditional Use application to operate and agriculture oriented business in the agricultural protection district with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Upon completion of the updated description of the parcel being recorded with Houston County a copy shall be submitted to the zoning department to reflect the current conditions with information being added to the permit to reflect the correct ownership of the parcel.

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



HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning

304 South Marshall Street – Room 209, Caledonia, MN 55921

Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

5/19/2021

Application Date: 7/22/2022
 Hearing Date: 8/25/2022
 Petitioner: Rachelle Meyer
 Reviewer: Martin Herrick
 Zoning: Ag Protection
 Address: 18769 Eagle Heights Rd., Caledonia, Mn 55921
 Township: Winnebago
 Parcel Number: 160034005
 Submitted Materials: CUP Application, Zoning questions

OVERVIEW

REQUEST

The applicant is requesting a Conditional Use Permit to operate a farm outlet to sell milk and other farm products in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection (1).

SUMMARY OF NOTEWORTHY TOPICS

The applicant identified in the Conditional Use Request she would like to retrofit an existing garage into a farm outlet. The proposal has no revisions to existing septage systems. This proposal does not include any new structures.

Rachelle and Jordan Meyer are submitting this application and currently the property description recorded does not reflect recent changes. The Zoning Department's understanding is that Gordon Meyer is no longer an owner of this parcel. The Zoning Office referenced the most recent recorded deed for the August 10th, 2022 public notice, which included Gordon and Barbara Meyer as owners. Staff have since learned from Gordon that he is no longer an owner and there are outstanding issues with recording a recent land transfer. The Zoning Office will wait to record the final conditional use permit until the land transfer is finalized and correct under the understanding that this will be done in a timely manner.

The garage is in the middle of the farm buildings as shown in Figure 1.

Also note Section 6.2 Notification and Public Hearing Subd. 3 Omission and Notification. The zoning administrator shall be responsible proper publication of notices and notification to adjacent property owners.

However, an error in the published Notice of Public Hearing of failure to notify a specific property owner of the application for a conditional use permit shall not be considered cause to declare the public hearing invalid.

It is the responsibility of the applicant to determine if any additional state or federal permits or licensures are required to sell the specific products.

Figure 1.



TOWNSHIP AND NEIGHBORHOOD COMMENTS

Winnebago Township and the ten closest neighbors were notified. One comment was received from Gordon Meyer noting that he is no longer an owner of this parcel. The Zoning Department discussed with Gordon that the current recorded description was used for this application and that a condition can be included in the permit requiring the updated and recorded description be submitted to the Zoning Department.

SITE CHARACTERISTICS

The Meyer Farm is located approximately a quarter mile from County Road 14 off Eagle Heights Road in Winnebago Township. Since they are repurposing an existing structure, many of the standards are not applicable. There are no bluff impacts, floodplain, shoreland, slope, feedlot or mine concerns. There is an existing septic which will not have additional loading from this activity.

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 main purpose of the Land Use Plan is to promote practices that allow expansion and maintenance of commercial agriculture.

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

Staff Analysis: The applicants are requesting a conditional use permit to change the use of a garage into a farm outlet store. This change to direct sales initiated the need for a conditional use permit.

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

Staff Analysis: The applicant states they will have no additional septage from the proposed activity.

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

Staff Analysis: This is an existing building and the proposed change of use will not have a greater impact than the current use.

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

Staff Analysis: N/A

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

Staff Analysis: By virtue of food grade facilities the potential pollution hazards are minimized including routine inspections for the respective products.

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

Staff Analysis: The existing farmstead has all utilities and existing road access. Should any new utility need arise, the costs will be the responsibility of the landowner.

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: They have designated areas for parking at this time. The applicant owns adequate contiguous acres for off-street parking and loading.

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

Staff Analysis: Farm outlet guests will be managed.

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

Staff Analysis: This farm is set back off the road and not directly visible to neighbors. It will remain a dairy operation as it has been for many years, but include direct to consumer sales. The farm outlet itself will have no nuisance factors and its viewshed is blocked by other structures.

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: Much of the surrounding acreage is cropland and an additional component at this farm will not impede future surrounding development.

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: This proposal will not produce offensive odors, fumes, dust, noise or vibrations and there will be no lighted signs.

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

Staff Analysis: N/A

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

Staff Analysis: The agricultural community is evolving and many smaller producers are beginning to provide a unique direct sales service to increase viability. This practice ultimately does not change the commercial agriculture that already exists at this and neighboring sites.


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

Staff Analysis: The applicant is required to follow all county, state and federal guidelines for the operation of their business, which should result in protection for the public's health, safety, morals and general welfare.

RECOMMENDATION

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

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Upon completion of the updated description of the parcel being recorded with Houston County a copy shall be submitted to the zoning department to reflect the current conditions with information being added to the permit to reflect the correct ownership of the parcel.

Number 2022- CUP- 95107	MEYER,JORDAN L & RACHELLE L GORDON & BARBARA MEYER 160034005 Conditional Use Request Submitted by Rachelle Meyer on 7/22/2022	
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CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 7/22/2022 8:08:05 AM and saved by: Rachelle Meyer

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

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

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

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

Conditional Use Application Fee **\$700.00**

Recording Fee **\$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [\[Edit\]](#) Last updated: 7/22/2022 8:10:29 AM and saved by: Rachelle Meyer

Applicant Name **MEYER,JORDAN L & RACHELLE L GORDON & BARBARA MEYER**

Telephone Number **5074502886**

Address **18769 Eagle Heights Rd**

City **Caledonia**

Zip **55921**

Parcel Tax ID **160034005**

Legal Description

Section-Township-Range

Do you own additional adjacent parcels **Yes**

Township of: **Winnebago**

Applicants are required to inform township boards of their application.

Please reference the table below and contact the official for your township.

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

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 7/27/2022 9:14:46 PM and saved by: Rachelle Meyer

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

Describe in detail your request.

We are requesting a CUP to have an on farm store for the retail sales of our meat products and Raw Milk. All of our meat is USDA inspected and meets MDA requirements. It is

legal to sell raw milk in the state of MN as long as customers come on farm. We also did talk to our State and Federal Milk inspectors for our farm and they are both on board with this. We would also like the permit for our on farm events that we host for other farmers as well as our community. This events are learning opportunities for all. Hours of operation: undecided but we will post our farm store hours on our website, google, and facebook. Our goal with this business is to give back to our community. We want to provide education to our consumers and other farmers on soil health and regenerative agriculture to preserve our climate. We want to provide the community with nutritious meats and dairy. This will be a great asset to our community. In the future we plan to hold classes to learn how to make dairy products, tours, and events for the public.

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

14.3 Subdivision 1

Requested Dimension:

Use of current garage on the parcel

**Please upload any
supporting documents:**

There are no attached documents.

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 7/27/2022 9:20:54 PM and saved by: Rachelle Meyer

[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:

Our proposed use conforms to the County land use plan. We are not altering any land. We are preserving our agricultural land with our rotational grazing of livestock. We are water quality certified on our farm and focus on the health of our soils and want to show our community how we do this.

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

Yes

Comments:

We would like a CUP to have an on farm store where people can buy our USDA inspected meats that we grow right on our farm. We also want to be able to hold farm tours for other farmers and our community so everyone can learn why soil health, water quality, and improving erosion in our area is so important.

Yes

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

Comments:

Our farm is already water quality certified and this is very important to us. Our permit will not effect ground water as we are refurbishing an existing building on the farm property.

Yes

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

Comments:

We rotationally graze all of our animals. This actually improves infiltration rates in our pastures and on our crop ground. We have been no-till for many years as well. The structure that is already there is on high ground and parking is on a gravel pad

Yes

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

Comments:

The building that we are refurbishing sits on a sound area with gravel pad in front of it. We have grass walk-ways to and from our pastures to keep soil in place.

Yes

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

Comments:

We will have garbage cans and recycle bins in our farm store for any garbage. Day of events we will have extra cans and bins as needed.

Yes

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

Comments:

We will not need to do any digging of sorts. All septic, well, drainage areas will not be used for our plans. We have a gravel driveway with areas for people to drive in and turn around.

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:

We will have parking areas that are not over our current septic, well, drainage areas on our farm. We live on a township road and parking will be on our property in our graveled area. Overflow parking will be on our grass areas that have a sound base with no other hazards. Parking signs will be up day of events. As well as a parking sign for our farm store.

Yes

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

Comments:

We live on a dead end road. Traffic will come in the road and park in designated parking areas. At their departure we have several places where vehicles will turn around to avoid congestion on the road.

Yes

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

Comments:

Our use will not affect others in our neighborhood. Pasture tours are during the day as well as farm store hours.

Yes

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

Comments:

It will not affect the development of surrounding property.**Yes**

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

Comments:

We won't have any loud noises that will disturb neighbors. Teaching people about nature's beauty is what we intend to do so preserving this is important to us.

Yes

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

Comments:

Our requested use will fit in because we are refurbishing an existing building. We also are very focused on our soils and teaching this to others. This will help the agriculture around us because other farmers can learn alternative ways to preserve soil, water quality, and nature around us.

Yes

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

Comments:

Our requested use will fit in because we are refurbishing an existing building. We also are very focused on our soils and teaching this to others. This will help the agriculture around us because other farmers can learn alternative ways to preserve soil, water quality, and nature around us.

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:

Our farm will teach the public about how to preserve soils, water quality, and nature to create more nutritious food. Studies have shown how pasture raised animals are more nutritious and buying local is very important to preserve our local economies, as well as decrease pollution from distribution.

SITE PLAN INFORMATION [Edit] Last updated: 7/27/2022 9:24:51 PM and saved by: Rachelle Meyer

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

There are no attached documents.

Upload Site Plan

Use Interactive Map to Create Site Plan



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

APPLICATION SUBMITTAL [Edit] Last updated: 7/27/2022 9:25:24 PM and saved by: Rachelle Meyer

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

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

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

Signature



Date Signed:
07/27/2022

Check this box if Staff Signature on behalf of Applicant. **Yes**

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by U.S. Fish and Wildlife Service, N5727 County Road Z, La Crosse, WI 54650 for a Conditional Use Permit to repair a levee in a flood plain district (Section 21 – 21.5, Subdivision 3, Subsection 6) in Hokah Township on the following premises, to-wit:

PT N1/2 NE1/4 & PT SE1/4 NE1/4 LYING N OF ROOT RIVER, Section 32, Township 104, Range 4, Houston County, Minnesota. (Parcel 05.0255.004)

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 5:40 p.m. on Thursday, August 25, 2022.

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 martin.herrick@co.houston.mn.us, and must be received by Tuesday, August 16, 2022. 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 Martin Herrick
Zoning Administration

ADV: August 10, 2022

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: U.S. Fish and Wildlife Service DATE: August 25, 2022

C.U.P. REQUESTED: To repair a levee in a flood plain district.

The Planning Commission shall not recommend an interim 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 proposed activities conform to Section 2.0 and Section 3.0 of the Houston County Comprehensive Land Use for restoration of habitat as well as agriculture and natural resources management.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Substantial work has gone into the project including the needs analysis and evaluation of alternatives.

Rich Schild asked who performed the needs analysis. Martin explained that the needs analysis was done by the U.S. Fish and Wildlife Service.

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: The project will protect water quality by providing additional protection and supporting 106 acres of buffer and wetlands in the floodplain.

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 project will not increase water run-off and improved habitat will handle runoff in the floodplain.

Rich Schild stated that it won't increase it, but it will push it to someone else's property.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils were analyzed for their geotechnical properties in repairing the levee.

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 additional pollution hazards are foreseen and the levee will be put back to historic elevations based on Lidar.

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: Adequate access exists for the proposal.

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: Uses will not change and potentially less flooding of neighboring properties will improve use and enjoyment.

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 project has considered surrounding properties with two stakeholder meetings in July 2021 and July 2022 to develop alternatives and an ultimate decision.

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: Activities and repairs will be performed during daylight hours in manner similar to local farming.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: The Refuge Special Use Permit will establish site-specific conditions which public health, safety, morals and general welfare for all parties involved with the site.

Board agreed to the finding by a unanimous vote.

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

Martin read a comment from Tim Runningen in opposition to the request.

Jim Wieser made the motion to recommend the Houston County Board approve the Conditional Use application to repair a levee in a flood plain 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.
3. A copy of the Refuge Special Use permit shall be provided to the Houston County Zoning Department upon issuance.

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

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: U.S. Fish and Wildlife Service DATE: August 25, 2022

C.U.P. REQUESTED: To repair a levee in a flood plain district.

The Planning Commission shall not recommend an interim 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 proposed activities conform to Section 2.0 and Section 3.0 of the Houston County Comprehensive Land Use for restoration of habitat as well as agriculture and natural resources management.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Substantial work has gone into the project including the needs analysis and evaluation of alternatives.

Rich Schild asked who performed the needs analysis. Martin explained that the needs analysis was done by the U.S. Fish and Wildlife Service.

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: The project will protect water quality by providing additional protection and supporting 106 acres of buffer and wetlands in the floodplain.

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 project will not increase water run-off and improved habitat will handle runoff in the floodplain.

Rich Schild stated that it won't increase it, but it will push it to someone else's property.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils were analyzed for their geotechnical properties in repairing the levee.

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 additional pollution hazards are foreseen and the levee will be put back to historic elevations based on Lidar.

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: Adequate access exists for the proposal.

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: Uses will not change and potentially less flooding of neighboring properties will improve use and enjoyment.

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 project has considered surrounding properties with two stakeholder meetings in July 2021 and July 2022 to develop alternatives and an ultimate decision.

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: Activities and repairs will be performed during daylight hours in manner similar to local farming.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: The Refuge Special Use Permit will establish site-specific conditions which public health, safety, morals and general welfare for all parties involved with the site.

Board agreed to the finding by a unanimous vote.

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

Martin read a comment from Tim Runnigen in opposition to the request.

Jim Wieser made the motion to recommend the Houston County Board approve the Conditional Use application to repair a levee in a flood plain 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.
3. A copy of the Refuge Special Use permit shall be provided to the Houston County Zoning Department upon issuance.

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



HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning

304 South Marshall Street – Room 209, Caledonia, MN 55921

Phone: (507) 725-5800 • Fax: (507) 725-5590



Houston
County
National Leader
in Recycling

STAFF REPORT

2/2/2022

Application Date: 7/29/2022
 Hearing Date: 8/25/2022
 Petitioner: U. S. Fish & Wildlife Service
 Reviewer: Martin Herrick
 Zoning: Ag Protection
 Address: N5727 County Road Z
 Township: Hokah
 Parcel Number: 050255004
 Submitted Materials: CUP Application with supporting documents

OVERVIEW

REQUEST

The petitioner is requesting a Conditional Use Permit to repair a levee along the Root River. Fill material for the repair will be obtained from on-site, previous ag fields facilitating wetland enhancement.

SUMMARY OF NOTEWORTHY TOPICS

USFWS Niebeling Tract Levee Repair and Flood Heights - Root River near Hoka, MN - Aug. 4, 2022

The U.S. Fish and Wildlife Service (USFWS) has been working with neighboring landowners, permitting agencies and others to evaluate a March, 2019 levee breach on the Niebeling Tract, a portion of the Upper Mississippi River National Wildlife and Fish Refuge located on the north bank of the Root River downstream of Hokah, MN.



Figure 1 Google Earth imagery of the USFWS Niebeling Tract from 2015 (left) and 2021 (right), showing the location of the levee breach that occurred during 2019 spring flooding.

The USFWS aims to repair the section of the levee that was breached during the spring of 2019. Previous attempts to repair the breach have been undone by subsequent flooding. The USFWS and neighboring landowners have proposed repairing the levee to pre-breach elevations. Based on LiDAR data (see figure below) the pre-breach elevation of the levee in this location was approximately 950.0 ft. MSL (NAVD 1988). Survey data from March, 2022, show the existing section of the levee immediately downstream of the breach has an elevation of approximately 950.0 ft.

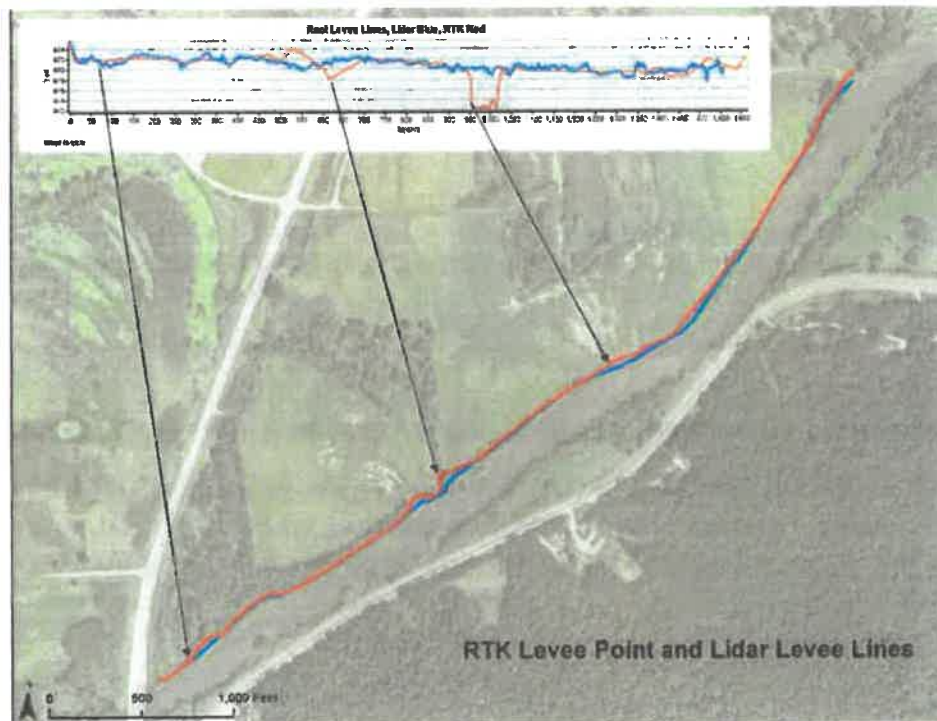


Figure 2 Comparison of LiDAR data (pre-breach) and survey data from March, 2022 (post-breach) on the USFWS Niebeling Tract, downstream from Hoka, MN.

The levee repair would necessitate a slight realignment, with the repaired section being setback from the river's edge and tying into the existing levee on the upstream and downstream ends. This is consistent with practices used to repair numerous other breaches along this reach of the Root River. The small size of the breach (<200 ft. in length) and the short setback (<50 ft.) do not constitute a significant increase in cross sectional area along this reach of the Root River.

Flood Heights

The FEMA flood map for this location is effective as of 2018, prior to the levee breach. The figure below of the FEMA flood map shows that the 100-year flood height in the vicinity of the breach is 948 ft. MSL (NAVD 1988). The proposed levee repair calls for an elevation of 950.0 ft., approximately 2 ft. above the FEMA designated 100-year flood elevation. The proposed levee repair will restore the levee to an elevation consistent with those that existed at the time of FEMA flood mapping (pre-2019). As the proposed levee repair entails an insignificant change to cross sectional area and will restore levee elevations to pre-breach conditions, there will be no discernible change to flood heights associated with the repair.

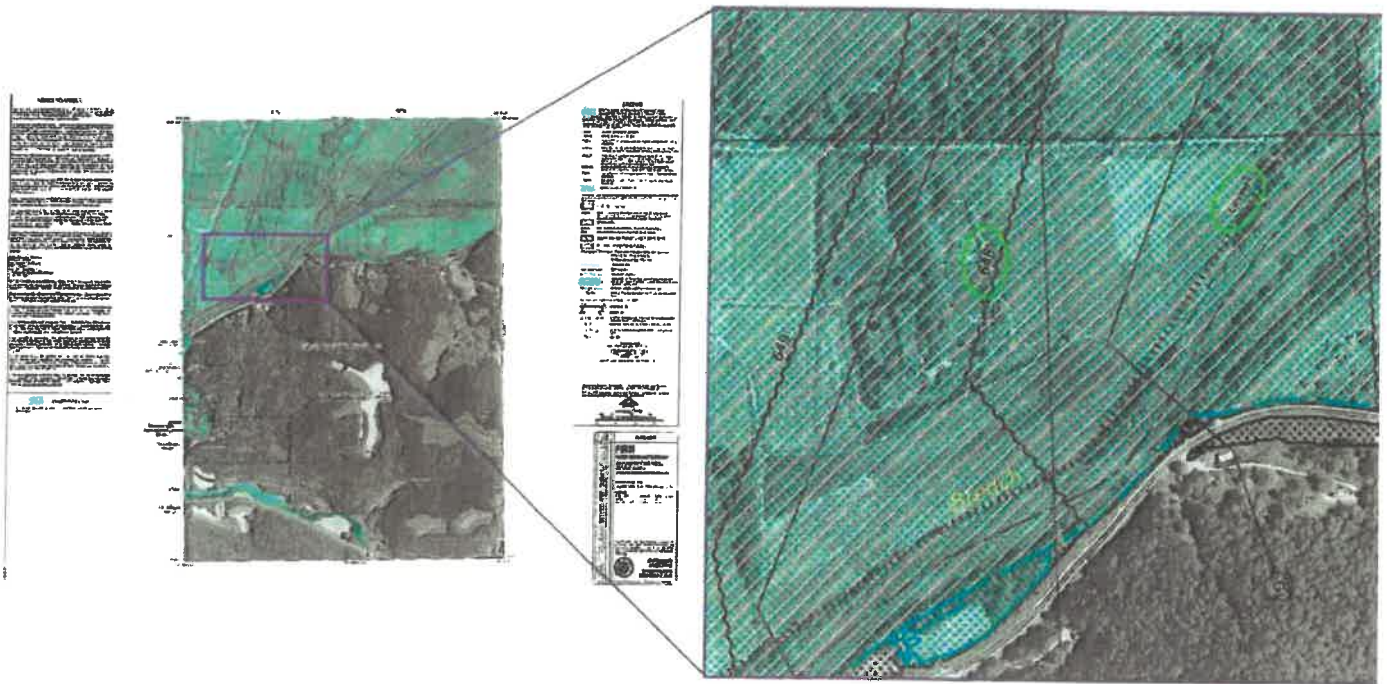


Figure 3 FEMA Flood Map, effective Dec. 7, 2018, with the 100-year flood elevation and the location of the future, 2019 levee breach.

Summary

The proposed levee repair on the USFWS Niebeling Tract will return flood dynamics on this reach of the river to conditions prior to the breach that occurred in March, 2019. Although the alignment will be adjusted slightly, this repair constitutes a 'like-for-like' restoration of levee conditions prior to the 2019 breach. The restoration of the levee to elevations that existed pre-breach (950 ft.) mean that the repair will not impact cross sectional geometry or the 100-year flood elevations as they existed at the time of FEMA flood mapping efforts prior to December 7, 2018.

Section 21 .5 of the Houston County Zoning Ordinance (HCZO) notes.

21.5 FLOODWAY DISTRICT (FW)

Subdivision 4. Standards for Floodway Conditional Uses:

(1) A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.

An 8/12/2022 E-mail from Ceil Strauss MN DNR flood plain manager notes that a qualified individual other than a registered professional engineer can make the floodway no-rise determination. Her e-mail is attached to this document outlining the requirements. The floodway does not have existing as-builts or other elevation references and LIDAR data has been used for this purpose. On 8/17/2022 the U.S. Fish & Wildlife Hydrologist submitted a letter to the MN DNR and Houston County on this issue. A copy of the letter is included with this packet.

The U.S. Fish & Wildlife Services' Hydrologic Assessment has been included in the packet.

The repair's approximate dimensions are 275 ft in length with a 40 ft base on the bottom and a top width of 11ft and a total height of 6.5 ft. A cross section survey of the site's existing condition has been included with this packet. A rough estimate of the yardage needed is approximately 1700 yards from the dimensions referenced above, which does not account for any additional temporary earthwork.

Borrow material for the repair will be obtained on site from the from area's delineated as Wetland Scrape #1 and Wetland Scrape #2. A picture of the wetland scrape location is in the attachments.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Hokah_Township and the ten closest property owners were notified, as were various state agencies. Comments were received from the City of Hokah verbally and in writing from two neighbors objecting to the project in that they have seen less flooding after the breach occurred. The written comments are in the packet

SITE CHARACTERISTICS

As discussed above. This parcel is 84.13-acres located in Hokah Township with substantial portions in the floodway. The borrow sources will be from on-site and a restoration plan for their final use has been plan developed.

EVALUATION

Section 6.5 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 proposed activities conform to Section 2.0 and Section 3.0 of the Houston County Comprehensive Land Use for restoration of habitat as well as agriculture and natural resources management.

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

Staff Analysis: Substantial work has gone into the project including the needs analysis and evaluation of alternatives.

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

Staff Analysis: The project will protect water quality by providing additional protection and supporting 106 acres of buffer and wetlands in the floodplain.

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

Staff Analysis: The project will not increase water run-off and improved habitat will handle runoff in the floodplain.

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

Staff Analysis: Soils were analyzed for their geotechnical properties in repairing the levee.

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

Staff Analysis: No additional pollution hazards are foreseen and the levee will be put back to historic elevations based on Lidar.

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

Staff Analysis: Adequate access exists for the proposal.

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: Uses will not change and potentially less flooding of neighboring properties will improve use and enjoyment.

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 project has considered surrounding properties with two stakeholder meetings in July 2021 and July 2022 to develop alternatives and an ultimate decision.

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: Activities and repairs will be performed during daylight hours in manner similar to local farming.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: The Refuge Special Use Permit will establish site-specific conditions which public health, safety, morals and general welfare for all parties involved with the site.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, the following conditions are recommended and the Planning Commission may consider them standard 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 following the conditions and all other applicable statutes, rules, and ordinances.
3. A copy of the Refuge Special Use permit shall be provided to the Houston County Zoning Department upon issuance.

Attachments; (Comments)

Houston Co Planning Commission

Attention: Martin Herrick

I am writing in opposition of the conditional use permit to repair the levee of flood plain district (Section 21-21.5, subdivision 3, section 6) I Hokah Township.

My wife and I own the farmland just southeast of the levee that is washed out. When the levee was intact we had many washouts and fast moving water on our land. From this flooding we would get deep ravines, piles of sand and debris in our fields.

We were never allowed to adjust our land from the flooding. No dikes or levees.

Since the levee has been out our land is in better condition.

What makes the farmland across the river any more important than our land?

Thank you,

James Zibrowski
608-780-5291

Subject: Levee

HOUSTON COUNTY PLANNING COMMISSION
Attention Martin Herrick,

I am writing this letter in opposition of the conditional use permit to repair the levee of the flood plain district (Section 21-21.5, Subdivision 3, Subsection 6) in Hokah Township.

I own a farm across the river and downstream of proposed levee repair. Before the levee was breached, I often had major flooding on my farm that caused major expensive destruction to my property and expense to my horse boarding business. During floods water, ice, tree, and junk would flow through my property destroying fences depositing sand and debris in my hay field and pasture. Clean up was extensive. Since the breach I still have minor flooding with backup water that does not have as destructive of flowthrough.

P.S. I have CRP buffer zone along the river's edge to control erosion and collect delta settlement. Fish and wildlife should do the same by allowing water to flow through their land and not block the flow with a levee.

Thank you,
Larry Kreibich
(484) 519-2039

(no rise letter)

United States Department of the Interior

FISH AND WILDLIFE SERVICE

5600 American Boulevard West, Suite 990

Bloomington, Minnesota 55437-1458

August 17, 2022

Houston County and Minnesota Department of Natural Resources,

U.S. Fish and Wildlife Service (Service) hydrologists have assessed potential flood impacts associated with the proposed levee repair along the Root River near Hoka, Minnesota. Specifically, Service hydrologists were asked to determine whether the repair of approximately 200 ft. of levee would result in a stage change for the 100-year flood event or impede the designated floodway.

The proposed levee repair is located approximately 0.6 miles northeast (downstream) of Hoka along the Niebeling Tract, a portion of the Upper Mississippi River National Wildlife and Fish Refuge. Service hydrologists reviewed the location, design and scope of the project. These elements of the repair were evaluated using breach history, aerial imagery, existing LiDAR data, current topographic survey data, Root River gage data and FEMA flood maps, effective Dec. 7, 2018. Key findings include that the levee was breached during the March 15, 2019 flood event and the proposed repair elevation (950 ft., NAVD 1988) is equal to pre-breach LiDAR heights, as well as existing, adjacent levee top elevations.

Based on the proposed design and information cited above, Service hydrologists determined that this repair constitutes a 'like-for-like' replacement of the levee. The proposed repair calls for reestablishing pre-breach levee elevations and only a slight adjustment to the levee alignment. Therefore, it is our determination that this repair will not result in a change to 100-year flood stages or floodway conveyance as they existed prior to March, 2019.

Details can be found in the Service report "USFWS Niebeling Tract Levee Repair and Flood Heights - Root River near Hoka, MN - Aug. 4, 2022". Please contact me for additional information or questions. Thank you,

Josh Eash

Regional Hydrologist, Midwest Region

U.S. Fish and Wildlife Service

612-240-8826

(ruling from MN DNR of P.E. requirement)

Hi all,

Tim and I chatted and the USFWS is interpreting the need to have a PE sign off as a need for them to "certify" soils, design, etc. – as if they were asking for a levee accreditation for a flood risk reduction project - rather than a simple memo explaining why the "no rise certification" requirement can be met without doing modeling since they are just replacing what was there based on the LiDAR. We all know what it's like to get a simple request through a big agency!

Since the state rules allow for floodplain certifications – in general, including structure "as-built" certifications - to be signed by a "registered professional engineer, land surveyor, or **other qualified person** designated by the local governing body," DNR will not object to the county accepting the No Rise memo be signed by one of the USFWS hydrologists, or another person at USFWS qualified to say the project is restoring what was there based on the LiDAR data.

Note that our current model ordinance has the following language for the "no rise" requirement:

5.21 The applicant must demonstrate that the development will not result in any of the following during the one-percent chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."

But I do think there could be some benefit in meeting with the appropriate staff at the USFWS at some point in the future about the basic floodplain regulation requirements at the federal and state level, and having a process to document how projects will meet those regulations, so would appreciate a recommendation of the appropriate contacts. We had a meeting with our MNDOT bridge staff about 20 years ago, and that led to a much more streamlined process for MNDOT projects since they better understood the requirements and process. We also started to have a DNR hydrologist work solely with MNDOT projects about the same time. Previously, MNDOT felt they received conflicting information since they didn't get input from both the fisheries and the water regulations side (floodplain regulations and public water work permit regulations) side upfront, but had talked to "someone at the DNR" and were then surprised there were other requirements later in the process. I can also get the FEMA region 5 staff involved in that discussion, if that would be helpful.

Ceil Strauss, CFM

State Floodplain (NFIP) Manager | Ecological and Water Resources Division

Minnesota Department of Natural Resources

500 Lafayette Road

St. Paul, MN 55155-4025

Phone: 651-259-5713

(Summary of Hydrologic Assessment)

Summary of Hydrologic Assessment of Habitat Restoration Alternatives for the Niebeling Tract near Hokah, MN
Upper Mississippi NWFR, LaCrosse District
7/1/2022

Background: The Niebeling Tract site was previously a sod farm. The U.S. Fish and Wildlife Service (Service) purchased the property in September, 2020. Habitat at time of purchase varied from constructed ditches that function somewhat as wetland, Kentucky blue grass fields, large areas of young willow thickets with some areas a few years old, and an old spoil mound along the river. Historically, the spoil mound, comprised of unconsolidated dredge spoil, functioned as a makeshift levee, separating the Tract from the Root River. The spoil mound provided some measure of flood protection to the Tract, but due to a large breach in the levee prior to purchase, the Tract was exposed to more frequent flooding and a substantial area of silt deposition.

Objectives: The restoration of natural communities for the conservation of resources of concern. Restore and manage the 106 acre Tract in the lower Root River floodplain to mimic natural flood regimes and allow for the restoration of historic native plant communities. Native plant communities could be a combination of diverse wet meadow, shrub/scrub, and floodplain forest, all of which would have historically been present on the site.

Hydrologic Assessment: Service Hydrologists used LiDAR data, aerial imagery, USGS stream gage data, climate projections, and on-site surveys to gain an understanding of past, present and potential future hydrology in the area. This information was used to assess potential restoration and infrastructure alternatives relative to Service objectives.

A key component to the hydrology and habitat of the Tract is the Root River and the adjoining levee system. As mentioned earlier, the levee along the Tract was breached at the time of purchase. A temporary breach repair was constructed by the Service in the fall of 2021, but high water on the Root River reopened the breach in the spring of 2022. Restoration and management of the Tract must consider the frequency and magnitude of inundation from Root River flood events, which is dictated, in part, by the presence or absence of the historic levee.

The assessment of available information produced the following findings:

- There is an increasing trend in flood frequency and magnitude for the Root River.
 - This is nuanced, as peak stage values seem to be increasing faster than peak streamflow, indicating a potential change in channel/floodplain geometry (such as infilling or levees).
 - However, high intensity rainfall events are also increasing and projected to increase even more in the future, which is likely to increase flood volumes.
- Based on the elevation of the breach, the Tract and neighboring properties would be flooded by <2yr event (>50% chance of occurring in any given year) under current conditions. As mentioned above, this frequency is likely increasing.
- Even with the levee repaired to the previous elevation, the Tract and surrounding properties will flood at <5yr event (>20% chance of occurring in any given year).
- Due to breaches upstream, west of the Tract, and bridges under Highway 16, the Tract will flood at <5yr event, even if the levee in the vicinity of the Tract were built higher.
 - A reconstructed levee may trap flood waters behind it for prolonged periods of time due to a lack of drainage options.
- With a top width of 12', base of 40' and a height of 6.5' and an approximate length of levee repair at 275', it will require approximately 1,700 cubic yards of material to repair the breach.
- The Tract, in and of itself, is likely too small to facilitate a levee setback or other floodplain reconnection alternatives.
 - May be counterproductive to habitat objectives due to the likelihood of heavy sediment deposition in an isolated area.
 - May be cost prohibitive due to length and height of levee required.
- During flood stages, the water is flowing towards the historic Root River channel to the north. This is at a lower elevation than the surrounding floodplain.
 - The current breach has begun to create a shallow scour channel connecting the river to these lower areas and channels.
 - The unstable and un-vegetated area north of the breach leaves the area vulnerable to additional scour.
- Willows and other dense vegetation have trapped sediment and increased land surface elevations in other portions of the floodplain. If established, such vegetation in the vicinity of the breach may help protect against scour and channel formation.
- There will be no small scale solution to long-term flooding concerns. Alternatives for addressing flooding along the lower Root River will need to be at the 'reach-scale' and include interaction with the floodplain.
- There is a lack of hydrologic data and information in the lower Root River. Additional data and modeling will be required to assess largescale options for habitat restoration and flood damage reduction.
 - The Service has begun to collect some of these data, but products such as reach-wide H&H modeling will require outside resources.

Recommendation: While the long-term goal is to restore floodplain processes, the information above suggest there are few options currently available for largescale floodplain restoration in and around the Niebeling Tract. Under current conditions, the existing breach may be detrimental to near-term habitat objectives (i.e., establishment of willows) due to its isolated and dynamic nature. In addition, the breach presents a flooding concern to neighboring lands.

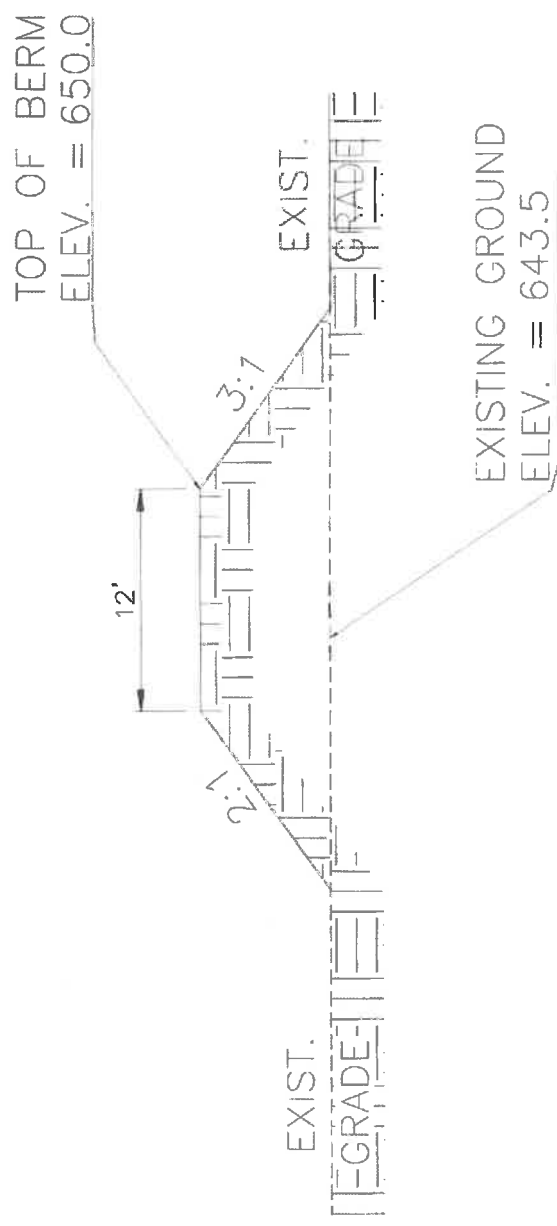
Based on these constraints, Service hydrologists recommend an iterative approach to restoration of the Tract by promoting the growth of early successional floodplain vegetation, such as willow, to assist with sediment capture and eventual land aggradation. Restoring some sediment and vegetation dynamics, will aid in the creation of floodplain geomorphic features, such as a natural riverfront levee whose higher elevations may allow for eventual tree growth.

Therefore, a short-term solution would be to consent to neighboring land owners' requests to repair the breach by their own means. If the levee holds for at least one or two years, it should allow for sufficient vegetation growth to mitigate scour and increase sediment capture during future events. The near-term goal is to allow the site to stabilize and promote early successional floodplain processes. The area will continue to flood as detailed above (>20% chance in any given year), however with a more stable and established vegetation community it will be more resilient to future flooding and any potential future breaches.

Due to these short-term objectives, it is important that the material for the levee repair not be collected from lands immediately adjacent to the breach. Due to the large volume of fill required to repair the breach (~120 dump truck loads), a borrow area close to the site will have to be identified. Depending on soils and refuge approval, the borrow material could be incorporated into a possible wetland restoration/creation project with the existing ponds on site. This approach would supply the needed fill, reduce transport costs, and improve habitat on the Tract. If possible, disturbance of the areas immediately north of the breach should be kept at a minimum so that the willows already established can continue to grow. In addition, the breach should be repaired to the levees original dimensions, but no larger. Increasing levee height or width in one area could lead to failures in other areas.

Looking to the future, data on Root River water levels, channel and floodplain geometry, and other metrics should continue to be collected so that longer-term goals, such as floodplain reconnection and restoration of natural processes, can be better assessed.

Please contact Mary Grace Lemon, marygrace_lemon@fws.gov, or Josh Eash, josh_eash@fws.gov with questions or for additional information.



TYPICAL CROSS SECTION OF BERM REPAIR AREA

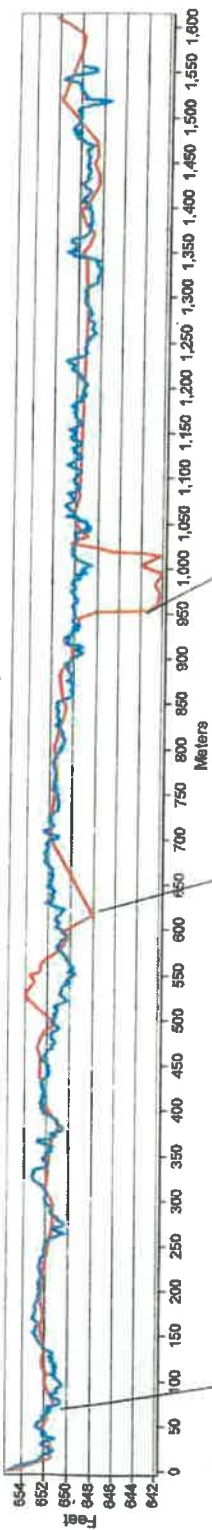
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DATE 08-16-2017 BY 60322 UCBAW/BJS

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Root Levee Lines, Lidar Blue, RTK Red

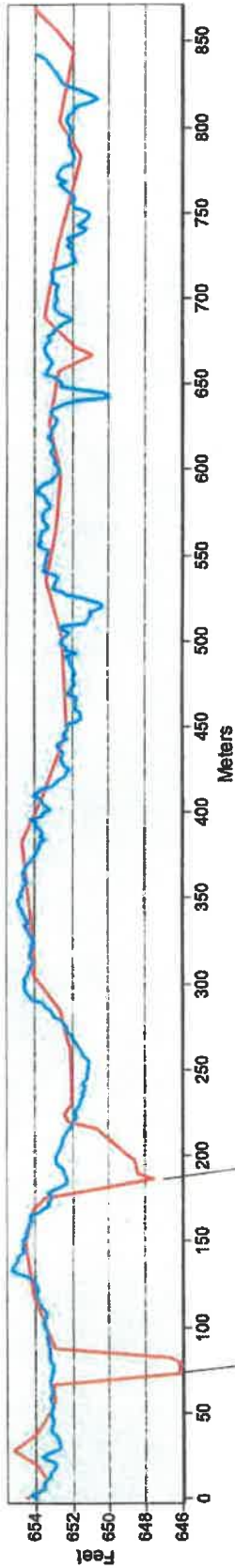


West to East

RTK Levee Point and Lidar Levee Lines



West Levee Lines, Lidar Blue, RTK Red

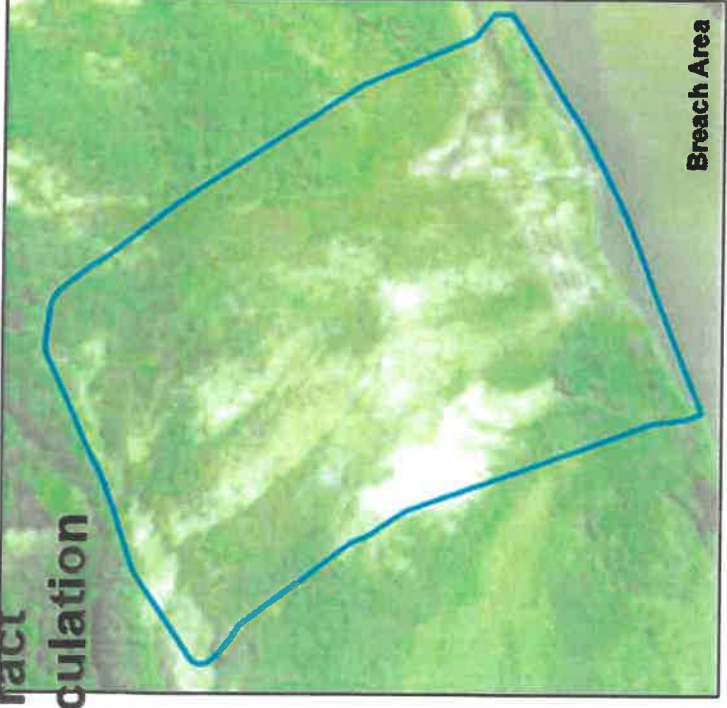


West to East

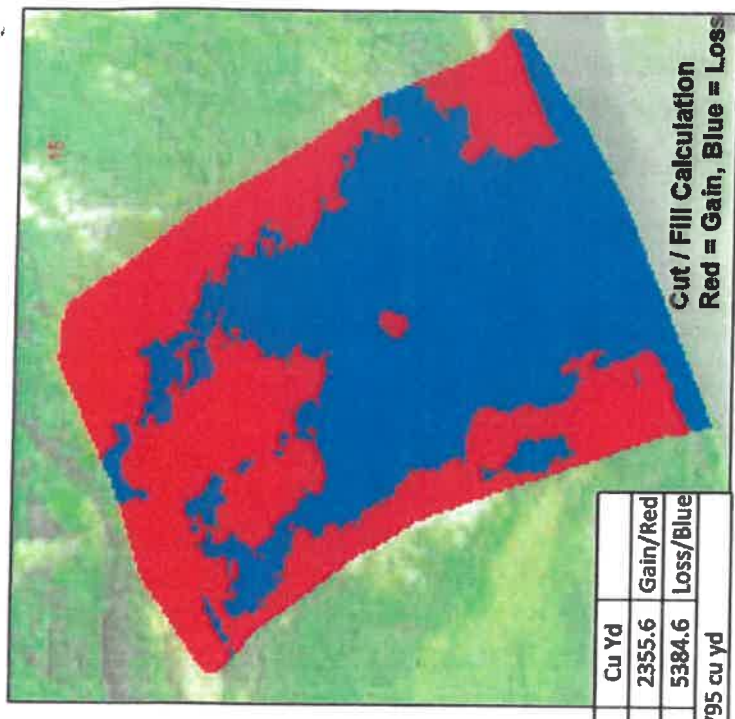
RTK Levee Points and Lidar Levee Lines



Niebeling Tract Cut Fill Calculation

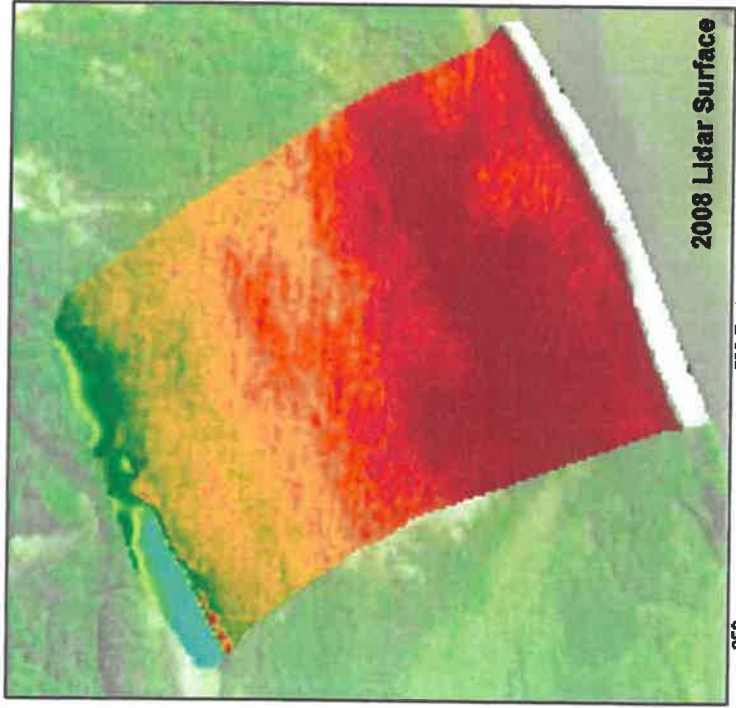


Breach Area

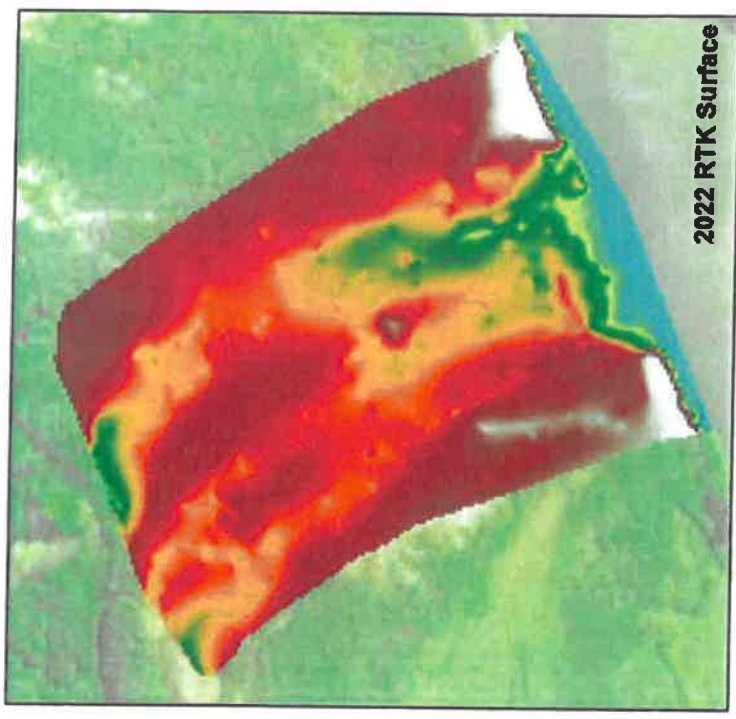


Cut / Fill Calculation
Red = Gain, Blue = Loss

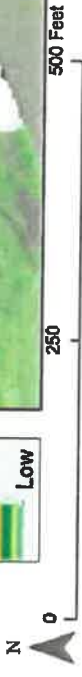
Cu M	Cu Yd	Gain/Red	Loss/Blue
1801.0	to	2355.6	
4116.8	to		5384.6
1 cu m = 1.30795 cu yd			



2008 Lidar Surface



2022 RTK Surface



Niebeling Tract Water Surface Points

WS 641.0

WS 645.0
Plug 647.3

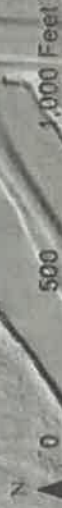
WS 643.7

WS 641.2

WS 644.9

WS 642.1

WS 641.4



16

17

A yellow pushpin is pinned to the top left corner of the page.

◀ Z

1000 ft

Niebling Tract Levee Repair

Legend

Niebling Tract

Root River Levee Breach Repair_Niebling Tract

Wetland Scrap #2

Wetland Scrape #1



Niebeling Tract North Road Connections

culvert
WS 641.6
INV 638.6

culvert
WS 641.7
INV 638.5

culvert

WS 641.6
INV 639.3

WS 642.6
WS 641.7

No culvert, no connection

Open channel

CentLine 640.3

Breach - no culvert

HWM 644.5

WS 641.6
Ditch CL 640.4

culvert
WS 641.0
INV 641.4

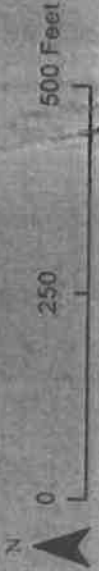
culvert


WS 641.7
INV 642.4

WS = Water Surface
INV = Culvert Invert (flow-line)
CL/CentLine = centerline of channel

All elevations in feet, Mean Sea Level 1983

Surveyed 3/29/22, Vince Capader, Josh Eash



Number 2022- CUP- 95513	UNITED STATES OF AMERICA DIVISION OF US FISH/WILDLIFE 050255004 Conditional Use Request Submitted by USFWS Upper Miss NWFR on 7/29/2022	
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CONDITIONAL USE INTRO [Edit] Last updated: 7/29/2022 1:23:14 PM and saved by: USFWS Upper Miss NWFR

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

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

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

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

Conditional Use Application Fee **\$700.00**

Recording Fee **\$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION

[Edit] Submitted by Applicant

Last updated: 7/29/2022 1:25:50 PM and saved by: USFWS

21

Upper Miss NWFR

Applicant Name **UNITED STATES OF AMERICA DIVISION OF US FISH/WILDLIFE**

Telephone Number **6087792385**

Address **N5727 County Road Z**

City **La Crosse**

Zip **54650**

Parcel Tax ID **050255004**

Legal Description **PT N1/2 NE1/4 & PT SE1/4 NE1/4LYING N OF ROOT RIVER DOC 299754**

Section-Township-Range **32/104/004**

Do you own additional adjacent parcels **Yes**

Township of: **Hokah**

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: 8/1/2022 12:15:28 PM and saved by: USFWS Upper Miss NWFR

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

Describe in detail your request.

Repair levee along the Root River (Judicial Ditch 1) on the former Niebeling Tract. Levee would be repaired connecting to existing levee and off of the bank of the river. Repair will be made to the historic elevation of this levee of 650 ft Nav88. The levee breach occurred in March 2019 was repaired by the previous owner then breached again prior to the USFWS (Upper Mississippi River NWFR) closing on the property in January 2021. Fill material for the repair will be taken from on site, previous ag fields facilitating wetland enhancements. The Refuge will be issuing a Special Use Permit to the neighboring land owners for the reappear.

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

21

Requested Dimension:

275 feet

Please upload any supporting documents:

[Niebeling Tract Repair and Scrape 2.jpg \(download\)](#)

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 8/1/2022 1:15:40 PM and saved by: USFWS Upper Miss NWFR

[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:

Use conforms to Subd. 2 Protection of Environmentally Sensitive Natural Areas: the levee will protect National Wildlife Refuge lands to allow restoration of floodplain habitat to provide better functioning during flood events along with habitat that supports Refuge Resources of Concern both habitat and wildlife species. Use also conforms to Subd. 3. Two Principle land uses: Agriculture and natural resource. The repairing of the levee will protect neighboring lands from more frequent flooding, sediment deposition from the river and crop damage. Natural resources including wetlands will be enhanced and better support floodplain functioning.

Yes

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

Comments:

This levee was breached in March 2019 and was repaired by the previous landowner than breached again prior to USFWS ownership. The breach is cutting a channel to the historic Root River, crossing neighboring properties. The Refuge developed seven alternative to manage this property and the levee breach. Hydrologist from the region completed surveys in March 2022 and determined that all but two of the alternatives would not be feasible for the Refuge. We settled on a hybrid of the two alternatives allowing a Refuge Special Use Permit to the neighbors to repair the levee, protecting their lands and allowing the tract to recover and restore floodplain habitats.

Yes

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

Comments:

The project will act to protect the water quality of the county by providing protection to properties and supporting 106 acres of buffer and wetlands on the floodplain, thus protecting the Root River (Judicial Ditch 1) from runoff. This project will also protect the area from further off channel cutting resulting in further erosion and agricultural land degradation.

Yes

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

Comments:

The project will not increase the quantity of water runoff in the area. Wetlands will be enhanced. Habitat will be restored to better handle runoff in the floodplain.

Yes

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

Comments:

Refuge Staff worked with the Root River SWCD to determine the best sites for wetland scrapes by completing soil surveys of the area. We located soils that would provide adequate levee construction material onsite and restore and enhance floodplain wetlands.

Yes

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

Comments: **The levee will be constructed to the historic elevation of 650 feet Nav88. This is the height taken from Lidar maps from 2008 and from survey work completed in March 2022.**

Yes

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

Comments: **Access roads are currently on site.**

N/A

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: **Completely off highway and road system.**

N/A

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

Comments: **Same as above.**

Yes

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

Comments: **Will not change uses as this will be going back to the 2019 conditions. Less frequency in flooding of neighboring properties may be expected (positive)**

Yes

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

predominant uses in the area.

Comments:

As mentioned above this process has taken into account surrounding properties and their values: Two stakeholder/public agency meetings to develop alternatives and decision process.

Yes

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

Comments:

work will be done during daylight hours and the site is distances from residences. Work would be similar to farming practices that took place on the tract in the past.

N/A

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 does not apply.

N/A

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

Comments:

This does not apply

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:

The Refuge Special Use Permit will outline special conditions to ensure compatibility with the Refuge and its purpose of protecting natural resources, public safety and health as this is a site that is open to the public. Contractors will be required to adhere to these special conditions while operating on the Refuge.

SITE PLAN INFORMATION [\[Edit\]](#) Last updated: 8/1/2022 1:17:56 PM and saved by: USFWS Upper Miss NWFR

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

[Niebeling Tract Repair and Scrape 2.jpg \(download\)](#)

Upload Site Plan

Use Interactive Map to Create Site Plan



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

Levee repair is outlined on the map 275 feet long 11 feet wide at base. Wetland scrape areas are locations identified by soil sampling. Material for the levee repair will be taken from the wetland scrape areas.

APPLICATION SUBMITTAL

[Edit] Last updated: 8/1/2022 1:20:05 PM and saved by: USFWS Upper Miss NWFR

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

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

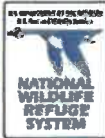
By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge. **Yes**

Signature



Date Signed:
08/01/2022

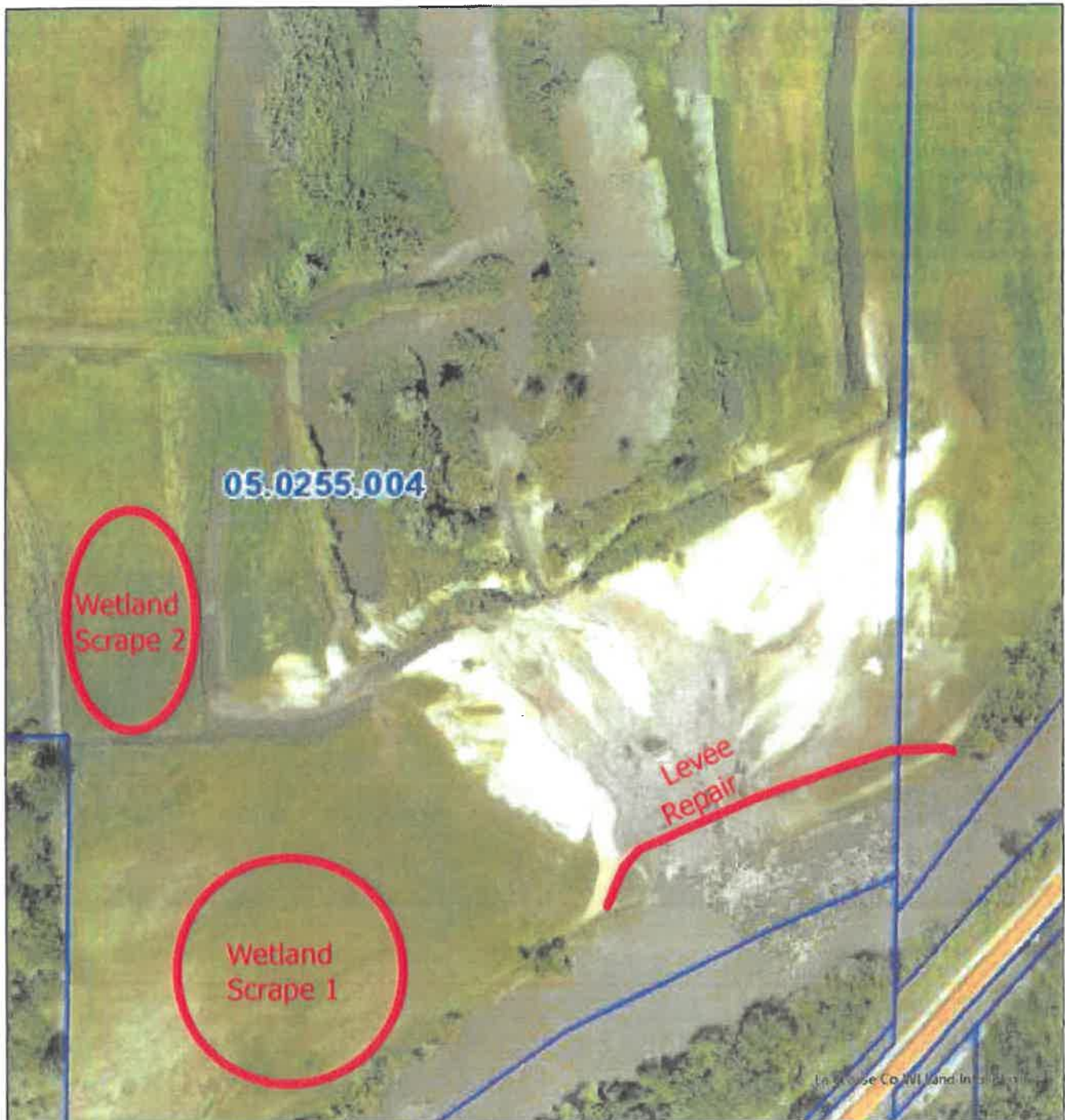
Check this box if Staff Signature on behalf of Applicant. **No**



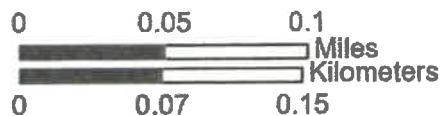
U.S. Fish & Wildlife Service

Niebeling Tract Wetland Scrapes and Levee Repair

Houston County, MN

Scrape and Repair Locations

Produced in the Division of Refuges
Onalaska, Wisconsin
Produced August 1, 2022 - Zachary Robinson
Basemap: Sources: Beacon Imagery
Geographic Society, I-cubed



The USFWS makes no warranty for use of this map and cannot be held liable for actions or decisions based on map content.
This map is intended as a general guide for the public and commercial use of National Wildlife Refuge lands.
The purpose of this map is to visually describe the geography and 2017 growing season imagery of the Stoner Tract, LAX District UMRNWR.
Map image is the intellectual property of Esri and is used herein under license. Copyright © 2022 Esri and its licensors. All rights reserved.

Amelia Meiners

From: Jeanne <jhzjmz@gmail.com>
Sent: Wednesday, August 10, 2022 2:26 PM
To: Martin Herrick
Subject: Levee

*** 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.

Houston Co Planning Commission

Attention: Martin Herrick

I am writing in opposition of the conditional use permit to repair the levee of flood plain district (Section 21-21.5, subdivision 3, section 6) I Hokah Township.

My wife and I own the farmland just southeast of the levee that is washed out. When the levee was intact we had many washouts and fast moving water on our land. From this flooding we would get deep ravines, piles of sand and debris in our fields.

We were never allowed to adjust our land from the flooding. No dikes or levees.

Since the levee has been out our land is in better condition.

What makes the farmland across the river any more important than our land?

Thank you,

James Zibrowski
608-780-5291

Subject: Levee

HOUSTON COUNTY PLANNING COMMISSION

Attention Martin Herrick,

I am writing this letter in opposition of the conditional use permit to repair the levee of the flood plain district (Section 21-21.5, Subdivision 3, Subsection 6) in Hokah Township.

I own a farm across the river and downstream of proposed levee repair. Before the levee was breached, I often had major flooding on my farm that caused major expensive destruction to my property and expense to my horse boarding business. During floods water, ice, tree, and junk would flow through my property destroying fences depositing sand and debris in my hay field and pasture. Clean up was extensive. Since the breach I still have minor flooding with backup water that does not have as destructive of flowthrough.

P.S. I have CRP buffer zone along the river's edge to control erosion and collect delta settlement. Fish and wildlife should do the same by allowing water to flow through their land and not block the flow with a levee.

Thank you,

Larry Kreibich

(484) 519-2039

Houston County Agenda Request Form

Date Submitted: August 29, 2022

Board Date: September 6, 2022

Person requesting appointment with County Board: Brian Pogodzinski

Issue:

Project # CP 2022-06 Seal Coating with Scott Construction inc who provided seal coat on CSAH's 8, 9, 11, 22, 29, 33 and Wildcat Park in Houston County is complete and ready for final payment.

Attachments/Documentation for the Board's Review:

Final Contract Voucher (5 need to be signed)

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

Justification:

Action Requested:

Resolution for Final Acceptance needed for contract.

Language for Minutes:

Commissioner _____ moved, Commissioner _____ seconded, unanimously carried to approve Resolution 22-42 Final Acceptance of Contract #325 – Scott Construction Inc completes CP 2022-06 Seal Coating for a total cost of \$373,839.95.

WHEREAS, Contract No. 325 has in all things been completed, and the County Board being fully advised in the premises; and

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

For County Use Only

Reviewed by:

County Auditor

Finance Director

IS Director

County Attorney

County Engineer

Other (indicate dept)

Zoning Administrator

Environmental Services

Recommendation:

Decision:

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

RESOLUTION NO. 22-42

**FINAL ACCEPTANCE FOR CP 2022-06 SEALCOATIN
CONTRACT # 325 – SCOTT CONSTRUCTION INC.**

September 6, 2022

WHEREAS, Contract No. 325 has in all things been completed, and the County Board
being fully advised in the premises,

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

*****CERTIFICATION*****

STATE OF MINNESOTA
COUNTY OF HOUSTON

I, Donna Trehus, County Auditor/Treasurer do certify that the above is a true and correct
copy of a resolution adopted by the Houston County Board of Commissioners at the session
dated September 6, 2022.

WITNESS my hand and the seal of my office this 6th day of September 2022.

Signed by _____

Houston County Auditor - Treasurer

Houston County Highway Department

1124 E Washington St, Caledonia, MN 55921

CP 2022-06 Seal Coat

Final Payment No. 3

Contractor: Scott Construction, Inc.
PO Box 340
Lake Delton, WI 53940

Contract No. 325 CP 2022-06 Seal Coat
Vendor Number: 6131
Up To Date: 8/12/2022
Warrant # _____ **Date** _____

Contract Amount

Original Contract	\$346,141.05
Contract Changes	\$-11,586.12
Revised Contract	\$334,554.93

Funds Encumbered

Original	\$346,141.05
Additional	N/A
Total	\$346,141.05

Work Certified To Date

Base Bid Items	\$385,068.52
Contract Changes	\$-11,228.57
Material On Hand	\$0.00
Total	\$373,839.95

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$0.00	\$373,839.95	\$0.00	\$355,147.95	\$18,692.00	\$373,839.95
Percent: Retained: 0%			Percent Complete: 111.74%		
Amount Paid This Partial Payment				\$18,692.00	

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

Approved By

Approved By Scott Construction, Inc.

County Engineer
Date



Contractor
Date

Certificate of Final Contract Acceptance
Final Voucher Number: number

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

Dated _____ Signature _____ County/City/Project Engineer

The undersigned Contractor hereby certifies that the work described has been performed in accordance with the terms of the Contract, and agrees that the Final Value of Work Certified on this Contract is \$373,839.95 and agrees to the amount of \$18,692.00 as Final Payment on this Contract in accordance with this Final Voucher.

Contractor: Scott Construction Inc By [Signature]

And [Signature] And _____ State of _____

On This 23rd Day August, 2022, Before me appeared _____ To me known to

(Individual Acknowledgment)

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

(Corporate Acknowledgment)

John A. Scott And Steven T. Herzer, to me personally known, who, being each by me duly sworn

each did say that they are respectively the Vice President and Secretary of the

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

Vice President and said Secretary and _____

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

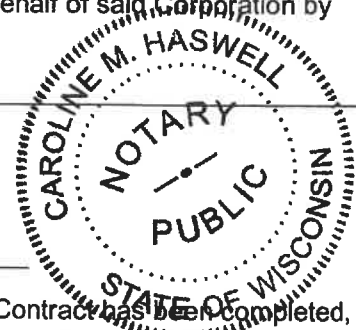
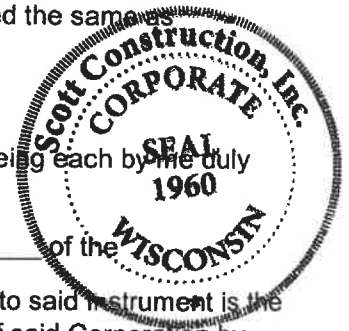
Notarial My Commission as Notary Public in Sauk County

Seal Expires 6/19/23 Signature [Signature]

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

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

Dated _____ Signature _____ District Engineer



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

Contract Number: 325 CP 2022-06 Seal Coat
Contractor: Scott Construction, Inc.
Date Certified: 8/12/2022
Payment Number: 3

Whereas; Contract No.325 CP 2022-06 Seal Coat has in all things been completed, and the County Board being fully advised in the premises, now then be it resolved; that we do hereby accept said completed project for and in behalf of Houston County Highway Department a and authorize final payment as specified herein.

State of

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

Dated this _____ day of _____, 20__

At Caledonia, Minnesota

Signed By _____

(SEAL)

Houston County Highway Department
1124 E Washington St, Caledonia, MN 55921
CP 2022-06 Seal Coat
Final Payment No. 3

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	7/6/2022	\$347,302.59	\$17,365.13	\$329,937.46
2	7/15/2022	\$26,537.36	\$1,326.87	\$25,210.49
3	8/12/2022	\$0.00	(\$18,692.00)	\$18,692.00

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
CP 2022-06 Seal Coat	1	\$373,839.95	\$0.00	\$355,147.95	\$18,692.00	\$373,839.95

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
54 CP 2022-06 Seal Coat	ARPA American Rescue Plan Act	\$18,692.00	\$334,554.93	\$346,141.05	\$373,839.95

Contract Item Status								
Base/Alt	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2356.504 BITUMINOUS SEAL COAT - (FA 2) (SQ YD)	0.650	100,062.00	0.00	\$0.00	100,062.00	\$65,040.30
Base Bid	2	2356.504 BITUMINOUS SEAL COAT - (FA 2.5) (SQ YD)	0.650	113,205.00	0.00	\$0.00	113,205.00	\$73,583.25
Base Bid	3	2355.506 BITUMINOUS MATERIAL FOR FOG SEAL (GAL)	2.000	17,061.00	0.00	\$0.00	22,589.00	\$45,178.00
Base Bid	4	2356.506 BITUMINOUS MATERIAL FOR SEAL COAT (GAL)	2.330	59,846.00	0.00	\$0.00	71,827.00	\$167,356.91
Base Bid	5	2582.503 4" SOLID LINE YELLOW - PAINT (LIN FT)	0.065	21,092.00	0.00	\$0.00	19,734.00	\$1,282.71
Base Bid	6	2582.503 4" BROKEN LINE YELLOW - PAINT (LIN FT)	0.065	6,210.00	0.00	\$0.00	6,560.00	\$426.40
Base Bid	7	2582.503 4" DOUBLE SOLID LINE YELLOW - PAINT (LIN FT)	0.130	39,998.00	0.00	\$0.00	39,174.00	\$5,092.62
Base Bid	8	2582.503 6" SOLID LINE WHITE- PAINT (LIN FT)	0.090	140,701.00	0.00	\$0.00	128,138.00	\$11,532.42
Base Bid	9	2582.503 4" SOLID LINE WHITE - PAINT (LIN FT)	0.065	9,088.00	0.00	\$0.00	14,666.00	\$953.29
Base Bid	10	2582.503 4" DOTTED LINE WHITE - PAINT (LIN FT)	0.130	508.00	0.00	\$0.00	364.00	\$47.32
Base Bid	11	2582.503 24" SOLID LINE WHITE - PAINT (LIN FT)	6.000	25.00	0.00	\$0.00	25.00	\$150.00
Base Bid	12	2582.518 CROSSWALK MARKING (CONTINENTAL BLOCK DESIGN) - PAINT (S.F.)	2.150	1,566.00	0.00	\$0.00	1,764.00	\$3,792.60
Base Bid	13	2582.502 PAVT MSSG (BIKE LANE ARROW) PAINT (EACH)	30.000	41.00	0.00	\$0.00	41.00	\$1,230.00

Contract Item Status								
Base/Alt	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	14	2582.502 PAVT MSSG (HELMETED BIKE SYMBOL) PAINT (EACH)	40.000	41.00	0.00	\$0.00	41.00	\$1,640.00
Alternate 1	15	2356.504 BITUMINOUS SEAL COAT - (FA 2.5) (SQ YD)	0.700	4,251.00	0.00	\$0.00	4,251.00	\$2,975.70
Alternate 1	16	2355.506 BITUMINOUS MATERIAL FOR FOG SEAL (GAL)	2.250	340.00	0.00	\$0.00	462.00	\$1,039.50
Alternate 1	17	2356.506 BITUMINOUS MATERIAL FOR SEAL COAT (GAL)	2.500	1,233.00	0.00	\$0.00	1,343.00	\$3,357.50
Alternate 1	18	2582.502 6" SOLID LINE YELLOW-PAINT (LIN FT)	1.500	300.00	0.00	\$0.00	260.00	\$390.00
Base Bid Totals:						\$0.00		\$385,068.52

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
CP 2022-06	CP 2022-06 Wildcat	\$0.00	\$7,762.70
CP 2022-06	CP 2022-06	\$0.00	\$377,305.82

Contract Change Item Status									
Project	CC	CC#	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Amount To Date
CP 2022-06	BK	1	19	2356.504 BITUMINOUS SEAL COAT - (FA 2.5) (SQ YD)	-0.156	74,270.00	0.00	\$0.00	(\$11,228.57)
Contract Change Totals:								\$0.00	\$-11,228.57

Contract Total	\$373,839.95
-----------------------	---------------------

Contract Change Totals			
Number	Description	Amount This Request	Amount To Date
1	Monetary Price adjustment for for #200 sieve not meeting requirements of 3127 "Fine Aggregate for Bituminous Seal Coat." Adjustment is 2% for each 0.1 percent outside of the requirements for #200 sieve over 1.0. Test result yielded 2.2%, which equals 24% adjustment for 71,978 SY.	\$0.00	(\$11,228.57)

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

Houston County Highway Department
1124 E Washington St, Caledonia, MN 55921
CP 2022-06 Seal Coat
Final Payment No. 3

Contract Item Status by Funding Breakdown

Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
CP 2022-06 Seal Coat	15	2356.504 BITUMINOUS SEAL COAT - (FA 2.5) (SQ YD)	0.700	4,251.00	0.00	\$0.00	4,251.00	\$2,975.70
CP 2022-06 Seal Coat	16	2355.506 BITUMINOUS MATERIAL FOR FOG SEAL (GAL)	2.250	340.00	0.00	\$0.00	462.00	\$1,039.50
CP 2022-06 Seal Coat	17	2356.506 BITUMINOUS MATERIAL FOR SEAL COAT (GAL)	2.500	1,233.00	0.00	\$0.00	1,343.00	\$3,357.50
CP 2022-06 Seal Coat	18	2582.502 6" SOLID LINE YELLOW-PAINT (LIN FT)	1.500	300.00	0.00	\$0.00	260.00	\$390.00
CP 2022-06 Seal Coat	1	2356.504 BITUMINOUS SEAL COAT - (FA 2) (SQ YD)	0.650	100,062.00	0.00	\$0.00	100,062.00	\$65,040.30
CP 2022-06 Seal Coat	2	2356.504 BITUMINOUS SEAL COAT - (FA 2.5) (SQ YD)	0.650	113,205.00	0.00	\$0.00	113,205.00	\$73,583.25
CP 2022-06 Seal Coat	3	2355.506 BITUMINOUS MATERIAL FOR FOG SEAL (GAL)	2.000	17,061.00	0.00	\$0.00	22,589.00	\$45,178.00
CP 2022-06 Seal Coat	4	2356.506 BITUMINOUS MATERIAL FOR SEAL COAT (GAL)	2.330	59,846.00	0.00	\$0.00	71,827.00	\$167,356.91
CP 2022-06 Seal Coat	5	2582.503 4" SOLID LINE YELLOW - PAINT (LIN FT)	0.065	21,092.00	0.00	\$0.00	19,734.00	\$1,282.71
CP 2022-06 Seal Coat	6	2582.503 4" BROKEN LINE YELLOW - PAINT (LIN FT)	0.065	6,210.00	0.00	\$0.00	6,560.00	\$426.40
CP 2022-06 Seal Coat	7	2582.503 4" DOUBLE SOLID LINE YELLOW - PAINT (LIN FT)	0.130	39,998.00	0.00	\$0.00	39,174.00	\$5,092.62
CP 2022-06 Seal Coat	8	2582.503 6" SOLID LINE WHITE- PAINT (LIN FT)	0.090	140,701.00	0.00	\$0.00	128,138.00	\$11,532.42
CP 2022-06 Seal Coat	9	2582.503 4" SOLID LINE WHITE - PAINT (LIN FT)	0.065	9,088.00	0.00	\$0.00	14,666.00	\$953.29
CP 2022-06 Seal Coat	10	2582.503 4" DOTTED LINE WHITE - PAINT (LIN FT)	0.130	508.00	0.00	\$0.00	364.00	\$47.32
CP 2022-06 Seal Coat	11	2582.503 24" SOLID LINE WHITE - PAINT (LIN FT)	6.000	25.00	0.00	\$0.00	25.00	\$150.00
CP 2022-06 Seal Coat	12	2582.518 CROSSWALK MARKING (CONTINENTAL BLOCK DESIGN) - PAINT (S.F.)	2.150	1,566.00	0.00	\$0.00	1,764.00	\$3,792.60
CP 2022-06 Seal Coat	13	2582.502 PAVT MSSG (BIKE LANE ARROW) PAINT (EACH)	30.000	41.00	0.00	\$0.00	41.00	\$1,230.00
CP 2022-06 Seal Coat	14	2582.502 PAVT MSSG (HELMETED BIKE SYMBOL) PAINT (EACH)	40.000	41.00	0.00	\$0.00	41.00	\$1,640.00
CP 2022-06 Seal Coat	19	2356.504 BITUMINOUS SEAL COAT - (FA 2.5) (SQ YD)	-0.156	74,270.00	0.00	\$0.00	71,978.01	(\$11,228.57)

Contract Item Status by Funding Breakdown								
Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Totals:						\$0.00		\$373,839.95



Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	0-121-109-920
Submitted Date and Time:	17-Aug-2022 1:56:23 PM
Legal Name:	SCOTT CONSTRUCTION INC
Federal Employer ID:	39-0979191
User Who Submitted:	3444712
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	1317441536
Minnesota ID:	3444712
Project Owner:	HOUSTON COUNTY HIGHWAY DEPT
Project Number:	CP 2022-06
Project Begin Date:	20-Jun-2022
Project End Date:	26-Jul-2022
Project Location:	HOUSTON COUNTY, MN
Project Amount:	\$373,839.95

Subcontractor Summary

Name	ID	Affidavit Number
TRAFFIC MARKING SERVICE INC	8462102	1234276352
ALL STATE TRAFFIC CONTROL, INC.	4300984	751931392

Important Messages

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

Contact Us

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

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



DEPARTMENT OF REVENUE

Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	0-355-786-144
Submitted Date and Time:	5-Aug-2022 12:37:28 PM
Legal Name:	TRAFFIC MARKING SERV INC
Federal Employer ID:	41-0744761
User Who Submitted:	TrafficJM
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	1234276352
Minnesota ID:	8462102
Project Owner:	HOUSTON COUNTY
Project Number:	CP 2022-06
Project Begin Date:	11-Jul-2022
Project End Date:	15-Jul-2022
Project Location:	HOUSTON COUNTY
Project Amount:	\$26,537.36
Subcontractors:	No Subcontractors

Important Messages

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

Contact Us

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





Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	1-850-670-496
Submitted Date and Time:	17-Aug-2022 12:35:50 PM
Legal Name:	ALL STATE TRAFFIC CONTROL, INC.
Federal Employer ID:	47-5418502
User Who Submitted:	ASTCMN16
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	751931392
Minnesota ID:	4300984
Project Owner:	HOUSTON COUNTY
Project Number:	CP 2022-06
Project Begin Date:	20-Jun-2022
Project End Date:	25-Jul-2022
Project Location:	HOUSTON CO
Project Amount:	\$5,500.00
Subcontractors:	No Subcontractors

Important Messages

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

Contact Us

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

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

**HOUSTON COUNTY
AGENDA REQUEST FORM
September 6, 2022**

Date Submitted: 8/30/2022

By: Mark Olson, Emergency Management Director

ACTION REQUEST:

- **Requesting the board approve a resolution declaring a state of emergency for conditions resulting from a heavy rain/flooding event on August 24, 2022.**

CONSENT AGENDA REQUEST:

NONE

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

Resolution Declaring a State of Emergency

Resolution # 22-43

WHEREAS the heavy rains and flooding impacted the population of Houston County and its townships, and public utilities; and

WHEREAS the heavy rains and flooding event has caused a significant amount of damage to roadways; and

WHEREAS the Houston County Department of Emergency Management requests the Houston County Board of Commissioners to declare Houston County in a STATE OF EMERGENCY for the August 24 event of 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Houston County Board of Commissioners declares Houston County in a State of Emergency for conditions resulting from the heavy rains and flooding event of August 24, 2022.

Adopted by the Houston County Board of Commissioners this 6th day of September, 2022.

ATTEST:

I, Donna Trehus, Auditor-Treasurer, hereby attest that the foregoing resolution was duly adopted by the Houston County Board of Commissioners on the 6th day of September, 2022.

Houston County Auditor-Treasurer

HOUSTON COUNTY AGENDA REQUEST FORM

Date Submitted: 09.06.22

By: Lucas Onstad, County Assessor

ACTION ITEM:

Consider approval of abatements for the following taxpayers:

BYRD	MARK	25.0951.000	2022	MARKET VALUE CORRECTION	-4,336.00
BUXENGARD	KYLE	15.0169.000	2022	HOMESTEAD CORRECTION	-1,624.00
BUXENGARD	KYLE	15.0170.000	2022	HOMESTEAD CORRECTION	-2,924.00
BUXENGARD	KYLE	15.0170.001	2022	HOMESTEAD CORRECTION	-328.00
BUXENGARD	KYLE	15.0171.000	2022	HOMESTEAD CORRECTION	-48.00
BUNGE FARMS LLC		16.0358.000	2022	HOMESTEAD CORRECTION	-3,508.00
BUNGE FARMS LLC		16.0357.000	2022	HOMESTEAD CORRECTION	-72.00
BUNGE FARMS LLC		16.0362.000	2022	HOMESTEAD CORRECTION	-930.00
BUNGE FARMS LLC		16.0372.000	2022	HOMESTEAD CORRECTION	-802.00
KING	RANDY & LEIGH	12.0232.001	2022	MARKET VALUE CORRECTION	-4,890.00
KING	RANDY & LEIGH	12.0232.000	2022	MARKET VALUE CORRECTION	232.00

Reviewed by:

<input checked="" type="checkbox"/> Assessor	<input type="checkbox"/> County Sheriff
<input type="checkbox"/> Finance Director	<input type="checkbox"/> County Engineer
<input type="checkbox"/> IS Director	<input type="checkbox"/> PHHS
<input type="checkbox"/> County Attorney	<input checked="" type="checkbox"/> Other (indicate dept)
<input type="checkbox"/> Environmental Svcs	<input type="checkbox"/> Auditor/Treasurer

Recommendation:

Decision:

#289

4,336-

CR-PTA

Application for Property Tax AbatementFor Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022

Applicant and Property Information

Applicant Information

Last Name <u>Byrd</u>		First Name <u>Mark</u>		Middle Initial <u>D</u>
Property Address <u>421 Park St</u>			Social Security Number	
City <u>La Crescent</u>	State <u>MN</u>	Zip code <u>55947</u>	County <u>Houston</u>	
Parcel ID or legal description of property (from tax statement or valuation notice) <u>25.0951.000</u>			School District Number <u>300</u>	

Applicant's Statement of Facts

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

Land <u>250,000</u>	Structures <u>192,600</u>	Total <u>442,600</u>
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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
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Explain why the above amount has not been paid

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

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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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

Cerical Error land entered with additional zero. Should have been \$25,000 not \$250,000. Property is escrow and will need new statement sent to Bank. Please forgive penalty.

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>Assessor recommended</u>	Date <u>6-1-22</u>
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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

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	Land	Market Value		Taxes	Penalties	Interest	Costs	Total
		Improvements	Total					

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 Cresta Title Assessor Date 6-1-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Anna Gueher Title A/T Date 8/24/22

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

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 _____

DEPARTMENT OF REVENUE

#290

CR-PTA

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022

-1,624-

Applicant and Property Information

Applicant Information

Last Name <u>Buxengard</u>	First Name <u>Kyle</u>	Middle Initial
Property Address <u>20661 County 28</u>	Social Security Number	
City <u>Caledonia</u>	State <u>MN</u>	Zip code <u>55921</u>
County <u>Houston</u>		School District Number
Parcel ID or legal description of property (from tax statement or valuation notice) <u>15.0169.000</u>		

Applicant's Statement of Facts

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

Land <u>343900</u>	Structures <u>0</u>	Total <u>343900</u>
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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
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Explain why the above amount has not been paid

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

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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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

should have had homestead

Applicant's Statement of Facts/Settlement

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>Kyle Buxengard</u>	Date <u>4-11-22</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

(Rev. 10/13) County Assessor may also ask for additional verification of qualifications. Your Social Security number is considered private data.

Sign Here

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	Total					

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 Orstad Title Assessor Date 4-27-22

Recommendation of County Auditor

☐ Approved ☐ Denied

Signature _____ Date _____

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

☒ Approved ☐ Denied

Signature Anna Tiller Date 8/22/22

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

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 _____

DEPARTMENT OF REVENUE

#290

CR-PTA

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022

Applicant and Property Information

Applicant Information

Last Name <u>Buxenard</u>	First Name <u>Kyle</u>	Middle Initial
Property Address <u>20661 County 28</u>	Social Security Number	
City <u>Caledonia</u>	State <u>MN</u>	Zip code <u>55921</u>
County <u>Houston</u>	School District Number	
Parcel ID or legal description of property (from tax statement or valuation notice) <u>15.0170.000</u>		

Applicant's Statement of Facts

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

Land <u>427500</u>	Structures <u>0</u>	Total <u>427500</u>
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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
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Explain why the above amount has not been paid

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

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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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

Should have had Homestead

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>[Signature]</u>	Date <u>4-11-22</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

(Rev. 10/13) 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	Total					

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 Christad Title Assessor Date 4-27-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Donna Fisher Date 8/22/22

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

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 _____

DEPARTMENT OF REVENUE

#290

CR-PTA

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022

Applicant Information

Applicant and Property Information

Last Name <u>Buxengard</u>		First Name <u>Kyle</u>	Middle Initial
Property Address <u>20661 County 28</u>		Social Security Number	
City <u>Caledonia</u>	State <u>MN</u>	Zip code <u>55921</u>	County <u>Houston</u>
Parcel ID or legal description of property (from tax statement or valuation notice) <u>15.0170.001</u>			School District Number

Applicant's Statement of Facts

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

Land <u>49,700</u>	Structures <u>52,400</u>	Total <u>102,100</u>
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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
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Explain why the above amount has not been paid

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

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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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 <u>Classed as Res, should be Ag</u>

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	Date
------------------------	------

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

(Rev. 10/13) County Assessor may also ask for additional verification of qualifications. Your Social Security number is considered private data.

Sign Here

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	Total					

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 Orstad Title Assessor Date 4-27-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Anna Fisher Date 5/24/22

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

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 _____

DEPARTMENT OF REVENUE

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022Applicant and Property
Information

Applicant Information

Last Name <u>Buxenard</u>	First Name <u>Kyle</u>	Middle Initial
Property Address <u>20661 County 28</u>	Social Security Number	
City <u>Caledonia</u>	State <u>MN</u>	Zip code <u>55921</u>
County <u>Houston</u>		
Parcel ID or legal description of property (from tax statement or valuation notice) <u>15.0711.000</u>		School District Number

Applicant's Statement of Facts

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

Land <u>4400</u>	Structures <u>2000</u>	Total <u>6400</u>
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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
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Explain why the above amount has not been paid

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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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

should have had homestead

Applicant's Statement of Facts/Settlement

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	Date
------------------------	------

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

Sign Here

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		Total	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 Christy Title Assessor Date 4-27-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Anna Tuhiv Date 8/24/22

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 _____

#3, 508-

#291

CR-PTA

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2021

And Taxes Payable in Year(s): 2022

Applicant Information

Last Name <u>Bunge Farms LLC</u>		First Name	Middle Initial
Property Address <u>9183 Cty 2</u>		Social Security Number	
City <u>Elitzen</u>	State <u>MN</u>	Zip code <u>55931</u>	County <u>Houston</u>
Parcel ID or legal description of property (from tax statement or valuation notice) <u>16.0358.000</u>			School District Number <u>299</u>

Applicant's Statement of Facts

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

Land <u>621,300</u>	Structures <u>100,000</u>	Total <u>721,300</u>
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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
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Explain why the above amount has not been paid

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

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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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 Homestead was removed due to LLC not being listed on Department of Ag list. Confirmed with Department of Ag LLC should have been on list and remained Homestead

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>Elyse K Fitzer</u>	Date <u>5-6-22</u>
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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

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	Total					

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 Castel Title Assessor Date 8-5-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Donna Tucker Date 8/24/22

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 _____

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 _____

#291

8-72-

CR-PTA

Application for Property Tax AbatementFor Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022**Applicant Information**

Last Name <u>Bunge Farms LLC</u>		First Name		Middle Initial
Property Address <u>9183 Cty 2</u>			Social Security Number	
City <u>Eitzen</u>	State <u>MN</u>	Zip code <u>55931</u>	County <u>Houston</u>	
Parcel ID or legal description of property (from tax statement or valuation notice) <u>16.0357.000</u>			School District Number <u>299</u>	

Applicant's Statement of Facts

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

Land <u>9500</u>	Structures <u>-</u>	Total <u>9500</u>
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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 Homestead was removed due to LLC not being listed on Department of Ag list. Confirmed with Department of Ag LLC should have been on list and remained Homestead

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>Elyse F. J...</u>	Date <u>5-6-22</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, requiring, 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.

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(Rev. 10/13) 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	Total					

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 Chetard Title Assessor Date 5-4-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Donna Miller Date 8/24/22

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

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 _____

DEPARTMENT OF REVENUE

#291

930-

CR-PTA

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022

Applicant Information

Applicant and Property Information

Last Name <u>Bunge Farms LLC</u>		First Name		Middle Initial
Property Address <u>9183 City 2</u>			Social Security Number	
City <u>Etzen</u>	State <u>MN</u>	Zip code <u>55931</u>	County <u>Houston</u>	
Parcel ID or legal description of property (from tax statement or valuation notice) <u>16.0362.000</u>			School District Number <u>299</u>	

Applicant's Statement of Facts

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

Land <u>200,000</u>	Structures <u>-</u>	Total <u>200,000</u>
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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 <u>Property Homestead was removed due to LLC not being listed on Department of Ag list. Confirmed with Department of Ag LLC should have been on list and remained Homestead</u>

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>Elyse R. Jon</u>	Date <u>5-6-22</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

Applicant's Statement of Facts/Settlement

Sign Here

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	Total					

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 Onstad Title Assessor Date 8-4-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Anna Gulha Date 8/24/22

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 _____

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 _____

#-802-

#291

CR-PTA

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022

Applicant Information

Last Name <u>Bunge Farms LLC</u>		First Name		Middle Initial
Property Address <u>9183 Cty 2</u>			Social Security Number	
City <u>Fitzgen</u>	State <u>MN</u>	Zip code <u>55931</u>	County	
Parcel ID or legal description of property (from tax statement or valuation notice) <u>16.0372.000</u>			School District Number <u>299</u>	

Applicant's Statement of Facts

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

Land <u>238,100</u>	Structures <u>—</u>	Total <u>238,100</u>
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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
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Explain why the above amount has not been paid

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

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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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 Homestead was removed due to LLC not being listed on Department of Ag list. Confirmed with Department of Ag LLC should have been on the list and remained Homestead

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>Elyse Fitzgen</u>	Date <u>5-6-22</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

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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

(Rev. 10/13) 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	Total					

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 Orsted Title Assessor Date 5-4-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Donna Tucker Date 8/24/22

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 _____

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 _____

#292

CR-PTA

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2021And Taxes Payable in Year(s): 2022

12.6232.001

\$4,890-

12.6232.000-

+ 232⁰⁰

Applicant Information

Last Name <u>King</u>		First Name <u>Randy</u>		Middle Initial
Property Address <u>14212 Holty Ridge Dr</u>				Social Security Number
City <u>Caledonia</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>12.0232.001</u>			School District Number <u>299</u>	

Applicant's Statement of Facts

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

Land <u>104,600</u>	Structures <u>460,500</u>	Total <u>565,100</u>
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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
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Explain why the above amount has not been paid

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

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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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

House was Valued on 2 Allocations ~~at~~ Removed from Second Allocation. Garage was added to Spft of living space of Home. Should have Been listed as garage. ^{9238.700}

Signature of Applicant

Records were doubled up. FMV Should be \$294,600.
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	Date
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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

(Rev. 10/13) County Assessor may also ask for additional verification of qualifications. Your Social Security number is considered private data.

Applicant and Property Information

Applicant's Statement of Facts/Settlement

Sign Here

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	Total					

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 Basted Title Assessor Date 7-27-22

Recommendation of County Auditor

☒ Approved ☐ Denied

Signature Anna Teller Date 8/22/22

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

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 _____

DEPARTMENT OF REVENUE