

## **PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

Date: November 14, 2023

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Dewey Severson, Eric Johnson, Robert Burns, Bob Schuldt, and Greg Myhre

Others Present: Interim Auditor/Treasurer Polly Heberlein, Reporter Charlene Selbee, Reporter Rose Korabek, Finance Director Carol Lapham, Board Clerk/EDA Director Allison Wagner, Recorder Mary Betz, Human Resources Director Theresa Arrick-Kruger, Environmental Services Director Martin Herrick, Public Health and Human Services Director John Pugleasa, and Zoning Administrator Amelia Meiners

Presiding: Chairperson Severson

Call to order.

Pledge of Allegiance.

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

Motion was made by Commissioner Myhre, seconded by Commissioner Schuldt, motion unanimously carried to approve the meeting minutes from November 7, 2023.

Public Comment:

Reporter Rose Korabek asked about a water quality report. She said she knew the City of Caledonia's water was safe, and asked about the other areas in Houston County. Public Health and Human Services Director Pugleasa said he would be meeting with other counties and the Minnesota Department of Health to learn more.

### **APPOINTMENTS**

None.

### **CONSENT AGENDA**

Motion by Commissioner Johnson, seconded by Commissioner Burns, motion unanimously carried to approve the consent agenda.

- 1) Accept the resignation Rebecca Wilhelmson, Social Worker (Home and Community Based Services) effective November 17, 2023.
- 2) Approve initiating a competitive search for a Social Worker for Home and Community Based Services.
- 3) Authorize Houston County Board Chair and County Interim Auditor-Treasurer to sign on behalf of Houston County, the State of Minnesota Grant Contract Agreement, Snowmobile Grant-in-Aid Program, FY 2024 Maintenance and Grooming Grants for the following:

Gopherland Trail -	\$ 47,681.62
La Crescent Trail -	\$ 17,519.70
Money Creek and TH 76 Trail -	\$ 22,845.69
Viking Ridge Spring Grove -	<u>\$ 19,650.10</u>
TOTAL:	\$107,697.11

## ACTION ITEMS

File No. 1 – Commissioner Johnson moved, Commissioner Severson seconded, motion carried unanimously to approve the 2024-2025 Delegation Agreement Work Plan with MPCA Feedlot Program.

File No. 2 – Commissioner Burns moved, Commissioner Schuldt seconded, motion carried unanimously to approve ratification for PH Doc maintenance and support agreement (2024-2026). The PH Doc was a case management system used in the County's Public Health Division.

File No. 3 – Commissioner Myhre moved, Commissioner Johnson seconded, motion carried unanimously to approve MCCC Amendment 8 thru 2024 and MCCC Amendment 8 thru 2025 to provide tax support for the Avenue property tax system. The support was necessary as the County transitioned to a windows based system.

File No. 4 – Commissioner Johnson moved, Commissioner Severson seconded, motion carried unanimously to approve the transfer of funds from the Highway fund to the Capital Projects fund. (The transfer was processed to eliminate a negative cash balance August 2022, but had not been presented to the board at the time. The approval was a formality for auditing purposes.)

File No. 5 – Commissioner Burns moved, Commissioner Myhre seconded, motion carried unanimously to approve additional fee schedule changes.

File No. 6 – Commissioner Johnson moved, Commissioner Severson seconded, motion carried unanimously to approve the 2024 Board of Commissioner Meeting Schedule.

File No. 7 – Commissioner Myhre moved, Commissioner Schuldt seconded, motion carried unanimously to accept a donation from the Houston County Posse to the Houston County

Sheriff's Office in the amount of \$4,470.00 for the installation of electricity at the Sheriff's Office shed.

## DISCUSSION ITEMS

Interim Auditor/Treasurer Heberlein gave a reminder that an auction would be held for two parcels one that was in the City of Caledonia and one in Money Creek Township at 10:00 a.m. on December 6<sup>th</sup>, in the County Board Room 222.

Commissioners discussed recent meetings they had attended and upcoming meetings including a Zoning, WINLAC, SELCO, Semcac, Land Use, and MN Department of Health meeting.

Commissioner Johnson said the average age of water being consumed in Houston County was 40 years old. He said recent efforts to improve the condition of drinking water would take a while to see, as the water currently being consumed was so old.

Commissioner Burns said he saw the need to increase the Veteran's Services Office budget as more help was needed to help keep up with growing demand to serve veterans. Commissioner Johnson said he understood the need, and also thought the budget for Extension should be increased due to needing more staff time to work on projects, etc.

Public Comment:

None.

There being no further business at 9:59 a.m. a motion was made by Commissioner Myhre, seconded by Commissioner Schuldt motion unanimously carried to adjourn the meeting. The next meeting would be a workgroup session on November 21, 2023.

## BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Dewey Severson, Chairperson

Attest: \_\_\_\_\_  
Polly Heberlein, Interim Auditor/Treasurer

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: November 21, 2023

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present:

Dewey Severson, Eric Johnson, Robert Burns, Bob Schuldt, and Greg Myhre

Others Present:

Interim Auditor/Treasurer Polly Heberlein, Finance Director Carol Lapham, Sheriff Brian Swedberg, Board Clerk/EDA Director Allison Wagner, Public Health and Human Services Director John Pugleasa, Public Health Supervisor Jordan Knoke, Environmental Services Director Martin Herrick, Human Resources Director Theresa Arrick-Kruger, Investigator Nate Smith, Recorder Mary Betz, Public Health Educator Bri Ceaser, and Engineer Brian Pogodzinski

### Board Workgroup Session

Public Health and Human Services Director Pugleasa said Houston County Public Health had recently issued a press release regarding Houston County along with other Southeast Minnesota counties as having been identified by the Environmental Protection Agency (EPA) for having potentially high concentration of nitrates in public water sources and private wells. Southeast Minnesota was considered a Karst region meaning the groundwater and surface water could become intermixed due to geological conditions. Pugleasa said the Minnesota Department of Health and Pollution Control Agency were working on short and long term plans going forward. He said locally Public Health was still determining their role. For the time being they were sharing information. Houston County Public Health was recommending that people who were concerned about their drinking water and/or their well had not recently been tested, to test it. Pugleasa said Houston County Public Health could provide water test kits that people could use to test their water. The kits were free, but there was a fee for the testing.

Commissioners discussed possible cannabis control with Human Services Director Pugleasa, and Environmental Services Director Herrick. Pugleasa said initially the plan had been to invite someone from the Office of Cannabis Control to attend the workgroup session, however no one from the office had been available to attend. Pugleasa shared some suggestions relating to cannabis for counties to look into from the Association of Minnesota Counties (AMC). Pugleasa said one thing the Commissioners would have to decide is if they wanted to enact any local control over cannabis. The County was allowed to adopt an ordinance to limit retailers. The limit could be as few as one retailer per 12,500 residents. The County could also limit retail hours of operation. If the County decided to enact some local control the Commissioners would need to decide if the cities would fall under that control or not. It was the general consensus of the board to discuss the



matter further at the next regular meeting when Attorney Jandt could attend. In the meantime each Commissioner would reach out to the cities in their district to get their feedback.

Engineer Pogodzinski discussed several items with the Commissioners that would be on the agenda the following week, as he would be unable to attend the meeting. One item was a final for the parking lot project. The project had ended up being \$29,000 over budget. The main reason for the overage was the asphalt and also additional curb and gutter costs.

Sheriff Swedberg asked the Commissioners to set his 2024 wage at \$125,058.86. He said statutorily the Sheriff's wage was supposed to be based on experience and job performance. He said he had a long history of working for the Sheriff's office. He also said compared to other counties studied in a wage study he was underpaid. A 3% increase for the Sheriff had already been factored into the 2024 preliminary budget. The amount budgeted with the increase was \$116,433.78. The Commissioners said elected officials salaries were typically set at the last meeting of the year. No official decisions were made at the meeting.

The meeting ended at 11:14 a.m.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Dewey Severson, Chairperson

Attest: \_\_\_\_\_  
Polly Heberlein, Interim Auditor/Treasurer

# Appointment request

John Pugleasa

Fri 10/20/2023 2:55 PM

To: Houston County BOC <BOC@co.houston.mn.us>;

Hi Allison:

I would like to request an appointment for the 11/28 Board meeting for an program update presentation from Hiawatha Valley Mental Health Center (HVMHC). Presentation will be from Erik Sievers, HVMHC Executive Director. Please let me know if you need anything else from me.

Thank you.

John

*John Pugleasa*

*Director of Public Health & Human Services*

*Houston County*

*304 South Marshall, Room 104*

*Caledonia, MN 55921*

*507-725-5811*



**Houston County  
Public Health &  
Human Services**

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
November 28, 2023**

**Date Submitted: November 20, 2023**

**By: Polly Heberlein – Interim Auditor-Treasurer**

**CONSENT AGENDA REQUEST**

**Consider approving the Re-placement of Manager Dan Goetzinger of the Crooked Creek Watershed District to Scott Standish. Scott's term would expire on 11/30/24.**

<b><u>Reviewed by:</u></b>	<div style="display: flex; justify-content: space-between;"><div><div>_____ HR Director</div><div>_____ Finance Director</div><div>_____ IS Director</div><div>_____ County Attorney</div><div>_____ Environmental Svcs</div></div><div><div>_____ Sheriff</div><div>_____ Engineer</div><div>_____ PHHS</div><div><div>_____ (indicate</div><div>_____ other dept)</div></div></div></div>	<div style="display: flex; justify-content: space-between;"><div></div><div>_____ ITD</div></div> <div style="display: flex; justify-content: space-between;"><div><div>_____ x</div><div>_____</div></div><div>_____ A/T</div></div>
<b><u>Recommendation:</u></b>		
<b><u>Decision:</u></b>		

# 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: 11/21/2023 (For November 28, 2023 Board)

Person requesting appointment with County Board: Martin Herrick

**Issue:**

2024-2026 Xcel MN CFL Recycling Contracts with Houston County.

**Justification:**

**Action Requested:**

Final Approval by the County Board.

### 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.

# **Agreement for Collections of Lamps**

***Issued To***

**Houston County Solid Waste & Recycling**

**Lamp Recycling**

**Effective as of January 1, 2024**

**AGREEMENT FOR COLLECTIONS  
OF FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS  
BETWEEN  
SLIPSTREAM GROUP, INC.  
AND HOUSTON COUNTY SOLID WASTE & RECYCLING**

**THIS AGREEMENT** (“Agreement”) is between Slipstream Group, Inc. (“Slipstream”) and Houston County Solid Waste & Recycling (the “Recycler”), a COUNTY of the State of Minnesota.

**WHEREAS**, Slipstream has contracted with Xcel Energy Services Inc. (“Xcel Energy”) to administer a lamp recycling program; and

**WHEREAS**, the Minnesota Legislature has enacted Minn. Stat. § 115A.932, which prohibits the disposal of fluorescent and high intensity discharge (HID) lamps in solid waste, and Minn. Stat. § 216B.241, subd. 5(b), requires Xcel Energy, as a public utility that provides electric service to 200,000 or more customers, to establish, either directly or by contracting with another, a system to collect and recycle lamps from its residential customers and its small business customers that generate an average of fewer than ten spent lamps per year; and

**WHEREAS**, the Recycler has established and currently operates a program for the collection and management of household hazardous waste (HHW program), including the collection of fluorescent and HID lamps from Xcel Energy’s residential household customers located in the Recycler’s area; and

**WHEREAS**, Recycler’s area consists of Houston County; and

**WHEREAS**, Slipstream and the Recycler desire to enter into an Agreement whereby Slipstream will pay costs incurred by the Recycler for the collection and recycling of fluorescent and HID lamps (lamps) from Xcel Energy’s residential customers as part of Xcel Energy’s system to meet its statutory obligations.

**NOW, THEREFORE**, in consideration of the terms and conditions stated in the Agreement, Slipstream and the Recycler agree as follows:

1. Lamp collection and recycling. On behalf of Slipstream and Xcel Energy and as part of the Recycler’s HHW program, the Recycler shall collect and recycle lamps in the Recycler’s area. Collection and recycling services will be provided at no cost to Xcel Energy residential customers generating an average of fewer than ten spent lamps per year. The Recycler shall offer lamp collection services to such Xcel Energy customers at Recycler’s household hazardous waste collection site(s), and may arrange with local units of government to provide additional sites for collecting lamps. The Recycler shall be responsible for:

- a. Providing to Slipstream on a monthly basis throughout the program year a description and schedule of lamp collection events in the Recycler’s area for the program year and updated schedule information throughout the year;
- b. Operating and maintaining HHW collection sites;
- c. Arranging collection, storage, transportation, and recycling of lamps; and

- d. Completion and prompt submittal to Slipstream on at least a quarterly basis of a CFL Recycling Report, an example of which is attached hereto as Exhibit A.

2. Reimbursement Request for Lamp Collection Activities. At the same time that the Recycler submits its CFL Recycling Report, the Recycler shall also provide on at least a quarterly basis and in a form acceptable to Slipstream (Exhibit B – Lamp Recycling Reporting Invoice) the following documentation regarding the Recycler's lamp collection and recycling activities:

- a. A description of the number and types of lamps collected;
- b. Costs of administration, labor, supplies, storage, transportation, and recycling of lamps from residential households;
- c. Proof that collected lamps were recycled;
- d. The percentage of the Recycler's lamp collection and reimbursement costs that Slipstream will pay is 34%.
- e. The total amount to be reimbursed to the Recycler.

This documentation shall be provided to the Slipstream designated representative on at least a quarterly basis, or as available.

Slipstream shall pay to the Recycler the costs incurred by the Recycler for the collection and recycling of lamps from residents at the percentage defined in 2d.

Slipstream shall pay to the Recycler the costs incurred by the Recycler for the collecting and recycling of the following type of lamps: fluorescent tubes, circular, u-bend, compact fluorescents and high intensity discharge. Ballasts that are not attached to the bulb will not be reimbursed.

- f. The Recycler shall be responsible for its own expenses, including but not limited to operation and maintenance of collection site(s), and promotional expenses above and beyond Slipstream's planned and coordinated promotions.
- g. This Agreement is expressly contingent upon Minnesota Department of Commerce's (DOC) approval of Xcel Energy's request to implement the Program in Xcel Energy's Minnesota service area as a Conservation Improvement Program (CIP). If such approval is not given initially, or is subsequently withdrawn, or recovery of program costs through electrical rates is disallowed by the Minnesota Public Utilities Commission (MPUC), this Agreement shall be null and void upon notification to the Recycler. Slipstream shall make no further payments to the Recycler, except that Slipstream shall make such payments for which services have been rendered through the date of the notification.

Prior year invoices shall be submitted on or before April 1, following each year of this Agreement. Invoices received after this date will not be eligible for reimbursement.

3. Reimbursement Payments by Slipstream. Slipstream shall reimburse the Recycler for costs associated with the collection and recycling of lamps as follows:

- a. Within thirty (30) days following receipt of complete, timely and accurate documentation listed in Section 2 of this Agreement, Slipstream shall reimburse the Recycler the percentage of the costs incurred by the Recycler for the collection and recycling of lamps as calculated by Section 2 of this Agreement. For lamps from residential customers, this shall include reimbursement for costs including administration, labor, supplies, storage, transportation, and recycling of lamps and costs associated with the Recycler coordination with local units of government for establishment of additional lamp collection events in the Recycler's area.
- b. Slipstream shall not reimburse the Recycler for promotional expense above and beyond Slipstream's planned and coordinated promotions.
- c. To be considered for reimbursement, all prior year invoices must be submitted on or before April 1, following each year of this Agreement. Invoices received after this date will not be eligible for reimbursement.

4. Auditing. Within sixty (60) days of receipt of documentation listed in Section 2, Slipstream shall have the right to audit said documentation and request additional information. Further, the Recycler shall maintain adequate supporting records for verification of actual costs paid by the Recycler. The records shall be in a form that is consistent with generally accepted accounting principles, consistently applied. During the term of this Agreement and six (6) years following final payment hereunder, the Recycler shall preserve such records and allow access to them, by Slipstream auditors, during normal business hours. The Slipstream and Xcel Energy records and documents that are relevant to this Agreement or transaction shall be subject to examination by Slipstream, the legislative auditor or the State auditor, during the term of this Agreement and for a period of at least six years following termination or cancellation of this Agreement, pursuant to the requirements of Minn. Stat. Section 16C.05 Subd. 5, as it may be amended.

5. Reserved.

6. Recycler's Obligation Defined by Agreement. Slipstream and the Recycler acknowledge and agree that the Recycler's obligations to collect and recycle lamps are solely defined by this Agreement and any applicable law.

Recycler will conduct all lamp collection activities under the Agreement in an economically, socially and environmentally responsible manner. Recycler further agrees to ensure that its employees, agents and representatives perform the lamp collection activities in accordance with Xcel Energy's Code of Conduct, as in effect from time-to-time, which is available upon request.

7. Term. The term of this Agreement is from January 1, 2024, until December 31, 2026, regardless of the date of signatures. At the option of Slipstream and the Recycler, this Agreement may be renewed on an annual or biannual basis concurrent with Xcel Energy's statutory obligation to establish a system to collect and recycle lamps from residential and small business customers or otherwise. This three-year Scope of Work and Agreement is subject to change or withdrawal dependent on updates to program filings/guidelines and legislation. Slipstream will give Houston County 30-days notice if changes are to be made.



8. Termination. Notwithstanding the terms of this Agreement, Slipstream may, at its option, terminate the Agreement in whole or in part at any time by written notice thereof to Recycler, whether or not Recycler is in default. Recycler may terminate this Agreement, in whole or in part, upon sixty (60) days prior notification to Slipstream.

9. Notice. All information shall be sent by United States mail, postage prepaid, to the following representatives of Slipstream and Recycler, or may be submitted by email:

To Slipstream

Becky Jones  
Slipstream  
431 Catalyst Way  
Madison, WI 53719

To the Recycler:

~~Holly Felten~~-Martin Herrick  
Houston County Solid Waste & Recycling  
Houston County Courthouse  
304 S Marshall Street, Room 202 209  
Caledonia, MN 55921

10. Indemnification. Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. The liability of the Recycler shall be governed by the provisions of Minnesota Statutes, Chapter 466 and other applicable law.

11. Compliance with Laws. The parties agree to abide by all applicable Federal, State or local laws, statutes, ordinances, rules and regulations now in effect of hereafter adopted pertaining to this Agreement or the facilities, programs and staff for which each party is responsible. This Agreement shall be governed by and construed in accordance with the substantive and procedural laws of the State of Minnesota, without giving effect to the principles of conflict of laws. All proceedings related to this Agreement shall be venued in courts located within the State of Minnesota.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the dates indicated below.

ACCEPTED:

ACCEPTED:

**RECYCLER**

**Slipstream**

**Houston County Solid Waste & Recycling**

By: \_\_\_\_\_

By \_\_\_\_\_

Name: \_\_\_\_\_

Name: Sandra Henry

Title: \_\_\_\_\_

Title: COO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit “A”

Report

County Name:

County  
Address:

County  
Contact:

to be paid by Xcel Energy per 2015

				Admin	Labor	Storage/ Transportatio n	Supplies	Disposal	Business Bulb Costs	Total Costs	Xcel Energy Reimbursement Total
IID	Other	Broken (lbs)	Total Bulbs								
			-	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
			-							\$ -	\$ -
			-							\$ -	\$ -
			-							\$ -	\$ -
			-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

along with an actual INVOICE from your county

**Exhibit "B"**

**Houston County Lamp Recycling  
Invoice**

Invoice date:

Invoice #:

Recycle Time Date/Period:

**To:** Slipstream  
Attn: Becky Jones  
431 Catalyst Way  
Madison WI 53719

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<b>DISPOSAL COSTS:</b>	<b>Quantity</b>	<b>Price each</b>	<b>Total Cost</b>
4 ft or less Fluorescent Lamps			\$
Over 4 ft Fluorescent Lamps			
CFLs			
Circular			
U-Bent Fluorescent Lamps			
HID			
Other			
Broken			
<b>Total Disposal Costs</b>			\$
<b>OTHER COSTS:</b>			
Administration			
Labor			
Storage			
Supplies			
<b>Total Expenses</b>			\$
<b>Amount due ( %)</b>			\$

**Remit Payment to:** Houston County Solid Waste & Recycling  
Attn: Holly Felten  
Houston County Courthouse  
304 S Marshall Street, Room 202  
Caledonia, MN 55921

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
November 28, 2023**

**Date Submitted: November 22, 2023**

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

**ACTION**

**Non-Represented Employees**

- **Adopt the Non-Represented wage and salary pay scale 3% for 2024**
- **Adjust D range non-represented employee pay rates for 2024 to that of the represented pay rate adjustments of the represented D range employees for 2024, whose pay status was grandfathered subsequent to the compensation study.**
- **Adjust the temporary/seasonal employee wage scales for seasonal workers, Veterans Service Drivers, Sheriff's Office Transport Officers, and Drop Site Supervisors 3% for 2024**

**APPOINTMENT REQUEST**

**NONE**

**HR CONSENT AGENDA REQUEST**

**Highway Department**

- **Promote Ryly Patterson from Highway Maintenance Specialist B23 to probationary Highway Maintenance Specialist Senior B24, Step 7, effective 12/03/2023**

**Public Health & Human Services**

- **Accept the retirement notice of Myra Harris Johnson, Social Worker (Adult Services) effective 12/14/2023 and thank Myra for her service**
- **Approve initiating a competitive search for a Social Worker for Adult**

**Veterans Services**

- **Change Theresa Gavin-Kubitz from .75 FTE to 1.0 FTE effective 12/04/2023**

**Reviewed by:**

  X  

**HR Director**

       **Sheriff**

  X  

**Finance Director**

  X  

**Engineer**

<input type="checkbox"/> IS Director	<input checked="" type="checkbox"/> PHHS	
<input type="checkbox"/> County Attorney	(indicate	
<input type="checkbox"/> Environmental Svcs	other dept)	<input type="checkbox"/> VSO

**Recommendation:**

**Decision:**

**HOUSTON COUNTY**  
**AMENDED AGENDA REQUEST FORM**  
**November 28, 2023**

**Date Submitted: November 22, 2023**

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

**ACTION**

**NONE**

**APPOINTMENT REQUEST**

**NONE**

**HR CONSENT AGENDA REQUEST**

**Public Health & Human Services**

- **Hire Leigh Goetzinger as a 1.0 FTE probationary Case Aide B22, step 2, effective 12/11/2023**

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

# 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: 11/21/2023

Person requesting appointment with County Board: Martin Herrick and Amelia Meiners

**Issue:**

CUP Approval/Denial: 1) Josh Dahl-CUP to expand feedlot from 342 au to 534 au in Yucatan Twp (PC recommended approval). 2) Bluff Co LLC - CUP to place a dwelling in an ag dist in La Crescent Twp (NORTH) (PC recommended denial). 3) Bluff Co LLC - CUP to place a dwelling in an ag dist in La Crescent Twp (SOUTH) (PC recommended denial). 4) Skyline Materials LTD & Wesley Fort - CUP to do mineral extraction in an ag district in Money Creek Twp (PC recommended approval).

**Justification:**

**Action Requested:**

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

### For County Use Only

**Reviewed by:**

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

**Recommendation:**

**Decision:**

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

**HOUSTON COUNTY  
PLANNING COMMISSION  
Wednesday, November 15, 2023**

*Hearing to be held at 23016 Bridge Creek Drive, Rushford.*

*If you would like to carpool from the Courthouse, please let Martin or Amelia know.*

**PLANNING COMMISSION**

**CONDITIONAL USE HEARING:**

9:30 am

***Josh Dahl – Yucatan Township***

Conditional Use Permit to expand a feedlot from 342 animal units (au) to 534 au  
(Section 14 - 14.3 Subdivision 1, Subsection 3).



NOTICE OF CONTINUATION OF PUBLIC HEARING AND APPLICATION FOR A LIVESTOCK  
FEEDLOT PERMIT

PLEASE TAKE NOTICE:

That an application has been made by Josh Dahl, 23016 Bridge Creek Dr, Rushford, MN 55971, for a Conditional Use Permit to expand a feedlot over 300 animal units (a.u.) from 342 a.u. to 534 a.u., consisting of dairy cattle (Section 14 – 14.3, Subdivision 1, Subsection 3). The facility will consist of the following components:

- 1) Existing 100' x 34' total confinement barn with stacking slab
- 2) Existing 178' x 75' total confinement barn
- 3) Existing 65' x 20' partial confinement barn with 85'x 45' open lot
- 4) Existing 22'x 40' partial confinement barn with 95' x 115' open lot
- 5) Existing 204' x 60' total confinement barn
- 6) Existing 324' x 100' x 8' concrete liquid manure storage basin
- 7) Proposed 204' x 44' addition to total confinement barn

all in Yucatan Township on the following premises, to-wit:

PT NW1/4 NW1/4 & PT SW1/4 NW1/4; Section 20, Township 103, Range 7, Houston County, Minnesota. (Parcel #17.0248.001)

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

A hearing on this application will be held at 23016 Bridge Creek Dr, Rushford, MN 55971 at 9:30 a.m. on Wednesday, November 15, 2023. 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](mailto:martin.herrick@co.houston.mn.us), and must be received by Wednesday, November 8, 2023.

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 Administrator

ADV: November 6, 2023

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Josh Dahl DATE: November 15, 2023

C.U.P. REQUESTED: Expand a feedlot from 342 animal units (au) to 534 au.

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

### FINDINGS OF FACT

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

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant is looking to expand his dairy herd and the first step in doing so is increasing the number of animal units allowed under the Conditional Use Permit. A feedlot permit will be required prior to construction and expansion as well.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: A new roof structure will continue to provide total confinement of on-site animals, which will assist in less pollution potential from the feedlot. Additional head will require the producer to demonstrate there is adequate land base to accommodate nutrients.

Board agreed to the finding by a unanimous vote. Jim Wieser emphasized that it's up to the producer to control runoff and ensure adequate land base.

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

Staff Analysis: This proposal shall not adversely affect the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soil conditions are adequate provided foundations and footings are designed to prevent structural damage caused by shrinking and swelling of soils.

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: This barn addition will be total confinement and will be connected to the manure storage structure. In addition, producers over 300 animal units are required to maintain manure management plans that identify adequate land base to accommodate animals permitted on site.

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: Drainage will need to be addressed after the free stall barn addition to ensure that roof water does not pool near the manure storage structure that may compromise the walls. All other utilities are present.

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: There have been concerns with manure, dirt, and mud on the roadway in the past. Continued efforts should be made to minimize any tracking of manure and sediment onto the roadway.

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: The overall use of the site will not change from the previous operation.

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: This proposal will not alter the use that is already exercised at this property and therefore will not impede normal and orderly development of surrounding property.

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: The site is in an Agricultural District where some agricultural smells are to be expected. It was calculated that the additional animal units will only slightly increase the odor-annoyance factor.

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: This proposal shall not affect the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

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

Jim Wieser made the motion to recommend the Houston County Board approve a conditional use permit for the expansion of an animal feedlot that generates 300 or more animal units of manure, from 342 animal units (au) to 534 au. This animal unit increase equates to 143 milk cows in Yucatan Township with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. No manure, mud, or dirt associated with the operation of the site shall be applied, spilled, tracked, or otherwise become located on or within the roadway or right-of-way of Bridge Creek Drive. Anything tracked on the roadway shall be cleaned up within a timely manner.
4. Farm operations must stay out of the township road right-of-way.
5. A plan and schedule shall be submitted with a building permit application for the addition detailing how site conditions will be modified to reduce tracking of mud onto the township road.

Cindy Wright 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

11/7/2023

Application Date: 10/10/23  
Hearing Date: 10/26/2023  
Petitioner: Josh Dahl  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 23016 Bridge Creek Drive  
Township: Yucatan  
Parcel Number: 170248001  
Submitted Materials: CUP Application, Feedlot Permit Application

## OVERVIEW

### REQUEST

The Petitioners are seeking a Conditional Use Permit (CUP) for the expansion of an animal feedlot that generates 300 or more animal units of manure, from 342 animal units (au) to 534 au. This animal unit increase equates to 143 milk cows.

### SUMMARY OF NOTEWORTHY TOPICS

Updates for the November 15<sup>th</sup> hearing are shown in red below.

The home at this location dates to 1912, and it is assumed the farmstead dates to a similar time. The Petitioner's family has owned and operated the site since 1988. Currently, it's a dairy facility with 346.3 au, primarily of dairy cattle over 1,000 pounds, but also including dairy heifers, dairy calves and a few beef cattle and horses. In 2017, the petitioners sought a CUP to expand from 243 au to 342 au and to construct a manure basin. That expansion included construction of a free stall barn (see Fig. 1) that allowed them to move heifers from a nearby feedlot facility, consisting of open lots, to this site where the barn would utilize the manure storage structure. The second feedlot was then closed.

The heifer barn and liquid manure storage structure projects were completed a few years ago and the petitioner met the requirements set forth in the feedlot permit and conditional use permit at that time. As can be seen in Fig. 1., the free stall barn was constructed in such a way that it could be easily added onto in the future and that is what the applicant is seeking to do at this time with the proposed expansion. The applicant plans to add approximately 80 milk cows to the herd right away but wishes to have a cushion on the CUP.

Feedlots over 300 animal units have two permitting components. The County requires a CUP, which is essentially an operating permit, that identifies a maximum number of animals. This means any expansion beyond that number requires a new hearing. The second component is a state feedlot permit. These permits

are needed when any site over 300 animal units is proposing construction or expansion of animal units. As part of this application and review process, staff will review the site and manure management plan to make sure there is adequate land base to handle manure nutrients. The feedlot permit application was submitted on October 10<sup>th</sup> and is currently under review.



**Figure 1. Site layout with proposed addition.**

The addition of 80 head of milk cows would generate approximately 546,000 gallons of manure a year. Based on engineering plans, the pit storage capacity is roughly 1.9 million gallons. The storage structure is typically emptied in the spring and fall, and this expansion would result in a biannual reduction of 14% capacity.

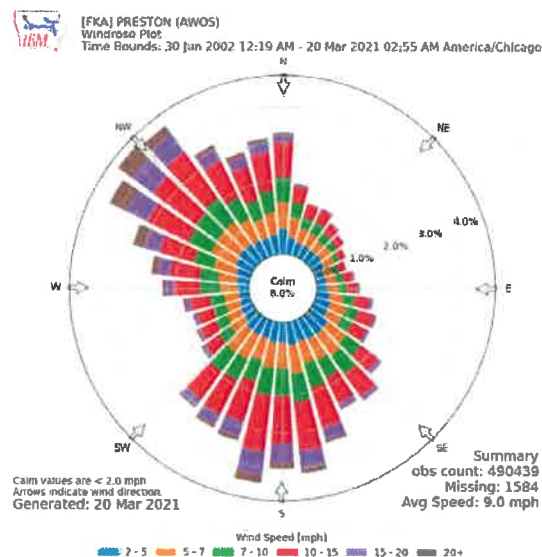
Note that feedlots that do not meet the CAFO threshold (less than 700 mature dairy cows) are not required to have a minimum amount of manure storage. However, once over 300 animal units, sites are required to maintain a manure management plan, complete with annual updates, as well as land application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



**Figure 2. View of south side of current heifer barn where addition is proposed.**

In 2005, when the free-stall barn was permitted, a variance of 620' was granted due to the proximity to the dwelling south of the site. The proposed expansion does not encroach beyond the variance previously granted; for this reason the Petitioner was not required to seek a variance in conjunction with this CUP application.

OFFSET, or Odor From Feedlots Setback Estimation Tool, predicts a 91% annoyance-free factor with current infrastructure. The proposed expansion of an additional free stall barn reduces that to 90%. The OFFSET guide indicates that the program assumes the receptor is always located downwind of the odor source in the prevailing wind direction. The affected neighbor is to the southwest and as shown in the windrose plot below (Fig. 2), prevailing winds are predominately from the northwest and south, likely reducing the presence of odors at the neighboring properties. It also only accounts for earthen manure storage and the guide states that properly designed lagoons may have far less odor. If adjusted to allow for a 4" straw or natural crust on the earthen manure storage, then it changes to a 92% annoyance-free factor.



**Figure 3. Windrose plot detailing prevailing winds from Preston, MN.**

There have been concerns raised in the past about the tracking of manure, mud and dirt onto the township road. Proposed condition #3 was copied from a previously granted CUP to address those concerns.



After the October 26<sup>th</sup> public hearing, staff contacted the Houston County Sheriff's Office to see how many times they have responded to issues at this site since 2017. The only incident report on file was from 10/30/2018 described as "complaint of manure all over the road and the road is tore up".

The Zoning Office has responded to the following complaints at this location since the beginning of 2018:

Date	Description
10/15/2018	Drag line blocking neighbors field access.
10/30/2018	Manure on the road.
11/04/2019	Drag line blocking neighbors field access.
11/22/2019	Manure on the road.
12/19/2019	Manure on the road.
1/10/2020	Manure on the road. Creating poor road conditions.

Notes indicate that the situations were handled verbally with the operator, except for a letter being issued in January 2020 (included).

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

The Township and all neighbors within 5,000 feet were notified through the "Good Neighbor Notice" as required by Rule. No written comments were received, but there was one phone call inquiry, and they will likely submit comments prior to the hearing or attend the hearing.

Two comments were submitted and read for the record at the 10/26/23 public hearing. Two additional written comments were submitted in response to the second public notice and all are included in the updated packet

#### SITE CHARACTERISTICS

The site is an existing dairy operation in the southeastern quadrant of Yucatan Township, approximately one mile from the Fillmore County border and roughly seven miles from both Rushford and Houston. It is near the end of a dead-end township road with three residences beyond the farm.

The nearest dwelling is approximately 750' south of the site; a second dwelling is approximately 1,275' south.

This is within the Bridge Creek watershed and the aforementioned improvements were part of a Field to Stream Partnership for watershed improvement. Bridge Creek is approximately 2,750 feet east of the feedlot facility and there are two intermittent streams to the west and south, approximately 1,860 feet and 1,600 feet, respectively. Slopes around the buildings are minimal and as long as soils are adequate for building sites, the classification is irrelevant for this application.

#### EVALUATION

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

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

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



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

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

Staff Analysis: The applicant is looking to expand his dairy herd and the first step in doing so is increasing the number of animal units allowed under the Conditional Use Permit. A feedlot permit will be required prior to construction and expansion as well.

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

Staff Analysis: A new roof structure will continue to provide total confinement of on-site animals, which will assist in less pollution potential from the feedlot. Additional head will require the producer to demonstrate there is adequate land base to accommodate nutrients.

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

Staff Analysis: This proposal shall not adversely affect the quantity of water runoff.

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

Staff Analysis: Soil conditions are adequate provided foundations and footings are designed to prevent structural damage caused by shrinking and swelling of soils.

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

Staff Analysis: This barn addition will be total confinement and will be connected to the manure storage structure. In addition, producers over 300 animal units are required to maintain manure management plans that identify adequate land base to accommodate animals permitted on site.

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

Staff Analysis: Drainage will need to be addressed after the free stall barn addition to ensure that roof water does not pool near the manure storage structure that may compromise the walls. All other utilities are present.

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: There have been concerns with manure, dirt, and mud on the roadway in the past. Continued efforts should be made to minimize any tracking of manure and sediment onto the roadway.

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 overall use of the site will not change from the previous operation.

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

Staff Analysis: This proposal will not alter the use that is already exercised at this property and therefore will not impede normal and orderly development of surrounding property.

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

Staff Analysis: The site is in an Agricultural District where some agricultural smells are to be expected. It was calculated that the additional animal units will only slightly increase the odor-annoyance factor.

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: This proposal shall not affect the public's health, safety, morals and general welfare.

## RECOMMENDATION

The Planning Commission must consider the criteria above. If they wish to recommend approval a recommended motion is below with conditions as determined necessary:

To recommend approval of a conditional use permit to expand a feedlot that generates 300 or more animal units of manure, from 342 animal units to 534 animal units, with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. No manure, mud, or dirt associated with the operation of the site shall be applied, spilled, tracked, or otherwise become located on or within the roadway or right-of-way of Bridge Creek Drive.
4. Farm operations must stay out of the township road right-of-way.
5. A plan and schedule shall be submitted with a building permit application for the addition detailing how site conditions will be modified to reduce tracking of mud onto the township road.

## Odors From Feedlots Setback Estimation Tool

Farm Name	Josh Dahl Proposed
Address or County	Houston County
Evaluator	Meiners
Date	10/2023

Clear All

**OFFSET Ver 2.0**  
University of Minnesota  
8/1/2012

**OFFSET**  
Annoyance-free  
90%

Source Edge to Nearest Neighbor (ft)	743
Source Edge to Property Line (ft)	269

### Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Dairy - free stall ▼	70	178	1	12460	None ▼	
Dairy - free stall ▼	110	204	1	22440	None ▼	
Dairy - loose housing ▼	20	66	1	1320	None ▼	
Dairy - loose housing ▼	34	104	1	3536	None ▼	
None ▼				0	None ▼	
None ▼				0	None ▼	
None ▼				0	None ▼	

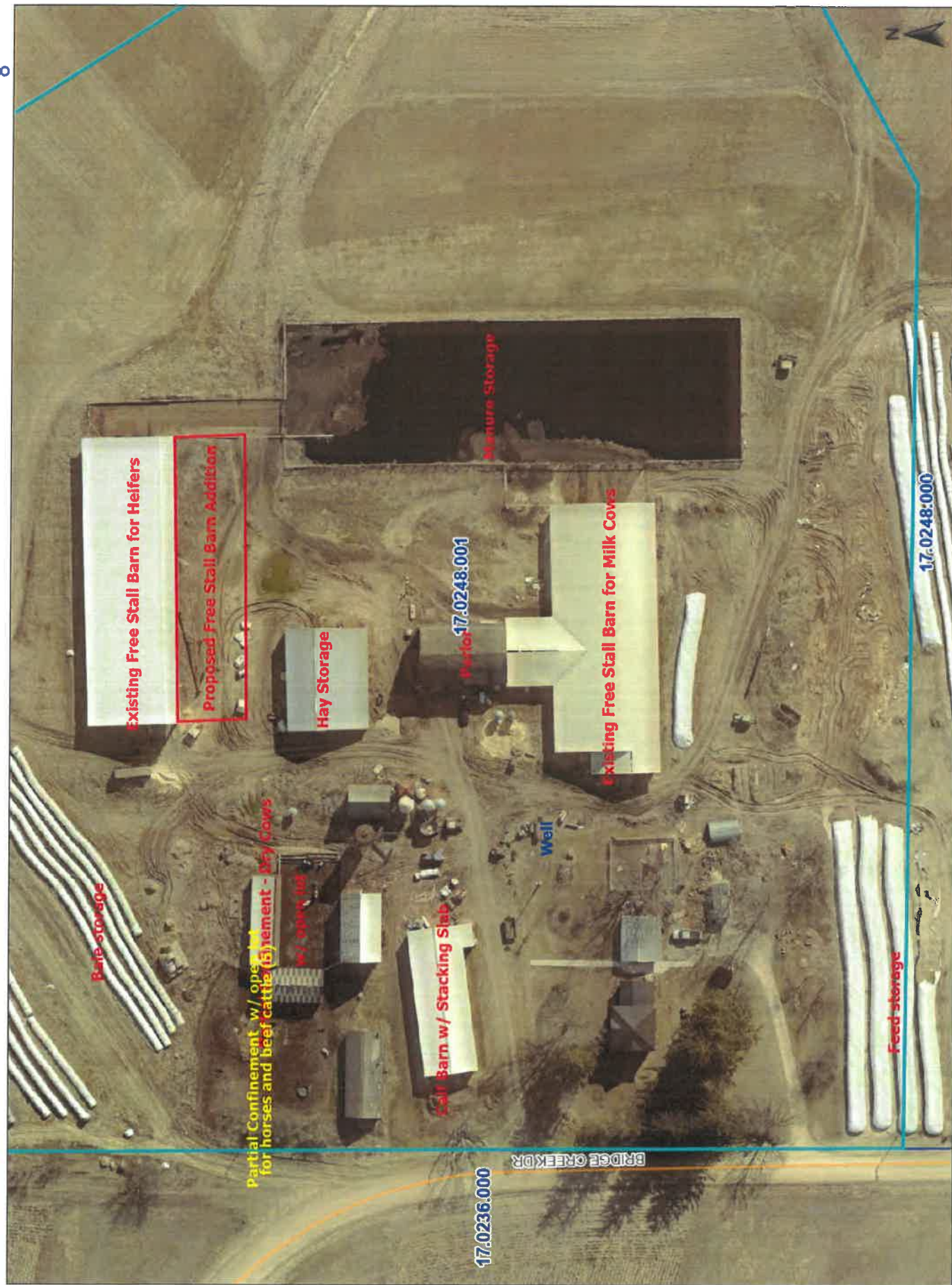
### AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
Open lot Dairy or Beef ▼ : Rectangle ▼	Rectangle ▼	45	85	3825	None ▼
Open lot Dairy or Beef ▼	Rectangle ▼	115	98	11270	None ▼
Dry crusted stockpile ▼	Rectangle ▼	24	22	528	None ▼
Earthen manure storage ▼	Rectangle ▼	325	100	32500	None ▼
None ▼	Rectangle ▼			0	None ▼
None ▼	Rectangle ▼			0	None ▼
None ▼	Rectangle ▼			0	None ▼

Building Sources	
Add Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add a Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
Add a Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	







## 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



January 16, 2020

Josh Dahl  
23016 Bridge Creek Drive  
Rushford, MN 55971

RE: Notice of Non-Compliance - Registration Number 055-111165

Dear Josh Dahl,

It has come to the attention of this office that you are non-compliant with the Houston County Zoning Ordinance (HCZO) and MN Chapter 7020. The HCZO 33.26 states that manure "hailed on federal, state, or local highways, roads, or streets must be hauled in such a way as to prevent manure from leaking, spilling, or otherwise being deposited in the right-of-way". This is restated in MN Chapter 7020.2225, subpart 1(B), "Manure and process wastewater application into road ditches is prohibited".

Please be respectful of the public road; slow down when hauling, use covers on spreaders and do not overload spreaders. Also, keep in mind that you utilize Yucatan Township roads that are maintained using dollars from all township taxpayers. I just want to reiterate as well that should it be necessary to escalate enforcement action beyond this letter, any federal funding you are receiving may be suspended.

If you have questions or concerns please contact our office at 507-725-5800. Thank you in advance for your prompt attention to this matter.

Respectfully,

Amelia Meiners  
Environmental Specialist  
Houston County

Cc: Gary Larson, NRCS  
Sam Jandt, County Attorney  
Aaron Lacher, Environmental Services Director  
Eric Johnson, District 2 Commissioner  
Larry Gaustad, Yucatan Township Supervisor

Conditional Use Request  
2023-CUP-174637  
Applicant  
Josh & Steph Dahl

Fees Paid  
\$746.00  
Created  
September 23, 2023

### Submitted by Applicant

Number  
2023-CUP-174637

DAHL, JOSHUA C | 170248001  
Submitted by DeadendDairy on  
9/23/2023



10

## Applicant

Josh & Steph Dahl

5074593367

deadend.dairy@yahoo.com

### Search Parcel Data Completed On 9/23/2023 10:48 AM EST by DeadendDairy

ParcelID	Address	City	OwnerName	Acres
170248001	23016 BRIDGE CREEK DR	RUSHFORD	DAHL, JOSHUA C	13.210

### CONDITIONAL USE INTRO Completed On 9/23/2023 10:48 AM EST by DeadendDairy

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.**

Application Fee:

#### Conditional Use Application Fee

\$700.00

Recording Fee:

#### Recording Fee

\$46.00

#### Application Type:

Conditional Use

### APPLICANT INFORMATION Completed On 9/23/2023 10:50 AM EST by DeadendDairy

#### Applicant Name

DAHL, JOSHUA C

#### Parcel Tax ID

170248001

#### Telephone Number

15074593367

#### Address

23016 BRIDGE CREEK DR

#### City

RUSHFORD

#### Zip

55971

#### Legal Description

PT NW1/4 NW1/4 & PT SW1/4 NW1/4 DOC 241820; 289361 1

20-103-007

Do you own additional adjacent parcels?

Yes

Township of:

Yucatan

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

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runnigen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541
Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637
Yucatan	Deb Dewey	507-896-3566

CONDITIONAL USE REQUEST Completed On 10/4/2023 4:00 PM EST by DeadendDairy

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

## Describe in detail your request.

Stephanie and I are looking at increasing our milking herd. We want to put the south side onto our last barn we built to get another 80 stalls for our milking herd.

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

14.3 subdivision 3

Requested Dimension:

Please upload any supporting documents:

SITE PLAN INFORMATION Completed On 10/4/2023 4:11 PM EST by DeadendDairy

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

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode: Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode: To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

Sketch Layer



Reference Layer

Mapproxy



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

APPLICATION SUBMITTAL Completed On 10/4/2023 4:12 PM EST by DeadendDairy

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 certify 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

*[Handwritten signature in red ink]*

Date Signed:

10/4/2023

Check this box if Staff Signature on behalf of Applicant.

Email APPLICATION SUBMITTAL Completed On 10/4/2023 4:12 PM EST by DeadendDairy

MESSAGE

Delivered on Wednesday, October 4, 2023 at 4:12 PM CDT

Options

Send to the applicant? Yes

Send to members of the following roles:

Zoning

County Board

Recipients

To:

holly.felten@co.houston.mn.us

amy.sylling@co.houston.mn.us

amelia.meiners@co.houston.mn.us

martin.herrick@co.houston.mn.us

robert.burns@co.houston.mn.us

eric.johnson@co.houston.mn.us

robert.schuldt@co.houston.mn.us

dewey.severson@co.houston.mn.us

deadend.dairy@yahoo.com



**Subject:** Parcel 170248001 Conditional Use Application Received

Submitted by Applicant

13

The information provided in your Conditional Use application has been received by the County. An application fee of \$700.00 payable to the Houston County Treasurer and a recording fee of \$46.00 payable to the Houston County Recorder are necessary to complete your application and are required before the application will be reviewed. Please send a separate check for each.

Houston County Planning and Zoning  
304 S. Marshall Street, Room 209  
Caledonia, MN 55921

Once payment is received your application will be reviewed and you will be contacted by staff.

Please call 507-725-5800 or email [martin.herrick@co.houston.mn.us](mailto:martin.herrick@co.houston.mn.us) with any questions or concerns.

**Number:** 2023-CUP-174637  
**Workflow:** Conditional Use Request  
**Description:** DAHL, JOSHUA C | 170248001 |  
**Created On:** 9/23/2023

[View Application](#)

**CONDITIONAL USE FINDING OF FACTS** Completed On 10/4/2023 4:25 PM EST by DeadendDairy

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

## Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

**Comments:**

farms are common in our area

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

Yes

**Comments:**

expanded building will help provide more room & a future generations to farm here

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

Yes

**Comments:**

it will not be any different than it is now

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

Yes

**Comments:**

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

Yes

**Comments:**

soil has help up to the past building & this is an addition to current building, so nothing should change

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

Yes

**Comments:**

With our manure pit we will be able to handle the manure & apply manure and get it incorporated

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

Yes

**Comments:**

we have all of those in place already

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:**

not applicable

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

Yes

**Comments:**

not applicable

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:**

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.

Yes

**Comments:**

this is ag district and farms are common in our area.. nothing will change from how things are run now

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

Yes

**Comments:**

this will not increase the noise.. things should basically be the same as they are now

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.

Yes

**Comments:**

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.

Yes

**Comments:**

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.

Yes

**Comments:**

should not effect the public.. should be the same as things are now

APP SUBMITTED/PAYMENT SELECTION Completed On 10/16/2023 1:20 PM EST by AmeliaM

### Fee Summary

Recording Fee	\$46.00
Conditional Use Application Fee	\$700.00
Total Fees	\$746.00

### Regarding expansion of Dahl's:

- 1) Roads have improved (manure) most of the time until they clean the pit. Road gets dug up and a lot of spillage - that needs to get cleaned up asap. 1
- 2) If they expand on this small area close to the edge of bluff, will there be another expansion in the future? where is the limit on cattle? 500 now? maybe 700 or 1000 in the future?
- 3) Machinery is also getting bigger. This is a very small road. There is not enough room when we or other people meet their equipment. \* One of their hired help has already ran into our machine at our mail box. Could have been avoided if they drove slower and more ~~careful~~ careful. Car driveway is sort of a blind corner. Use caution. If they expand - the township needs to maybe widen the road a bit. They need to slow down and be cautious. We all need to share this small road.

4) In the future of our farm, we hope one of our boys and his family will live here, or one of our Grandsons, we all used to be friends here on top of the hill, but over the years since they have been expanding, we no longer get along. Our other neighbors also don't like us either because of <sup>(us)</sup> complaining of the sloppy roads of careless manure and mud brought on the road. We let it go for a long time until we and other people who use this road couldn't deal with it anymore. Hoping they would clean it up. But if you don't say anything it would probley get worse. We just want to have no worries or problems anymore. We all need to get along. (even if we don't speak).

1) Do not put manure line across our property. Please call and ask. shouldn't be stretched across road either.

2) slow down when going on the road by our drive way.

3) try and keep our roadway clean for other people to drive on 450. We heard other complaints have been called in. Not just us.

Oct 26, 2023

This is regarding to the permit application of Josh Lahl. How is all that extra manure going to be handled? Will it be spread on the road again or in the ditches has in years past! Last week he dug up the road with 3 big tractors and spreaders and brought mud and manure back on the road. The township just put on gravel and graded.

His semi's unload on the road and block traffic! His semi's have turned around on our corner and backed in our yard and left ruts!

His drag line blocks access to our fields by going across the field drive ways. He has had big puddles of manure in front of our driveway many times. We can't drive my wife's car in the garage!

He is not following all the rules set forth by the county with all his grants. We tried to get a grant, but they said we did not have a mess like ~~Josh~~ Josh. Is that fair.

So there for I ask you with his past history of poor manure management, I would like you to deny his permit! This has been going on for far to many years!

Richard Howe

**From:** [Martin Herrick](#)  
**To:** [Amelia Meiners](#)  
**Subject:** FW: LiveStock Feedlot Permit for Josh Dahl  
**Date:** Monday, November 6, 2023 3:17:20 PM

---

FYI

Is this a deleterious discharge?

Marty Herrick  
Environmental Service Director  
Houston County

Phone (507) 725-5800

**From:** Jamie Borowiak <jamieborowiak@gmail.com>  
**Sent:** Monday, November 6, 2023 1:53 PM  
**To:** Martin Herrick <Martin.Herrick@co.houston.mn.us>  
**Subject:** LiveStock Feedlot Permit for Josh Dahl

\*\*\* 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.

My name is Jamie Borowiak and I'm neighbors with Josh Dahl. My house sits down in the valley next to Bridge creek. My concern is that each time we get about an inch of rain or more we get a heavy runoff in the ravine coming from Josh's fields and pasture above me. I'll attach a short video showing this. When this happens, sometimes the smell of cattle manure is so strong coming from that run off that I can smell it standing 50 feet away. One time I tried removing a tree branch that was blocking the flow, reaching my hand in the water, causing my hand to smell so bad like manure I could hardly wash it off. And all of it runs directly into the bridge creek which holds brook trout. Now if he adds more cattle that means more manure going into bridge creek. I suggest injecting that manure into the soil if he isn't already. And if it's that bad now...will it be getting in our groundwater?

Thank you,

Jamie Borowiak

 [20230923\\_105132.mp4](#)



**From:** [Martin Herrick](#)  
**To:** [Amelia Meiners](#)  
**Subject:** FW: Application for Conditional Use Permit  
**Date:** Monday, November 6, 2023 3:18:30 PM

---

FYI

Marty Herrick  
Environmental Service Director  
Houston County

Phone (507) 725-5800

**From:** Bob Borowiak <bborowiak@acegroup.cc>  
**Sent:** Monday, November 6, 2023 2:16 PM  
**To:** Martin Herrick <Martin.Herrick@co.houston.mn.us>  
**Subject:** Application for Conditional Use Permit

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

Mr. Herrick

My name is Robert Borowiak, I own 67 acres off John Deere Dr. along Bridge Creek. I border the Dahl property who would like to expand their operation. First of all I would like to state that I received notice of the application on 11/6/ 23 and expected to respond in two days, by 11/8/23.

I have witnessed the surface spreading of manure on a great deal of the Dahl property and neighboring properties. I cannot believe that after the hundreds of thousands or maybe millions of dollars spent on the Bridge Creek Restoration project that they would allow the surface spreading of hundreds of thousands of Gallons of liquid manure. I am not against the expansion in it self, but they should absolutely be made to incorporate or inject the manure.



**HOUSTON COUNTY  
PLANNING COMMISSION  
Thursday, November 16, 2023**

***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 October 26, 2023

**CONDITIONAL USE HEARING:**

- 5:00 pm      ***Bluff Country LLC – La Crescent Township (Continuation)***  
Conditional Use Permit to place a dwelling in an agricultural district (Section 14 - 14.3 Subdivision 1, Subsection 10).
- 5:30 pm      ***Bluff Country LLC – La Crescent Township***  
Conditional Use Permit to place a dwelling in an agricultural district (Section 14 - 14.3 Subdivision 1, Subsection 10).
- 6:00 pm      ***Skyline Materials LTD and Wesley Fort – Money Creek Township***  
Conditional Use Permit to do mineral extraction in an agricultural district (Section 14 - 14.3 Subdivision 1, Subsection 19 and Section 27 – 27.6).

## NOTICE OF CONTINUATION OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Bluff Country LLC, 5130 County 21, La Crescent, MN 55921, for a Conditional Use Permit to have a dwelling in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in La Crescent Township on the following premises, to-wit:

NW ¼ NE ¼ of FRAC NE1/4, Section 1, Township 104, Range 5, Houston County, Minnesota. (Parcel 08.0276.000)

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:00 p.m. on Thursday, November 16, 2023.

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](mailto:martin.herrick@co.houston.mn.us), and must be received by Wednesday, November 8, 2023.

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 Administrator

ADV: November 6, 2023

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: **Bluff Country LLC** DATE: **November 16, 2023**

C.U.P. REQUESTED: **To place a dwelling in an agricultural district.**

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

### FINDINGS OF FACT

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

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

Staff Analysis: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

Greg Myhre – No, the comprehensive plan says ag land cannot be built on and there's a burial mound onsite.

Cindy Wright – No, for aforementioned reasons.

Wayne Feldmeier – No

Ed Hammell – No

Jim Wieser – Yes

Larry Hafner – No, agrees with Greg.

Josh Gran – Yes

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

Staff Analysis: The applicant indicates the dwelling is for a single-family home. Housing is needed in the area.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – No

Jim Wieser – Yes

Larry Hafner – Yes

Josh Gran – Yes. Stated that housing is needed, and this is a single-family home. Questioned why others voted no.

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

Staff Analysis: With the proper design, installation, and operation a septic system will not degrade the water quality in the county.

Greg Myhre – No

Cindy Wright – No, it's unknown.

Wayne Feldmeier – No

Ed Hammell – Yes

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: Proper placement of the proposed structures and surface water management can be implemented to minimize runoff and associated problems.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: The placement of the dwelling can't be on class I through III soils unless it has been out of production for 10 years or more. Parcel E has 388C2 (3E)(Seaton Silt loam) and 455 B2 (2E) (Festina Silt Loam) soils. Additionally, non-farm dwellings are required to have an erosion control plan. An affidavit was supplied noting the area has not been cropped for the last 10 years.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – No, it's still ag land. The ordinance is drafted to protect ag land.  
Jim Wieser – Yes, believe that with the signed affidavit it meets the standard.  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: A properly operated septic system will prevent deleterious discharges to the environment.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: Evaluation of the locational criteria, the erosion control plan and approved road access will provide the necessary facilities for the proposed dwelling.

Greg Myhre – No  
Cindy Wright – No

Wayne Feldmeier – No  
Ed Hammell – No  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: A single family non-farm dwelling located greater than 1000ft away from the closest neighbor will have minimal impact on the area. The addition of a dwelling is not anticipated to negatively affect the use of neighboring properties.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes, it does not expand the density.  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: The predominant land use is agriculture and the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowners' ability to utilize their properties for existing uses.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – No  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – 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.

Staff Analysis: NA

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

Staff Analysis: There are two CUP's being considered for this area, but they are in separate quarter quarters. This is still within the density standards for the agricultural protection district.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – No  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: NA

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

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

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes, the application meets the standards in the ordinance.  
Larry Hafner – No  
Josh Gran – Yes

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

Larry Hafner made the motion to recommend to the Houston County Board denial of a conditional use permit for a dwelling in the agricultural protection district in La Crescent Township.

Greg Myhre seconded. Roll call vote was taken. Greg Myhre - Yes, Cindy Wright – Yes, Wayne Feldmeier – Yes, Ed Hammell – Yes, Jim Wieser – No, Larry Hafner – Yes, Josh Gran - No. Motion carried to deny.



## HOUSTON COUNTY ENVIRONMENTAL SERVICES

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



### STAFF REPORT

11/9/2023

Application Date: 8/13/2023  
Hearing Date: 11/16/2023  
Petitioner: Bluff Country LLC  
Reviewer: Martin Herrick  
Zoning: Ag Protection  
Address: TBD  
Township: La Crescent  
Parcel Number: 08.0276.000  
Submitted Materials: CUP Application

### OVERVIEW

#### REQUEST

The petitioners are requesting a Conditional Use Permit (CUP) to place a dwelling in the agricultural protection district of La Crescent Township. The dwelling location is shown in Parcel E of Figure 2.

#### SUMMARY OF NOTEWORTHY TOPICS

The first CUP hearing was held on 9/28/2023 and was tabled to get additional input on the project. A 60-day extension letter was sent to the applicant for additional review of the project.

The Houston County Zoning Ordinance provides the following requirements for Single-family non-farm dwellings in the agriculture protection district:

#### **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.

(10) Dwellings. Single-family non-farm dwellings subject to the following:

- (a) No more than one (1) dwelling per quarter-quarter section.
- (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.
- (c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of

*field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*

- (d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*
- (e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty –three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*



**Figure 1. Parcel Location and Road Access.**





**Figure 2. Proposed Location for New Dwelling**

**TOWNSHIP AND NEIGHBORHOOD COMMENTS**

Notice was sent to La Crescent Township and the ten closest property owners. Three objections were recorded with two verbally from George Johnston and Travis Baumgartner and a written objection from Patty Marv, which is attached to this document.

### SITE CHARACTERISTICS

The proposed dwelling location is in parcel E shown on Figure 2. The area has had the grass cut. At the first hearing the applicant did not know the status of the active farming. There are prime ag soils that require 10 years without tillage. Slopes for the parcel are approximately 4 % and a road access to North Pine Creek Road should not be a problem. **Since the first hearing the applicant has contacted the farmer who worked on the site and has supplied the zoning office with an affidavit stating that he has not taken a crop on the site for the last 10 years. A copy of the affidavit is included in the Appendix.**

The dwelling design has not been included with the application, but the septic review assumed a three-bedroom system.

The closest dwelling is greater than 1000 ft away. There are no mines in the area and the nearest feedlot is approximately 1500 ft away. The wetland, shoreland, floodplain or bluff setbacks are close but can be met. Distances to the ordinary high-water level for Pine Creek are beyond 100 ft.

### 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: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

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

Staff Analysis: The applicant indicates the dwelling is for a single-family home. Housing is needed in the area.

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

Staff Analysis: With the proper design, installation, and operation a septic system will not degrade the water quality in the county.

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

Staff Analysis: Proper placement of the proposed structures and surface water management can be implemented to minimize runoff and associated problems.

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

Staff Analysis: The placement of the dwelling can't be on class I through III soils unless it has been out of production for 10 years or more. Parcel E has 388C2 (3E)( Seaton Silt loam) and 455 B2 (2E)(Festina Silt Loam) soils. Additionally, non-farm dwellings are required to have an erosion control plan. **An affidavit was supplied noting the area has not been cropped for the past 10 years.**

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

Staff Analysis: A properly operated septic system will prevent deleterious discharges to the environment.

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

Staff Analysis: Evaluation of the locational criteria, the erosion control plan and approved road access will provide the necessary facilities for the proposed dwelling.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: A single family non-farm dwelling located greater than 1000ft away from the closest neighbor will have minimal impact on the area. The addition of a dwelling 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 the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowners' ability to utilize their properties 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: NA

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

Staff Analysis: There are two CUP's being considered for this area, but they are in separate qtr.-qtrs. This is still within the density standards for the agricultural protection district.

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

Staff Analysis: NA

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

Staff Analysis: 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 complying with the conditions and all other applicable statutes, rules, and ordinances.
3. A legal description of the parcel shall be provided prior to any building permit being reviewed.

Proposed motion: To recommend approval of a conditional use permit for a dwelling in the agricultural protection district.

**Appendix**

<b><u>Page</u></b>	<b><u>Document</u></b>
8-10	Affidavit from Robert Johnson with a supporting USDA map. i. Legend supporting terms on the USDA map.
11.	Map of Parcels E and F,
12	Map showing distances to local feedlots.
13	Schneider CUP application

**AFFIDAVIT OF  
ROBERT JOHNSON**

STATE OF MINNESOTA   )  
  ) ss.  
COUNTY OF HOUSTON   )

The undersigned, being first duly sworn on oath, deposes and states the following:

1. That my name is Robert Johnson and I am an adult resident of Houston County, Minnesota.
2. That I have leased the parcel of land known as Houston County parcel no. 08.0276.000, Farm #6541, Tract #16936, Field Nos. 2 and 41 (those specific fields known as "the Property" and as highlighted on the attached map) for more than 10 years.
3. That as a part of my agricultural lease for the Property, I mowed the grass; however, for more than 10 years, I have not cultivated or cropped any of the acreage on the Property. I have not received any compensation for crops taken from the specific fields known as the Property.
4. The Property has not been cultivated or cropped for more than 10 years by anyone.

Dated November 2, 2023.

Robert Johnson  
Robert Johnson

(SEAL)

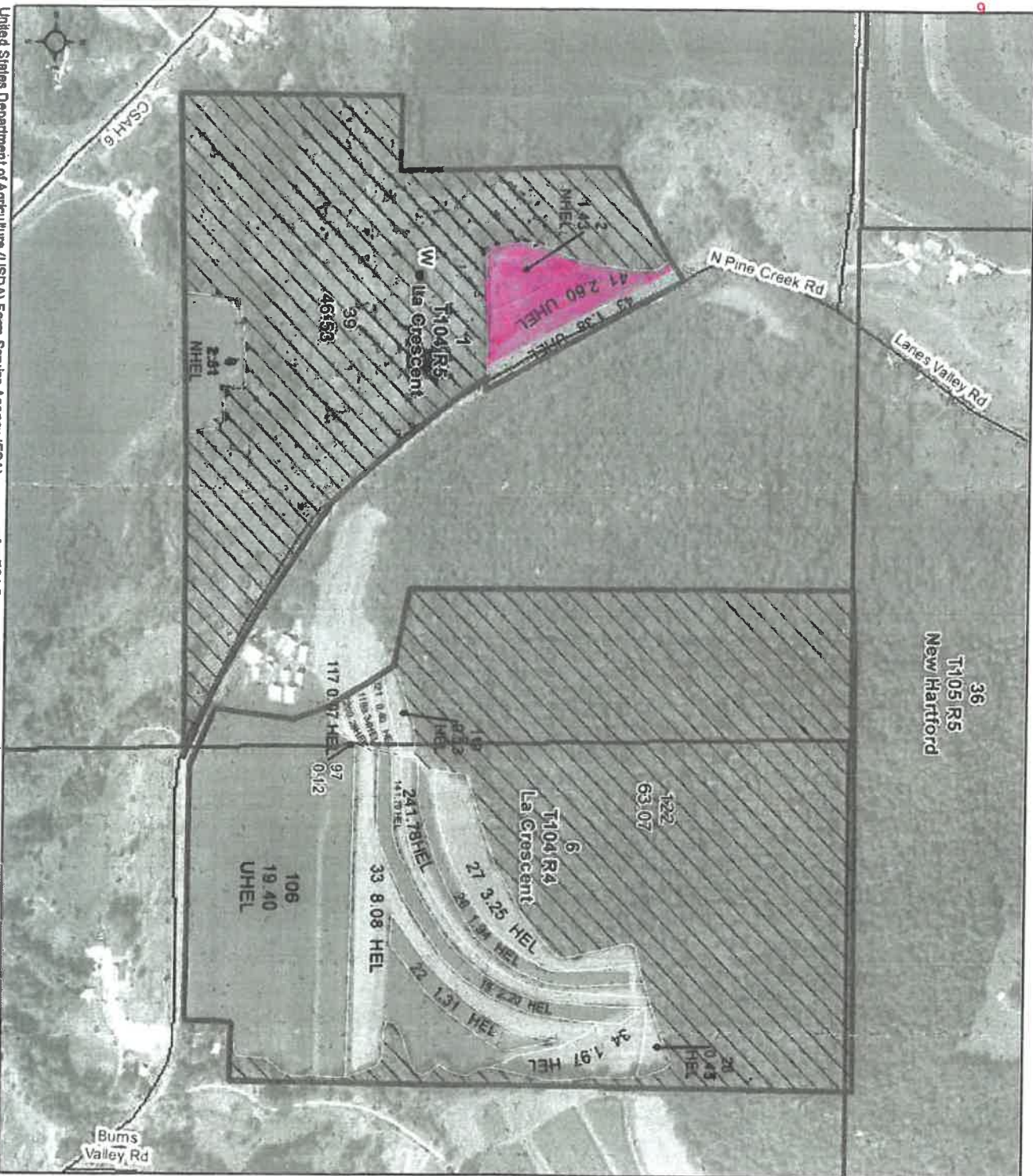
Subscribed and sworn to before me  
this 2<sup>nd</sup> day of November, 2023

Kelly M. Iverson  
Signature of Notary  
My commission expires: \_\_\_\_\_





# Houston County, Minnesota



**Farm 6541**

**Tract 16936**

**2023 Program Year**

Map Created September 01, 2023



Unless otherwise noted:  
 Shares are 100% operator  
 Crops are non-irrigated  
 Corn = yellow for grain  
 Soybeans = common soybeans for grain  
 Wheat = HRS, HRW = Grain  
 Sunflower = Oil, Non-Oil = Grain  
 Oats and Barley = Spring for grain  
 Rye = for grain  
 Peas = process  
 Alfalfa, Mixed Forage AGM, GMA, IGS = for forage  
 Beans = Dry Edible  
 NAG = for GZ  
 Canola = Spring for seed

- Common Land Unit**
- /// Non-Cropland
  - Cropland
  - Tract Boundary
  - Roads

- Wetland Determination Identifiers**
- Restricted Use
  - ▽ Limited
  - Exempt from Conservation Compliance Provisions

**Tract Cropland Total: 51.62 acres**

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data as is and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). This map displays the 2021 NAIP imagery.

## 34 Conservation Compliance

### A Overview

HEL determinations, wetland determinations, farm producer exceptions, and tract producer exceptions will be maintained in MIDAS farm records.

### B HEL Determinations

HEL status determinations are applicable to each field. Selection of 1 of the following HEL values is required for each field:

- HEL, field determined highly erodible
- NHEL, field determined not highly erodible
- UHEL, field undetermined
- EHEL, field exempt from a determination needed.

**Note:** Only applies to CA, NV, AZ, and NM.

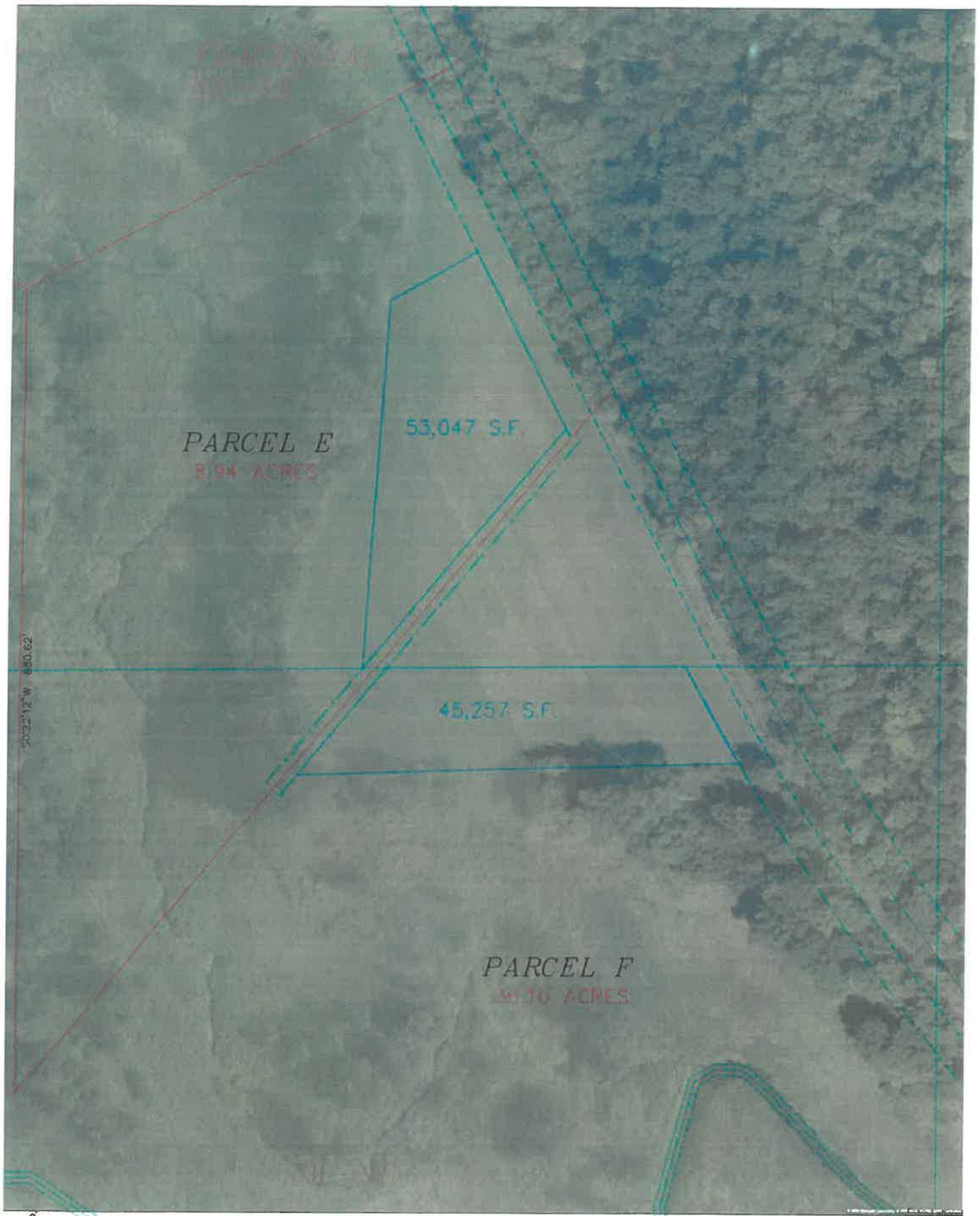
Field level HEL Status is recorded by user based on NRCS determinations using the Edit CLU Attribute Tool in the GIS Info assignment block (see work instruction).

**Note:** Field level HEL status determinations are recorded as "Undetermined" until NRCS has provided the County Office with written determination.

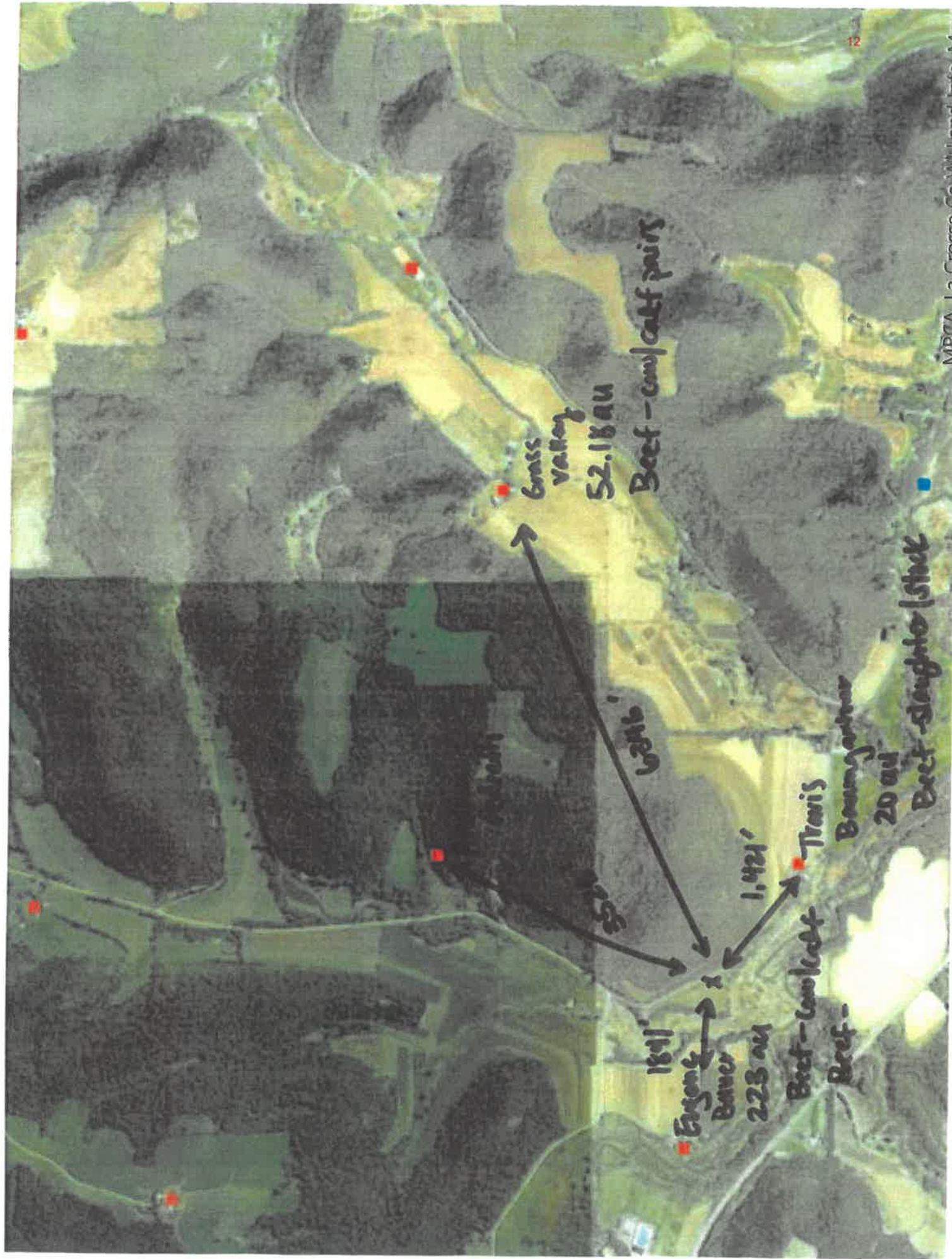
Tract level summary HEL status values are automatically determined by the varying combinations of field level HEL status values. The summary tract level HEL status dictates the values available for selection of the tract level HEL determination. If 1 or more fields on the tract is "Undetermined" the tract level summary HEL status is UHEL and the user must select the tract HEL determination from 1 of the following 6 values:

- HEL determinations not completed for all fields on the tract
- HEL field on tract. Conservation system is not required – no agricultural commodity
- HEL field on tract. Conservation system being actively applied
- HEL field on tract. Conservation system is not being actively applied
- HEL field on tract. 2 years to implement conservation system on former CRP land
- NHEL: no agricultural commodity planted on undetermined fields.









Conditional Use Request	Fees Paid
2023-CUP-470	\$746.00
Applicant	Created
Michael Sexauer	August 13, 2023

Number
2023-CUP-470

BLUFF COUNTRY LLC
080276000
Submitted by Bluff Country LLC
on 8/13/2023



## Applicant

Michael Sexauer

6087920479

[bluffcountrymn@gmail.com](mailto:bluffcountrymn@gmail.com)

## Search Parcel Data

 Completed On 8/13/2023 9:06 AM EST by Bluff Country LLC

ParcelID	Address	City	OwnerName	Acres
080276000	4100 PINE CREEK RD N	LA CRESCENT	BLUFF COUNTRY LLC	86.960

## CONDITIONAL USE INTRO

 Completed On 8/13/2023 9:07 AM EST by Bluff Country LLC

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.**

Application Fee:

### Conditional Use Application Fee

\$700.00

Recording Fee:

### Recording Fee

\$46.00

Application Type:

Conditional Use

## APPLICANT INFORMATION

 Completed On 8/13/2023 9:11 AM EST by Bluff Country LLC

Applicant Name

BLUFF COUNTRY LLC

Parcel Tax ID

080276000

Telephone Number

6087920479

**Address**

4100 PINE CREEK RD N

**City**

LA CRESCENT

**Zip**

55947

**Legal Description**

146.87 AC FRAC NE1/4 B 272 P 243 &amp; B 256 P 609 DOC 258484; DOC 309216; EX DOC 309213; EX DOC...

**Section-Township-Range**

01-104-005

**Do you own additional adjacent parcels**

Yes

**Township of:**

La Crescent

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

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

Yes

**Township Contacts**

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runningen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541

Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637
Yucatan	Deb Dewey	507-896-3566

**CONDITIONAL USE REQUEST** Completed On 8/13/2023 9:46 AM EST by Bluff Country LLC[Click here to view the Houston County Zoning Ordinance](#)**Describe in detail your request.**

Requesting to split the property into two parcels. For the purpose of constructing two single family homes on approximately a 8acre site and a 30acre site.

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

section 6

**Requested Dimension:**

8 acres and 30 acres

**Please upload any supporting documents:****CONDITIONAL USE FINDING OF FACTS** Completed On 8/13/2023 10:34 AM EST by Bluff Country LLC[Click here to view the Houston County Zoning Ordinance](#)

## Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

**Comments:**

1.Both structures would be on clear quarter sections

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

Yes

**Comments:**

There continues to be a need for houseing in and around LaCrescent

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

Yes

**Comments:**

The acreage allocated to each parcel would be adequate

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

Yes

**Comments:**

we have plenty of area for run off

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

Yes

**Comments:**

soil conditions are good

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

Yes

**Comments:**

N/A

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

Yes

**Comments:**

Easy access to no Pine Creek Road and power line parralel with road

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

N/A

Comments:

N?A

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

N/A

Comments:

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.

Yes

Comments:

Should have no impact

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.

Yes

Comments:

No Impact

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



Yes

Comments:

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

Yes

Comments:

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.

N/A

Comments:

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.

Yes

Comments:

N/A

## SITE PLAN INFORMATION

Completed On 8/13/2023 10:59 AM EST by Bluff Country LLC

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

### Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.



☐ Sketch Layer

☐ Reference Layer

☒ Mapproxy



Powered by Esri

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

APPLICATION SUBMITTAL Completed On 8/13/2023 11:00 AM EST by Bluff Country LLC

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

*Michael Sefaner*

Date Signed:

8/13/2023

Check this box if Staff Signature on behalf of Applicant.

Email APPLICATION SUBMITTAL Completed On 8/13/2023 11:00 AM EST by Bluff Country LLC

RESEND EMAIL

Delivered on Sunday, August 13, 2023 at 11:00 AM CDT

Options

- Send to the applicant? Yes
- Send to members of the following roles:
- Zoning
- County Board

Recipients

To:

holly.felten@co.houston.mn.us

amy.sylling@co.houston.mn.us

amelia.meiners@co.houston.mn.us

martin.herrick@co.houston.mn.us

robert.burns@co.houston.mn.us

eric.johnson@co.houston.mn.us

robert.schuldt@co.houston.mn.us

dewey.severson@co.houston.mn.us

bluffcountrymn@gmail.com

Subject: Parcel 080276000 Conditional Use Application Received

The information provided in your Conditional Use application has been received by the County. An application fee of \$700.00 payable to the Houston County Treasurer and a recording fee of \$46.00 payable to the Houston County Recorder are necessary to complete your application and are required before the application will be reviewed. Please send a separate check for each.

Houston County Planning and Zoning  
304 S. Marshall Street, Room 209  
Caledonia, MN 55921

Once payment is received your application will be reviewed and you will be contacted by staff.

Please call 507-725-5800 or email martin.herrick@co.houston.mn.us with any questions or concerns.

**Number:** 2023-CUP-160669

**Workflow:** Conditional Use Request

**Description:** BLUFF COUNTRY LLC | 080276000 |

**Created On:** 8/13/2023

[View Application](#)

APP SUBMITTED/PAYMENT SELECTION Completed On 9/13/2023 11:46 AM EST by AmyS

Fee Summary

Conditional Use Application Fee	\$700.00
Recording Fee	\$46.00
Total Fees	\$746.00

## Amelia Meiners

---

**From:** Martin Herrick  
**Sent:** Thursday, November 9, 2023 1:04 PM  
**To:** Amelia Meiners  
**Subject:** FW: Building on parcel 08.0276.000

FYI

Marty Herrick  
Environmental Service Director  
Houston County

Phone (507) 725-5800

-----Original Message-----

From: Patty Marv <pattymarv@yahoo.com>  
Sent: Thursday, November 9, 2023 9:07 AM  
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>  
Subject: Building on parcel 08.0276.000

\*\*\* 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.

---

To Martin, we just received your letter. It was marked Nov6 and we were to get back to you with concerns by last night. This is cutting it close to the builders advantage.

We are against this primarily as it is taking farm land. As we see it that will be the start of taking the farmland away to build houses on. Please do not approve this.

Thank you for receiving our opinion. Marvin Leitzke and Patty Bruger

Sent from my iPad

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Bluff Country LLC, 5130 County 21, La Crescent, MN 55921, for a Conditional Use Permit to have a dwelling in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in La Crescent Township on the following premises, to-wit:

SW ¼ NE ¼ of FRAC NE1/4, Section 1, Township 104, Range 5, Houston County, Minnesota. (Parcel 08.0276.000)

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:30 p.m. on Thursday, November 16, 2023.

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](mailto:martin.herrick@co.houston.mn.us), and must be received by Wednesday, November 8, 2023.

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 Administrator

ADV: November 6, 2023

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Bluff Country LLC DATE: November 16, 2023

C.U.P. REQUESTED: To place a dwelling in an agricultural district.

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

### FINDINGS OF FACT

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

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

Staff Analysis: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – No  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: The applicant indicates the dwelling is for a single-family home. Housing is needed in the area.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: With the proper design, installation, and operation a septic system will not degrade the water quality in the county.

Greg Myhre – No  
Cindy Wright – No because she's unsure. What is being proposed will be close to Pine Creek which is a major waterbody in that area.  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: Proper placement of the proposed structures and surface water management can be implemented to minimize runoff and associated problems.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: The placement of the dwelling can't be on class I through III soils unless it has been out of production for 10 years or more. Parcel E has 388C2 (3E)(Seaton Silt loam) and 455 B2 (2E) (Festina Silt Loam) soils. Additionally, non-farm dwellings are required to have an erosion control plan. An affidavit was supplied noting the area has not been cropped for the past 10 years.

Greg Myhre – No  
Cindy Wright – No based on the reports given.  
Wayne Feldmeier – No  
Ed Hammell – No, for the same reasons as before. It needs to be out of production for 10 years or more.  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: A properly operated septic system will prevent deleterious discharges to the environment.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: Evaluation of the locational criteria, the erosion control plan and approved road access will provide the necessary facilities for the proposed dwelling.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – Yes  
Jim Wieser – Yes

Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: A single family non-farm dwelling will have minimal impact on the area. The addition of a dwelling is not anticipated to negatively affect the use of neighboring properties.

Greg Myhre – No  
Cindy Wright – No  
Wayne Feldmeier – No  
Ed Hammell – No  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – Yes

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

Staff Analysis: The predominant land use is agriculture and the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowners' ability to utilize their properties for existing uses.

Greg Myhre – No due to the fact that its I, II, and III soils.  
Cindy Wright – No, agree with Greg Myhre.  
Wayne Feldmeier – No  
Ed Hammell – No for the same reason.  
Jim Wieser – Yes  
Larry Hafner – No  
Josh Gran – 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.

Staff Analysis: NA

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

Staff Analysis: There are two CUP's being considered for this area, but they are in separate qtr.-qtrs. This is still within the density standards for the agricultural protection district.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – Yes, this meets the density requirements.

Jim Wieser – Yes, agree with Ed Hammell.

Larry Hafner – No, for lack of discussion.

Josh Gran – Yes, agree with Ed and Jim.

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

Staff Analysis: NA

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

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

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – No, it does change the welfare of the farmers in the area.

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Larry Hafner made the motion to recommend the Houston County Board denial of a conditional use permit for a dwelling in the agricultural protection district in La Crescent Township.

Cindy Wright seconded. Roll call vote was taken. Greg Myhre – Yes, Cindy Wright – Yes, Wayne Feldmeier – Yes, Ed Hammell – Yes, Jim Wieser – No, Larry Hafner – Yes, Josh Gran – No. Motion carried to deny.





## HOUSTON COUNTY ENVIRONMENTAL SERVICES

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



### STAFF REPORT

11/9/2023

Application Date:  
Hearing Date: 11/16/2023  
Petitioner: Bluff Country LLC  
Reviewer: Martin Herrick  
Zoning: Ag Protection  
Address: TBD  
Township: La Crescent  
Parcel Number: 08.0276.000  
Submitted Materials: CUP Application

### OVERVIEW

#### REQUEST

The petitioners are requesting a Conditional Use Permit (CUP) to place a dwelling in the agricultural protection district of La Crescent Township. The dwelling location is shown in Parcel F of Figure 2.

#### SUMMARY OF NOTEWORTHY TOPICS

Two CUPs are being considered for this parcel. The first or north CUP hearing was held on 9/28/2023 and was tabled to get additional input on the project. A 60-day extension letter was sent to the applicant for additional review of the north project. This CUP is for the second lot or the south site.

The Houston County Zoning Ordinance provides the following requirements for Single-family non-farm dwellings in the agriculture protection district:

#### **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.***

***(10) Dwellings. Single-family non-farm dwellings subject to the following:***

- (a) No more than one (1) dwelling per quarter-quarter section.***
- (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.***
- (c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource***

*Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*

- (d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*
- (e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*



**Figure 1. Parcel Location and Road Access.**



**Figure 2. Proposed Location for New Dwelling**

**TOWNSHIP AND NEIGHBORHOOD COMMENTS**

Notice was sent to La Crescent Township and the ten closest property owners. While objections have been received for the north site, which could be assumed to include this site only one from Patty Marv has been received for this site, which is attached to this document.

### SITE CHARACTERISTICS

The proposed dwelling location is in parcel F shown on Figure 2. The area has had the grass cut. At the first hearing for the north site the applicant did not know the status of the active farming. There are prime ag soils that require 10 years without tillage. Slopes for the parcel are approximately 4 % and a road access to North Pine Creek Road should not be a problem. Since the first hearing the applicant has contacted the farmer who worked on the site and has supplied the zoning office with an affidavit stating that he has not taken a crop on the site for the last 10 years. A copy of the affidavit is included in the Appendix.

The dwelling design has not been included with the application, but the septic review assumed a three-bedroom system.

There are no mines in the area and the nearest feedlot is approximately 1500 ft away. Distance to the local feedlots is included in the appendix. The wetland, shoreland, floodplain or bluff setbacks are close but can be met. Distances to the ordinary high-water level for Pine Creek are beyond 100 ft.

### 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: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

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

Staff Analysis: The applicant indicates the dwelling is for a single-family home. Housing is needed in the area.

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

Staff Analysis: With the proper design, installation, and operation a septic system will not degrade the water quality in the county.

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

Staff Analysis: Proper placement of the proposed structures and surface water management can be implemented to minimize runoff and associated problems.

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

Staff Analysis: The placement of the dwelling can't be on class I through III soils unless it has been out of production for 10 years or more. Parcel E has 388C2 (3E)( Seaton Silt loam) and 455 B2 (2E)(Festina Silt Loam) soils. Additionally, non-farm dwellings are required to have an erosion control plan. An affidavit was supplied noting the area has not been cropped for the past 10 years.

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

Staff Analysis: A properly operated septic system will prevent deleterious discharges to the environment.

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

Staff Analysis: Evaluation of the locational criteria, the erosion control plan and approved road access will provide the necessary facilities for the proposed dwelling.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: A single family non-farm dwelling will have minimal impact on the area. The addition of a dwelling 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 the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowners' ability to utilize their properties 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: NA

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

Staff Analysis: There are two CUP's being considered for this area, but they are in separate qtr.-qtrs. This is still within the density standards for the agricultural protection district.

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

Staff Analysis: NA

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

Staff Analysis: 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 complying with the conditions and all other applicable statutes, rules, and ordinances.
3. A legal description of the parcel shall be provided prior to any building permit being reviewed.

Proposed motion: To recommend approval of a conditional use permit for a dwelling in the agricultural protection district.

**Appendix**

<b><u>Page</u></b>	<b><u>Document</u></b>
8-10	Affidavit from Robert Johnson with a supporting USDA map. i. Legend supporting terms on the USDA map.
11	Map of Parcels E and F,
12	Map showing distances to local feedlots.
13	Schneider CUP application

**AFFIDAVIT OF  
ROBERT JOHNSON**

STATE OF MINNESOTA   )  
  ) ss.  
COUNTY OF HOUSTON   )

The undersigned, being first duly sworn on oath, deposes and states the following:

1. That my name is Robert Johnson and I am an adult resident of Houston County, Minnesota.
2. That I have leased the parcel of land known as Houston County parcel no. 08.0276.000, Farm #6541, Tract #16936, Field Nos. 2 and 41 (those specific fields known as "the Property" and as highlighted on the attached map) for more than 10 years.
3. That as a part of my agricultural lease for the Property, I mowed the grass; however, for more than 10 years, I have not cultivated or cropped any of the acreage on the Property. I have not received any compensation for crops taken from the specific fields known as the Property.
4. The Property has not been cultivated or cropped for more than 10 years by anyone.

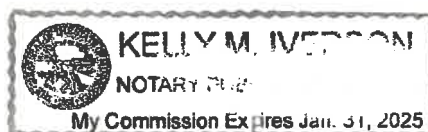
Dated November 2, 2023.

Robert Johnson  
Robert Johnson

(SEAL)

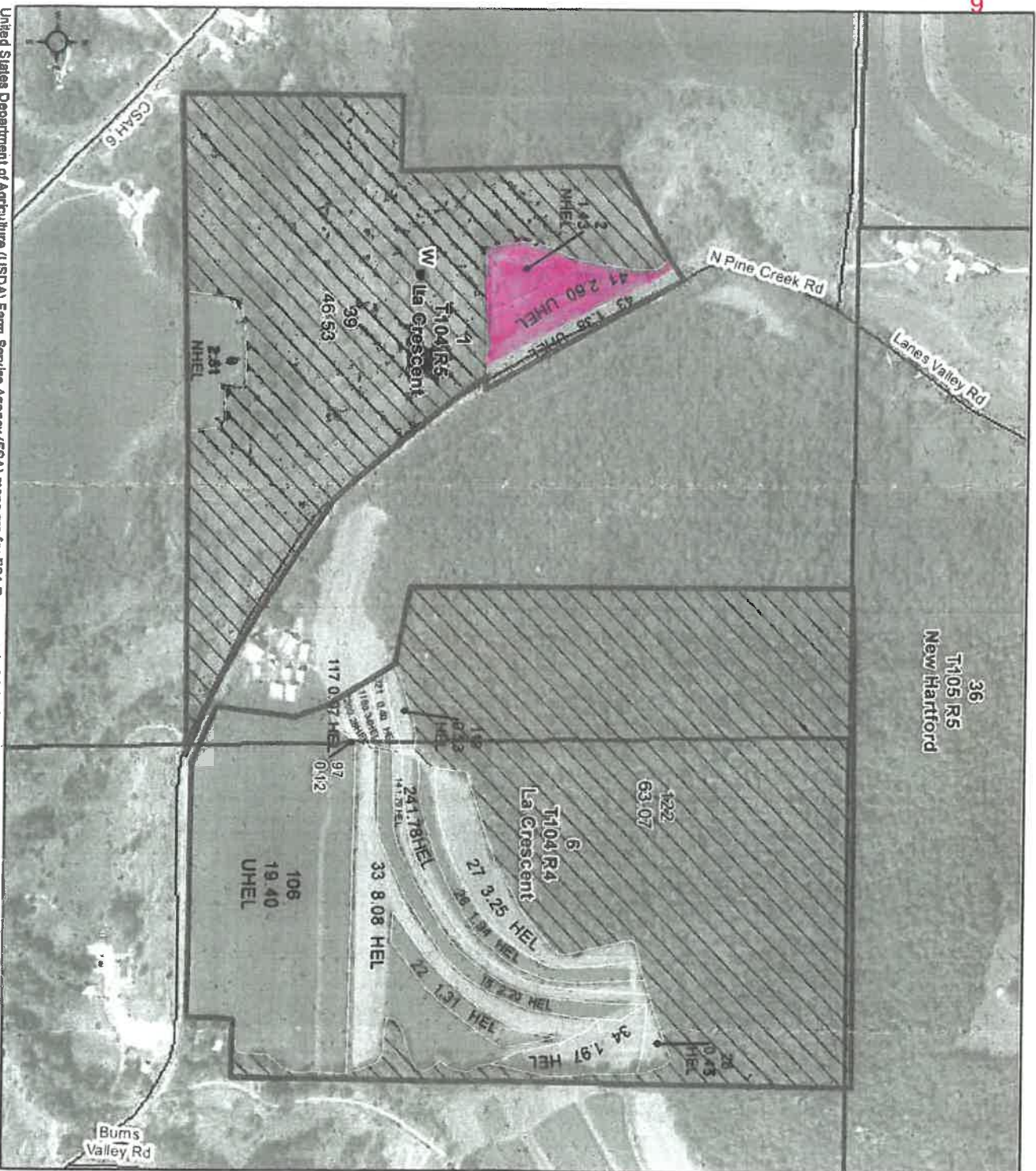
Subscribed and sworn to before me  
this 2<sup>nd</sup> day of November, 2023

Kelly M. Iverson  
Signature of Notary  
My commission expires: \_\_\_\_\_





## Houston County, Minnesota



Farm 6541

Tract 16936

2023 Program Year

Map Created September 01, 2023



Unless otherwise noted:  
 Shares are 100% operator  
 Crops are non-irrigated  
 Corn = yellow for grain  
 Soybeans = common soybeans for grain  
 Wheat = HRS, HRW = Grain  
 Sunflower = Oil, Non-Oil = Grain  
 Oats and Barley = Spring for grain  
 Rye = for grain  
 Peas = process  
 Alfalfa, Mixed Forage AGM, GMA, IGS = for forage  
 Beans = Dry Edible  
 NAG = for GZ  
 Canola = Spring for seed

### Common Land Unit

- /// Non-Cropland
- Cropland
- Tract Boundary
- Roads

### Wetland Determination Identifiers

- Restricted Use
- ▽ Limited
- Exempt from Conservation Compliance Provisions

Tract Cropland Total: 51.62 acres

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data as is and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). This map displays the 2021 NAIP imagery.

## 34 Conservation Compliance

### A Overview

HEL determinations, wetland determinations, farm producer exceptions, and tract producer exceptions will be maintained in MIDAS farm records.

### B HEL Determinations

HEL status determinations are applicable to each field. Selection of 1 of the following HEL values is required for each field:

- HEL, field determined highly erodible
- NHEL, field determined not highly erodible
- UHEL, field undetermined
- EHEL, field exempt from a determination needed.

**Note:** Only applies to CA, NV, AZ, and NM.

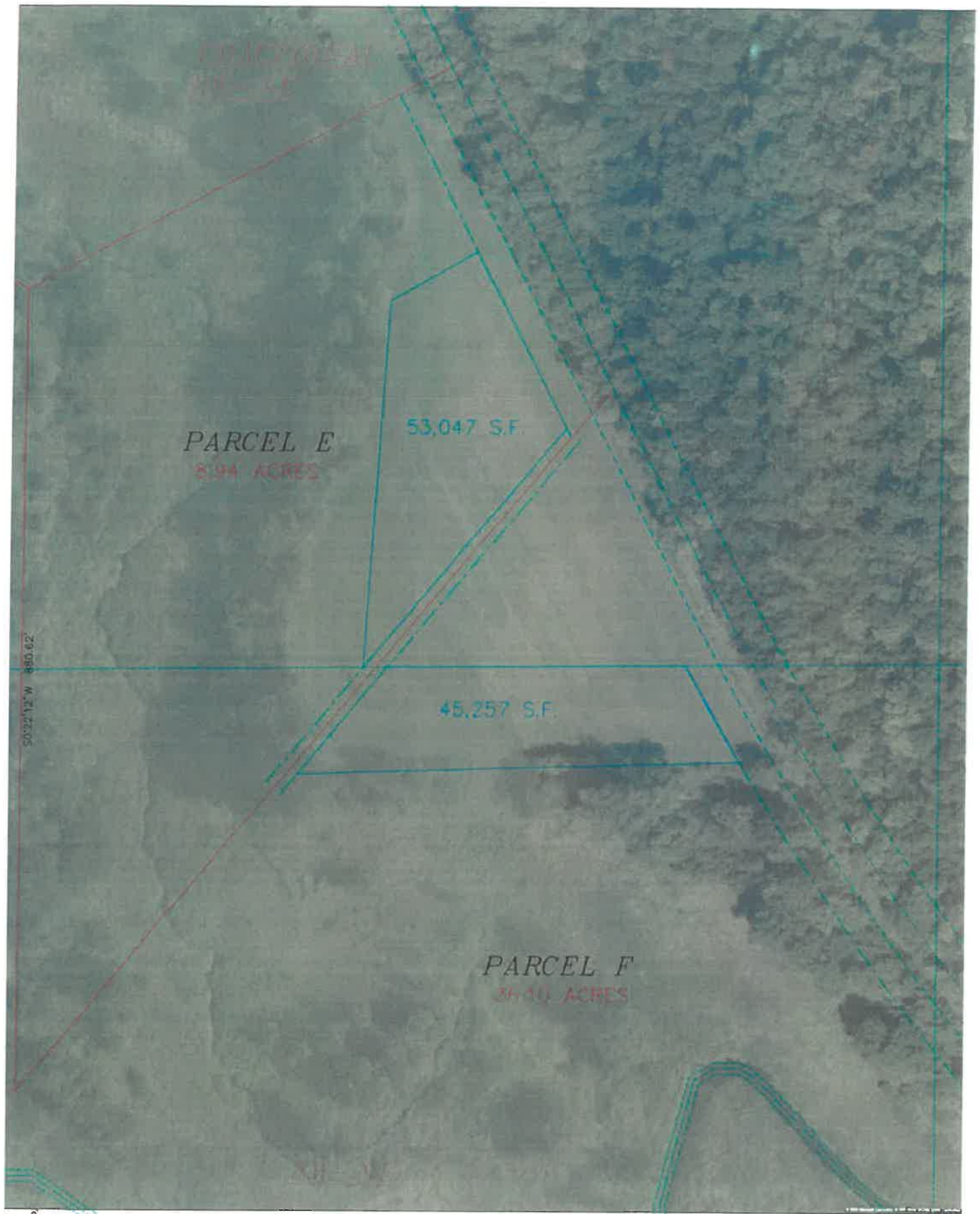
Field level HEL Status is recorded by user based on NRCS determinations using the Edit CLU Attribute Tool in the GIS Info assignment block (see work instruction).

**Note:** Field level HEL status determinations are recorded as "Undetermined" until NRCS has provided the County Office with written determination.

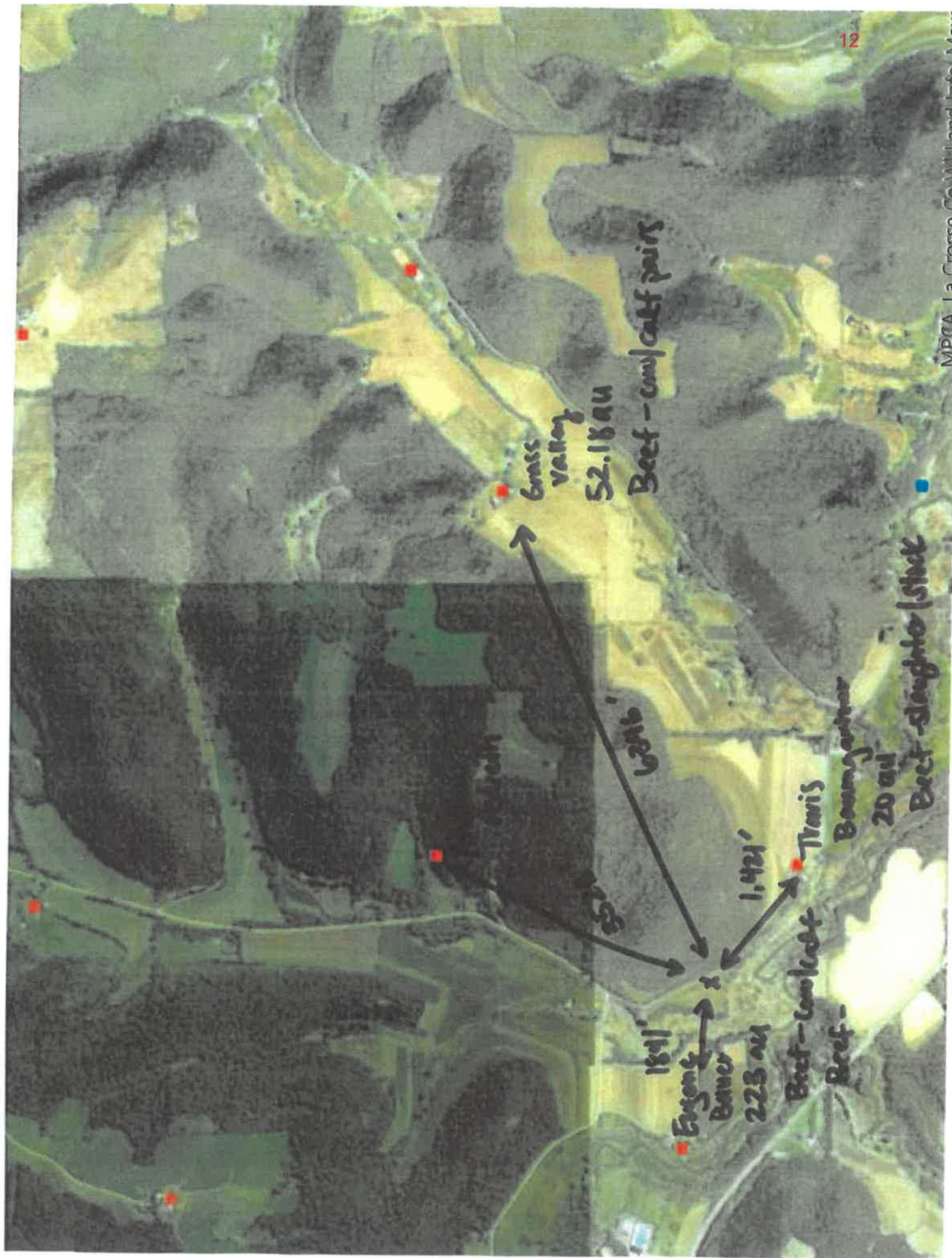
Tract level summary HEL status values are automatically determined by the varying combinations of field level HEL status values. The summary tract level HEL status dictates the values available for selection of the tract level HEL determination. If 1 or more fields on the tract is "Undetermined" the tract level summary HEL status is UHEL and the user must select the tract HEL determination from 1 of the following 6 values:

- HEL determinations not completed for all fields on the tract
- HEL field on tract. Conservation system is not required – no agricultural commodity
- HEL field on tract. Conservation system being actively applied
- HEL field on tract. Conservation system is not being actively applied
- HEL field on tract. 2 years to implement conservation system on former CRP land
- NHEL: no agricultural commodity planted on undetermined fields.









Conditional Use Request	Fees Paid
2023-CUP-180198	\$746.00
Applicant	Created
Michael Sexauer	October 10, 2023

Number
2023-CUP-
180198

BLUFF COUNTRY LLC
080276000
Submitted by Bluff Country LLC
on 10/10/2023



## Applicant

Michael Sexauer

6087920479

[bluffcountrymn@gmail.com](mailto:bluffcountrymn@gmail.com)

## Search Parcel Data

 Completed On 10/10/2023 8:47 PM EST by Bluff Country LLC

ParcelID	Address	City	OwnerName	Acres
080276000			BLUFF COUNTRY LLC	86.960

## CONDITIONAL USE INTRO

 Completed On 10/10/2023 8:47 PM EST by Bluff Country LLC

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.**

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

## APPLICANT INFORMATION

 Completed On 10/10/2023 8:54 PM EST by Bluff Country LLC

Applicant Name

BLUFF COUNTRY LLC

Parcel Tax ID

080276000

Telephone Number

6087920479

**Address**

5130 cty 21

**City**

LaCrescent

**Zip**

55947

**Legal Description**

86.96 AC FRAC NE1/4 B 272 P 243 &amp; B 256 P 609 DOC 258484; DOC 309216; EX DOC 309213; EX DOC 310253; EX DOC 310313

**Section-Township-Range**

01-104-005

**Do you own additional adjacent parcels**

Yes

**Township of:**

La Crescent

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

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

Yes

**Township Contacts**

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runnigen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541

Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637
Yucatan	Deb Dewey	507-896-3566

**CONDITIONAL USE REQUEST** Completed On 10/10/2023 9:16 PM EST by Bluff Country LLC

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

**Describe in detail your request.**

request to build a residential structure on a 30 acre parcel and split te tax parcel listed

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

building permit for clear quarter section

**Requested Dimension:**

2000 to 3000sq ft

**Please upload any supporting documents:**

**CONDITIONAL USE FINDING OF FACTS** Completed On 10/10/2023 9:31 PM EST by Bluff Country LLC

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

## Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

**Comments:**

1 house on a clear quarter section

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

Yes

**Comments:**

High demand for available sites in LaCrescent township.

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

Yes

**Comments:**

minimal run off

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

Yes

**Comments:**

Minimal run off with the large building site

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

Yes

**Comments:**

soils are heavy more than adequate for residential and has been tested to support drain field

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

Yes

**Comments:**

no hazards being produced

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

Yes

**Comments:**

**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:**

we have acres of space

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

Yes

**Comments:**



simple driveway with great visibility both directions

**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:**

should have no impact surrounding property

**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.**

Yes

**Comments:**

building on a large parcel of 30 acres

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

Yes

**Comments:**

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**

Yes

**Comments:**

1 home on a clear quarter section

**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.**

N/A

**Comments:**

nana

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

Yes

**Comments:**

already tested for septic by Septic Pro

**SITE PLAN INFORMATION** Completed On 10/10/2023 9:34 PM EST by Bluff Country LLC

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

**Upload Site Plan**

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

- ☒ Sketch Layer
- ☐ Reference Layer
- ☒ Mapproxy



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

**APPLICATION SUBMITTAL** Completed On 10/10/2023 9:35 PM EST by Bluff Country LLC

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:**

10/11/2023

**Check this box if Staff Signature on behalf of Applicant.****Email APPLICATION SUBMITTAL** Completed On 10/10/2023 9:35 PM EST by Bluff Country LLC[RESEND EMAIL](#)**Delivered** on Tuesday, October 10, 2023 at 9:35 PM CDT**Options**

Send to the applicant? Yes

Send to members of the following roles:

Zoning

County Board

**Recipients****To:**

holly.felten@co.houston.mn.us

amelia.meiners@co.houston.mn.us

martin.herrick@co.houston.mn.us

robert.burns@co.houston.mn.us

eric.johnson@co.houston.mn.us

robert.schuldt@co.houston.mn.us

dewey.severson@co.houston.mn.us

bluffcountrymn@gmail.com

**Subject:** Parcel 080276000 Conditional Use Application Received

The information provided in your Conditional Use application has been received by the County. An application fee of \$700.00 payable to the Houston County Treasurer and a recording fee of \$46.00 payable to the Houston County Recorder are necessary to complete your application and are required before the application will be reviewed. Please send a separate check for each.

Houston County Planning and Zoning  
304 S. Marshall Street, Room 209  
Caledonia, MN 55921

Once payment is received your application will be reviewed and you will be contacted by staff.

Please call 507-725-5800 or email martin.herrick@co.houston.mn.us with any questions or concerns.

**Number:** 2023-CUP-180198**Workflow:** Conditional Use Request**Description:** BLUFF COUNTRY LLC | 080276000 |

[View Application](#)

External Notes

Documents

Internal Notes

Documents

**Amelia Meiners**

---

**From:** Martin Herrick  
**Sent:** Thursday, November 9, 2023 1:04 PM  
**To:** Amelia Meiners  
**Subject:** FW: Building on parcel 08.0276.000

FYI

Marty Herrick  
Environmental Service Director  
Houston County

Phone (507) 725-5800

-----Original Message-----

From: Patty Marv <pattymarv@yahoo.com>  
Sent: Thursday, November 9, 2023 9:07 AM  
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>  
Subject: Building on parcel 08.0276.000

\*\*\* 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.

---

To Martin, we just received your letter. It was marked Nov6 and we were to get back to you with concerns by last night. This is cutting it close to the builders advantage.

We are against this primarily as it is taking farm land. As we see it that will be the start of taking the farmland away to build houses on. Please do not approve this.

Thank you for receiving our opinion. Marvin Leitzke and Patty Bruger

Sent from my iPad

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Chris Priebe, of G-Cubed, on behalf of Skyline Materials LTD, 900 Montgomery St, PO Box 127, Decorah, IA, 52101(applicant) and Wesley Fort, 19519 County 26, Houston, MN, 55943 (co-applicant) for a Conditional Use Permit to do mineral extraction in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 19) in Money Creek Township on the following premises, to-wit:

PT NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  & PT W $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  & PT S  $\frac{1}{2}$  SE $\frac{1}{4}$ ; Section 11, Township 104, Range 7, Houston County, Minnesota. (Parcel #10.0103.000 & 10.0104.000)

Said applicants standing and making application are as fee owners of said described lands.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:00 p.m. on Thursday, November 16, 2023.

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](mailto:martin.herrick@co.houston.mn.us), and must be received by Wednesday, November 8, 2023.

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 Administrator

ADV: November 6, 2023

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: **Skyline Materials LTD and Wesley Fort** DATE: **November 16, 2023**  
C.U.P. REQUESTED: **To do mineral extraction in an agricultural district.**

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

### FINDINGS OF FACT

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

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

**Staff Analysis:** The need for aggregate is recognized in the 2040 Comprehensive Land Use Plan under values guiding the plan found on page 6.

Board agreed to the finding by a unanimous vote.

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

**Staff Analysis:** The dolomite rock works well as an aggregate for road projects and the site provides a local source for future construction.

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 topography and site operations create surface water flow from running off the site. Additionally, the surface water divide minimizes flow into the site from the north.

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 proposal will not change site operations regarding water runoff. The inward surface water gradient prevents runoff from the site.

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:** The primary on-site activities will be portable crushers and stockpiling materials with no washing or processing occurring. There are minimal pollution hazards associated with the proposal.

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 road revisions will occur, and the quarry drainage will stay on site and follow their existing operating plans.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The activities related to this are exclusively within the quarry.

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: The site operation plan addresses the management of their minimal equipment activities. And truck traffic from the quarry is not expected to increase.

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: The CUP will improve the site's restoration and the expansion will not increase production from present levels. The quarry's location and view shed have minimal impact on 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 revisions to site operations are minimal and should not have additional impact on surrounding properties.

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: Dust suppression and inspection of roadways for spillage will be performed by the site's operator in accordance with the site operations plan. The proposal will have minimal impact on site operations.

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: Continuation of a quarry is not increasing the intensity of development in the zoning district.

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: Site specific conditions for quarrying are being applied as part of the CUP for site operations and restoration.

Board agreed to the finding by a unanimous vote.

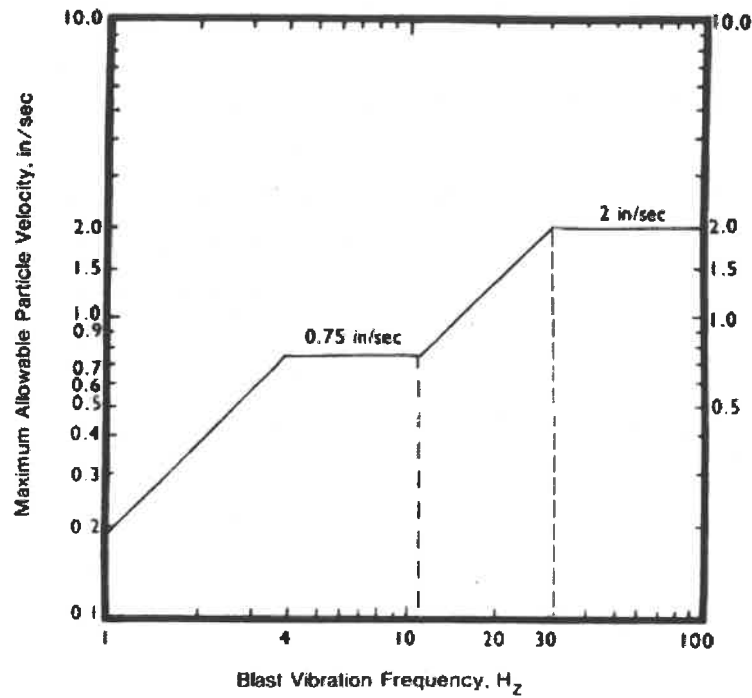
Jim Wieser made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Jim Wieser made the motion to recommend the Houston County Board approve a conditional use permit for mineral extraction in the agricultural protection district in Money Creek Township 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. *When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:*
  - a. *Name and mailing address of operator;*
  - b. *The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;*
  - c. *A Map or maps that accurately show and label:*
    - i. *Total acreage of the mine area;*
    - ii. *The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;*
    - iii. *The acreage of any portion of the mine area presently undergoing the process of reclamation;*
    - iv. *The total acreage of reclaimed land;*
  - d. *A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.*

- e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.*
  - f. A certification signed by the operator that information provided is true and accurate.*
- 4. Final reclamation shall meet the County zoning ordinance standards after mining operation cease.*
- 5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$1,500 per acre.*
  - a. Financial Assurance Requirements.*
    - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.*
    - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.*
    - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.*
    - iv. The bond shall be payable to "Houston County, Minnesota".*
    - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.*
- 6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.*
- 7. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.*
- 8. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County when requested. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted,*

at locations determined by the blasting contractor. Blasting shall only occur Monday – Friday from 8 AM – 6 PM. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM  
Saturdays: 7:00 AM – 3:00 PM. Limits to hours of operation may be suspended by Houston County.

10. Excavation shall not occur below the Oneota dolomite formation.

Ed Hammell 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

11/7/2023

Application Date: 10/5/2023  
 Hearing Date: 11/16/2023  
 Petitioner: Skyline Materials  
 Reviewer: Martin Herrick  
 Zoning: Ag Protection  
 Address: 19305 County 26, Houston, MN  
 Township: Money Creek  
 Parcel Numbers: 10.0103.000 and 10.0104.000  
 Submitted Materials: CUP application and supporting documents

### OVERVIEW

#### REQUEST

The petitioners are requesting a Conditional Use Permit (CUP) for the expansion of an unpermitted rock quarry in Money Creek Township. The CUP will address the existing conditions and the quarry's expansion.

#### SUMMARY OF NOTEWORTHY TOPICS

Parcels 10.0103.000 and 10.0104.000 are located adjacent to County Highway 26 west of the village of Money Creek as shown in Figure 1.



Figure 1. Parcel locations and road access for the Fort Quarry

The existing conditions for the quarry and the proposed expansion are shown in Figure 2 and in the Appendix.



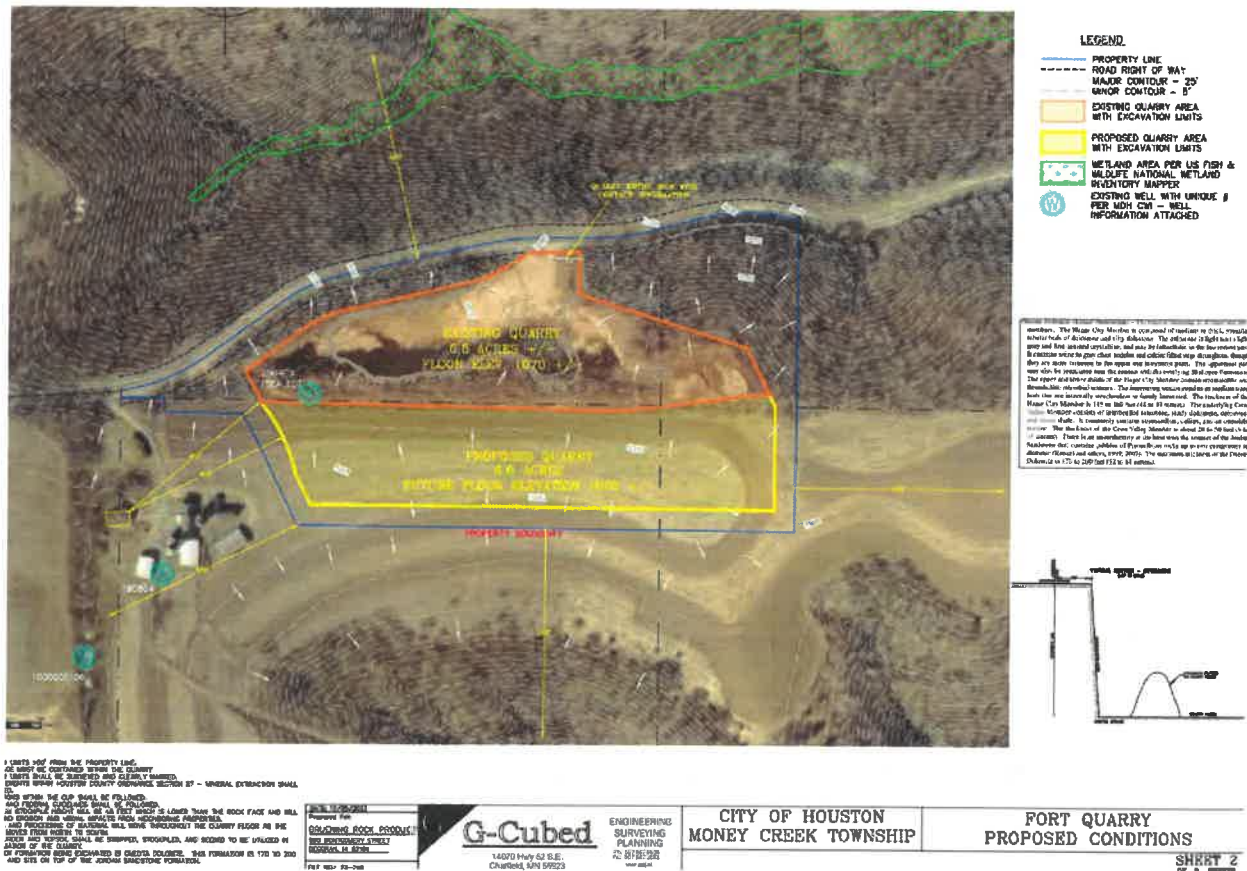
**Figure 2. Existing conditions for the Fort Quarry**

Both parcels were owned by Wesley Fort with PID 10.0103.000 being sold to Skyline Materials in 2015 and 8 acres of PID 10.0104.000 currently being purchased by Skyline Materials for a quarry expansion. The existing quarry operations are located within PID 10.0103.000 and occupy 6.7 of the 7.94-acre site. Parcel PID 10.0104.000 contains 81.06 acres. The quarry is mined for limestone/dolomite aggregate. The quarry expansion is estimated to provide an additional 10 to 15 years of site life. No production increases are anticipated with this proposal and no increased use of the road or truck traffic is expected.

Issuing a CUP will bring the site into compliance with the applicable ordinances for quarrying operations including site reclamation with a performance bond as well requirements for daily operations. A portable crusher will be used as needed with no onsite washing occurring. The operator will be required to maintain their MPCA/ NPDES permit and reporting.

The proposed expansion and operations are shown below in Figure 3 and in the Appendix.





### Fire 3. Proposed operations for the Fort Quarry

The dwelling located on PID 10.0104.000 was permitted in 1971 and a copy of the building permit is included in the Appendix.

Proposed hours of operation are Monday through Friday 6:00 AM to 8:00 PM and Saturday 8:00 AM to 3:00 PM.

The setback requirement referenced below under ***Section 27.8 Subd. 7(6) Dust and Noise*** references a 1000 ft perimeter from the quarrying where any expansions cannot expand closer to an existing dwelling. This expansion will not encroach closer than the 410 ft existing setback. Figure 3. shows the proposed setback from the dwelling for the proposed expansion.

The Houston County Zoning Ordinance provides the following requirements for Mineral Extraction in the agriculture protection district:

### **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.*

*(19) Mineral Extraction. Quarrying operations, sand and gravel extraction, other mineral or material excavation activities as regulated in Section 27 of this Ordinance.*

## **SECTION 27- MINERAL EXTRACTION**

### **27.1 PURPOSE**

*The purpose of this Section is to ensure extraction of minerals is done in accordance with the Houston County Comprehensive Land Use Plan, to minimize land use conflicts and potential nuisance caused by mining operations, and to provide for the reclamation of land disturbed by mining in order to encourage productive use thereof, including, but not limited to the following:*

**Subdivision 1. Agricultural Purposes.** *The seeding of grasses and legumes for grazing purposes, and the planting of crops for harvest.*

**Subdivision 2. Commercial and Industrial Purposes.** *The establishment of commercial and industrial development sites in commercial and industrial zoning districts.*

**Subdivision 3. Natural Resources Purposes.** *The planting of forests, the enhancement of wildlife and aquatic resources, and the conservation of natural resources.*

**Subdivision 4. Health, Safety and General Welfare.** *The preservation of the natural beauty and aesthetic values of the County; the establishment of recreational sites, and to provide for the health, safety and general welfare of the Citizens of the County.*

### **27.6 CONDITIONAL USE PERMIT REQUIRED**

*Except as allowed under Sections 27.4 or 27.5, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.*

**Subdivision 1. Application for Permit.** *Any person, firm, or corporation desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:*

- (1) Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.*
- (2) An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.*
- (3) An existing conditions map as described in Section 27.7 below.*
- (4) An operation plan and map, as described in Sections 27.8 and 27.9 below.*
- (5) A Reclamation plan and map as described in Section 27.10 below.*
- (6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.*
- (7) An estimate of the depth of overburden to be removed from the ground surface to the material to be extracted.*
- (8) Any other information requested by the Planning Commission or governing body.*

## **27.8 OPERATIONAL PERFORMANCE STANDARDS**

*Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following operational performance standards:*

### **Subdivision 1. General Requirements.**

- (1) **Compliance.** The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Houston County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.*
- (2) **Operation of Equipment.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.*
- (3) **Explosives.** When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.*
- (4) **Mine Area Standards.** The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows:
 
  - (a) Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.*
  - (b) Permits for the excavation or mining of sand shall be on sites of less than 20 acres.**
- (5) **Mine Density Standards.** New sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.*

### **Subdivision 2. Vegetation.**

- (1) **Removal of Trees and Shrubs.** Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not prematurely stripped.*
- (2) **Weeds and Noxious Vegetation.** Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.*
- (3) **Preservation of Existing Trees and Ground Cover.** Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the roadside setback except where traffic safety requires cutting and trimming.*

### **Subdivision 3. Access.**

- (1) **Jurisdiction.** All access points must be approved by the local government agency having road jurisdiction, and shall preferably be located along a secondary road.*
- (2) **Avoid Residential Streets.** All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development.*
- (3) **Access Signage.** Ingress and egress access points from or onto any road or highway shall be clearly signed, and only those signed access points shall be utilized.*



*(4) **Spillage on Roadways.** Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from truck tires shall be removed at regular intervals.*

*(5) **Dust.** All access roads from mining operations to public highways, road, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.*

#### **Subdivision 4. Water Resources.**

*(1) **Drainage Interference Prohibited.** The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.*

*(2) **Surface and Subsurface Water Quality.** The mining operation shall not adversely affect the quality of surface or subsurface water resources.*

*(3) **Non-degradation of Surface Water.** Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.*

**Subdivision 5. Safety Fencing.** Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall comply with the following standards:

*(1) **Ponded Water.** Where collections of water occur that are one and one-half (1 ½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.*

*(2) **Steep Slopes.** In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.*

**Subdivision 6. Screening.** To minimize problems of dust and noise and to shield mining operations from public view, a natural topographic feature shall be maintained or a screening barrier shall be planted with species of fast-growing trees or shrubs. The screening shall be maintained between the following:

*(1) **Residential and Commercial Properties.** The mining site and adjacent residentially and commercially zoned properties.*

*(2) **Dwellings in Agricultural Protection Districts.** For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and existing dwellings located within one thousand (1000) feet.*

*(3) **Public Roads.** For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations.*

**Subdivision 7. Setback Requirements.** When more than one (1) setback standard applies, the most restrictive standard shall apply. Setback requirements in Subp. 1 & 2 are reciprocal. Mining operations shall not be conducted closer than:

*(1) **Prohibited in District.** One hundred (100) feet to the boundary of any district where mining operations are not permitted.*

(2) **Residentially Zoned.** Not closer than one thousand (1000) feet to the boundary of an adjoining property residentially zoned.

(3) **Adjoining Property Line.** Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured and recorded with the County Recorder.

(4) **Excavating or Stockpiling.** Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create traffic or line of site problem.

(5) **Public Waters.** Not closer than one hundred (100) feet from the ordinary high-water level of any public water.

(6) **Dust and Noise.** Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to any dwelling existing prior to the issuance of the mineral extraction permit. Mining operations in existence at the time of this ordinance where a permit is sought for expansion shall not be subject to this requirement but shall not expand closer to any existing dwelling within 1000 feet.

(7) **Dwellings.** New dwellings shall not be constructed within 1,000 feet of an existing mine boundary, unless the new dwelling replaces an existing dwelling that has been occupied for eight of the last ten years, or if the new dwelling replaces a dwelling destroyed by natural disaster.

**Subdivision 8. Appearance.** All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

**Subdivision 9. Days of Operation.** Mining operations may be conducted Monday through Saturday, except for legal holidays. The Zoning Administrator may temporarily approve operations beyond these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.

**Subdivision 10. Dust.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize dust conditions as far as practicable.

(1) **Exception.** These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yards to a zone other than an industrial zone.

## **27.11 PERFORMANCE BOND REQUIRED**

A performance bond for mining operations shall be filed with the Zoning Administrator in such a form as the County Board shall prescribe, and payable to the County. The amount of the bond amount shall be set by the County Board by resolution. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the Zoning Administrator, the performance bond protecting the restored acreage shall be returned.

## **TOWNSHIP AND NEIGHBORHOOD COMMENTS**

Notice was sent to Money Creek Township and the ten closest property owners. To date no comments have been received. The county engineer was not concerned with the CUP and expansion if current production does not increase.

## SITE CHARACTERISTICS

Land use in the area is agricultural and woodland with residential and general business districts located greater than 4200 feet to the east of the site.

The quarrying is into a hilltop that has a surface water divide that works in concert with County Highway 26. The site is not in flood plain, shoreland or bluff land. There is wetland located approximately 340 ft north of the site and does not receive any runoff from the quarry due to the surface water divide. A wooded section exists between Highway 26 and the north side of the quarry providing screening from the public roadway.

The quarrying is from north to south with the deepest portion of the quarry on the west side closest to the neighboring dwelling. This vertical wall in the quarry provides a barrier for dust and screens the quarry operations.

The well depth to potable water is substantially below the Oneota dolomite formation.

The existing quarry has no tillable acreage. The parcel containing the proposed expansion has tillable acreage. The soils in the quarry expansion area include (103C2) Seton Silt Loam with a land capability subclass rating of 3e, (586D2) Nodine Rollingstone Silt Loam with a land capability subclass rating of 4e and the (592E) Lamoille-Elbaville Silt Loam with a land capability subclass rating of 6e. Total overburden depth to be removed prior to quarrying rock is estimated to be 5 to 15 feet in depth. The overburden will be used in the site restoration, which will cover 13.4 acres.

The proposed reclamation plan for the quarry is shown in Figure 4. and in the Appendix.



**Figure 4. Reclamation Plan for the Fort Quarry**

## 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 need for aggregate is recognized in the 2040 Comprehensive Land Use Plan under values guiding the plan found on page 6.

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

Staff Analysis: The dolomite rock works well as an aggregate for road projects and the site provides a local source for future construction.

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

Staff Analysis: The topography and site operations create surface water flow from running off the site. Additionally, the surface water divide minimizes flow into the site from the north.

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

Staff Analysis: The proposal will not change site operations regarding water runoff. The inward surface water gradient prevents runoff from the site.

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: The primary on-site activities will be portable crushers and stockpiling materials with no washing or processing occurring. There are minimal pollution hazards associated with the proposal.

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

Staff Analysis: No road revisions will occur, and the quarry drainage will stay on site and follow their existing operating plans.

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

Staff Analysis: The activities related to this are exclusively within the quarry.

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

Staff Analysis: The site operation plan addresses the management of their minimal equipment activities. And truck traffic from the quarry is not expected to increase.

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 CUP will improve the site's restoration and the expansion will not increase production from present levels. The quarry's location and view shed have minimal impact on 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 revisions to site operations are minimal and should not have additional impact on surrounding properties.

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

Staff Analysis: Dust suppression and inspection of roadways for spillage will be performed by the site's operator in accordance with the site operations plan. The proposal will have minimal impact on site operations.

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: Continuation of a quarry is not increasing the intensity of development in the zoning district.

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: Site specific conditions for quarrying are being applied as part of the CUP for site operations and restoration.

#### RECOMMENDATION

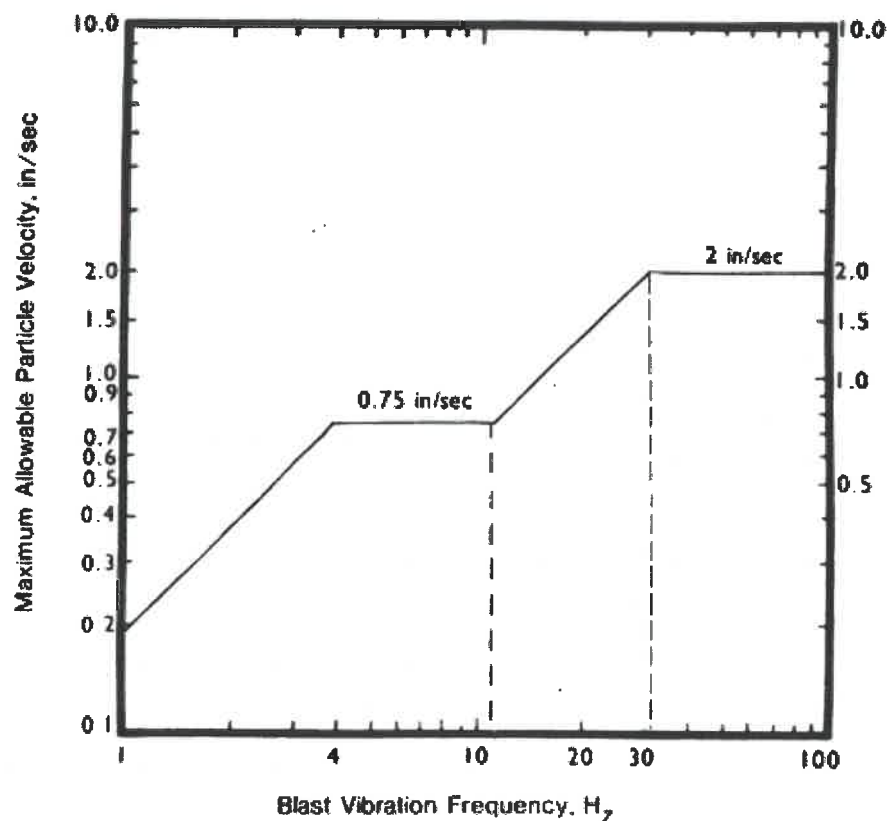
The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

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. *When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:*

- a. *Name and mailing address of operator;*
  - b. *The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;*
  - c. *A Map or maps that accurately show and label:*
    - i. *Total acreage of the mine area;*
    - ii. *The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;*
    - iii. *The acreage of any portion of the mine area presently undergoing the process of reclamation;*
    - iv. *The total acreage of reclaimed land;*
  - d. *A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.*
  - e. *A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.*
  - f. *A certification signed by the operator that information provided is true and accurate.*
4. *Final reclamation shall meet the County zoning ordinance standards after mining operation cease.*
5. *A financial assurance shall be filed with the County Treasurer in an amount not less than \$1,500 per acre.*
- a. *Financial Assurance Requirements.*
    - i. *Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.*
    - ii. *Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.*
    - iii. *Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.*
    - iv. *The bond shall be payable to "Houston County, Minnesota".*
    - v. *Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.*
6. *The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.*
7. *The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether*

they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.

8. *Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County when requested. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, at locations determined by the blasting contractor. Blasting shall only occur Monday – Friday from 8 AM – 6 PM. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:*



9. *Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 7:00 AM – 3:00 PM. Limits to hours of operation may be suspended by Houston County.*
10. *Excavation shall not occur below the Oneota dolomite formation.*

**Proposed motion:** To recommend granting a conditional use permit for mineral extraction in the agricultural protection district with the aforementioned conditions.



## APPENDIX

Page   Document

14. Fort Quarry Existing Conditions Sheet 1 of 3 (10/5/2023)
15. Fort Quarry Proposed Conditions Sheet 2 of 3 (10/5/2023)
16. Fort Quarry Reclamation Plan Sheet 3 of 3 (10/5/2023)
17. Bedrock Geology by Julia Steenburg 2014/ Geologic Atlas of Houston County
18. MN Dept. of Health Well and Boring Rpt. 190804 (4/2/1981)
19. MN Dept. of Health Well and Boring Rpt. 1000006106 (8/13/1995)
20. MN Dept. of Health Well and Boring Rpt. 250409 (4/28/1997)
21. MN Dept. of Health Stratigraphy Rpt. 190804 (2/29/1988)
22. MN Dept. of Health Stratigraphy Rpt. 250409 (4/28/1997)
23. USF&WS Wetland Mapper (11/3/2023)
24. G3 Engineering Conditional Use Permit Narrative (10/5/2023)
25. Purchase agreement between Wesley Fort and Bruening Rock (8/7/2023)
26. Certificate of Survey G3 Engineering Signed
27. Certificate of Survey G3 Engineering 23-246
28. Fort Building Permit (1971)
29. Authorization for G3 Engineering to apply for Bruening Rock (11/3/2023)
30. Schneider CUP Application from G3 Engineering for Bruening Rock (10/5/2023)

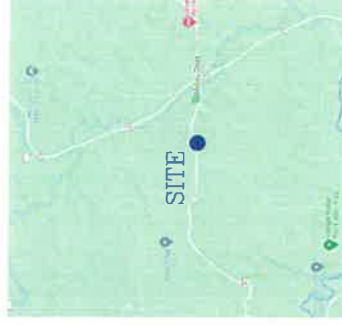




LEGEND

- PROPERTY LINE
- ROAD RIGHT OF WAY
- MAJOR CONTOUR - 25'
- MINOR CONTOUR - 5'
- EXISTING DRAINAGE ARROW
- EXISTING QUARRY AREA WITH EXCAVATION LIMITS
- WETLAND AREA PER US FISH & WILDLIFE NATIONAL WETLAND INVENTORY MAPPER
- EXISTING WELL WITH UNIQUE #
- PER MDH CMI - WELL INFORMATION ATTACHED

VICINITY MAP



"NOT TO SCALE"

DATE: 10/05/2023  
Prepared For:  
BRUENING ROCK PRODUCT  
800 MONTGOMERY STREET  
CHANDLER, AZ 85225  
TEL NO.: 25-246

**G<sup>3</sup> G-Cubed**  
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CITY OF HOUSTON  
MONEY CREEK TOWNSHIP

FORT QUARRY  
EXISTING CONDITIONS

SHEET 1  
OF 3 SHEETS





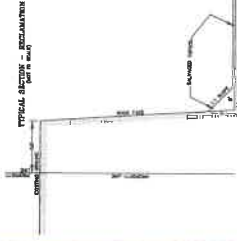


LEGEND

- PROPERTY LINE
- ROAD - RIGHT OF WAY
- MAJOR CONTOUR - 25'
- MINOR CONTOUR - 5'
- RECLAMATION MAJOR CONTOUR - 25'
- RECLAMATION MINOR CONTOUR - 5'
- PROPOSED RECLAMATION AREA WITH EXCAVATION LIMITS
- WETLAND AREA PER US FISH & WILDLIFE NATIONAL WETLAND INVENTORY MAPPER
- EXISTING WELL WITH UNIQUE # PER MDH CWM - WELL INFORMATION ATTACHED

FORT QUARRY - BRUENING ROCK  
Reclamation Estimate

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1 Correct Excavation	14000	CY	\$8.00	\$112,000.00
2 Salting Topsoil (topsoil)	10000	CY	\$10.00	\$100,000.00
3 Soil, 100% sand and gravel	13.4	ACS	\$2,500.00	\$33,500.00
4 Miscellaneous removals & disposal (general waste, scale, waste, etc.)	1	LS	\$15,000.00	\$15,000.00
Total				\$260,500.00



- NOTES:
1. RECLAMATION MUST COMMENCE WITHIN 90 DAYS AFTER THE TERMINATION OF THE MINING OPERATION.
  2. ORDER OF ACTIVITIES AS FOLLOWS:
    - 2.1. REMOVE ANY STRUCTURES FROM MINING OPERATION.
    - 2.2. (6" MIN.) ON QUARRY FLOOR AS SHOWN IN THE TYPICAL SECTION, FERTILIZED, AND MULCHED PER THE CURRENT MINNESOTA
    - 2.3. ALL DISTURBED AREAS TO BE SEED, FERTILIZED, AND MULCHED PER THE CURRENT MINNESOTA
  - 3.30 AT 84.5 LBS/ACS

DATE: 10/16/2023  
Prepared For:  
BRUENING ROCK PRODUCT  
800 MONTGOMERY STREET  
GEORGETOWN, IA 52021  
FILE NO: 23-249

G<sup>3</sup> G-Cubed  
14070 Hwy 52 S.E.  
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CITY OF HOUSTON  
MONEY CREEK TOWNSHIP

FORT QUARRY  
RECLAMATION PLAN



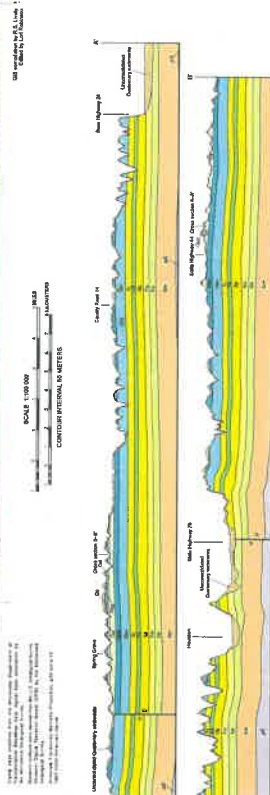
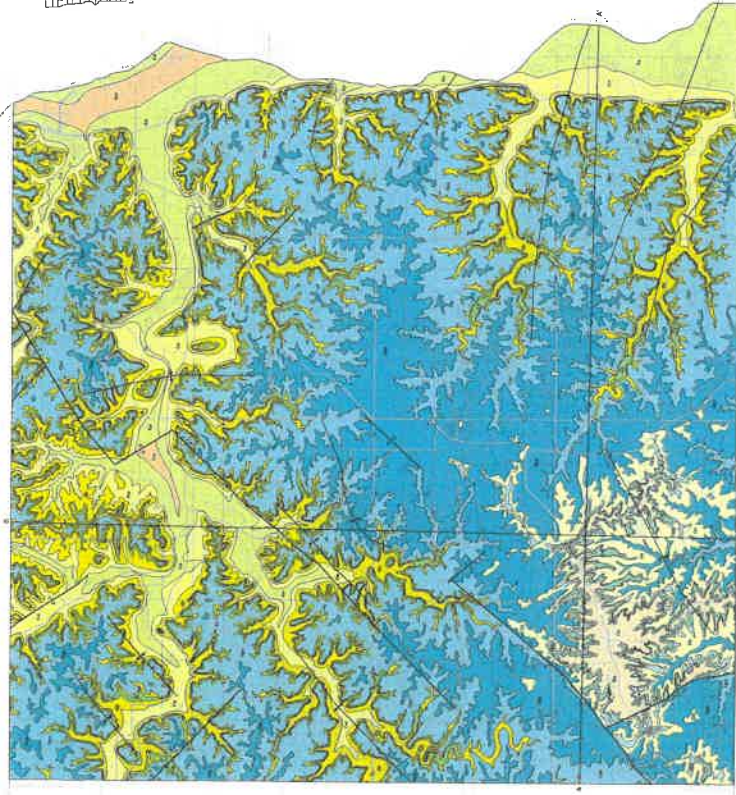
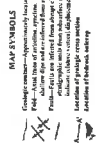


Figure 1. Map of Houston County, Minnesota, showing the location of the county within the state of Minnesota. The map is a topographic map showing elevation contours. The legend indicates elevation ranges from 1,000 to 1,500 feet. The map shows the county's location within the state of Minnesota.



**INTRODUCTION**

The purpose of this map is to show the distribution of bedrock geology in Houston County, Minnesota. The map is based on data from the Minnesota Geological Survey and other sources. The map shows the distribution of various geological units, including Precambrian, Paleozoic, and Cenozoic units. The map also shows the distribution of various geological features, including faults, folds, and other geological features.

**PRECAMBRIAN**

The Precambrian geology of Houston County is primarily composed of igneous and metamorphic rocks. The rocks are primarily composed of granite, gneiss, and other igneous rocks. The rocks are primarily composed of granite, gneiss, and other igneous rocks.

**PALEOZOIC**

The Paleozoic geology of Houston County is primarily composed of sedimentary rocks. The rocks are primarily composed of sandstone, shale, and other sedimentary rocks. The rocks are primarily composed of sandstone, shale, and other sedimentary rocks.

**CENOZOIC**

The Cenozoic geology of Houston County is primarily composed of sedimentary rocks. The rocks are primarily composed of sandstone, shale, and other sedimentary rocks. The rocks are primarily composed of sandstone, shale, and other sedimentary rocks.

**REFERENCES**

Amos, G.E., 1995. *Geology of the Houston County, Minnesota, and vicinity*. Minnesota Geological Survey, Bulletin 111, 110 p.

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Amos, G.E., 1999. *Geology of the Houston County, Minnesota, and vicinity*. Minnesota Geological Survey, Bulletin 111, 110 p.

MINNESOTA DEPARTMENT OF HEALTH  
**WELL AND BORING REPORT**  
 Minnesota Statutes Chapter 1031

18

Entry Date 02/29/1988

Update Date 08/18/2014

Received Date

190804

County Houston

Quad Rushford

Quad ID 25C

<b>Well Name</b> FORT, DONALD <b>Township</b> 104 <b>Range</b> 7 <b>Dir Section</b> W 11 <b>Subsection</b> DCBCBA <b>Elevation</b> 1220 <b>Elev. Method</b> 7.5 minute topographic map (+/- 5 feet)					<b>Well Depth</b> 640 ft. <b>Depth Completed</b> 640 ft. <b>Date Well Completed</b> 04/02/1981																																									
<b>Address</b> C/W HOUSTON MN 55943					<b>Drill Method</b> Non-specified Rotary <b>Drill Fluid</b>																																									
<b>Stratigraphy Information</b> <table border="1"> <thead> <tr> <th>Geological Material</th> <th>From</th> <th>To (ft.)</th> <th>Color</th> <th>Hardness</th> </tr> </thead> <tbody> <tr> <td>DRIFT</td> <td>0</td> <td>22</td> <td></td> <td></td> </tr> <tr> <td>LIMEROCK</td> <td>22</td> <td>180</td> <td></td> <td></td> </tr> <tr> <td>ROCK</td> <td>180</td> <td>250</td> <td>BROWN</td> <td></td> </tr> <tr> <td>ROCK &amp; SHALE</td> <td>250</td> <td>280</td> <td>BROWN</td> <td></td> </tr> <tr> <td>SANDROCK</td> <td>280</td> <td>370</td> <td>BROWN</td> <td></td> </tr> <tr> <td>SHALE</td> <td>370</td> <td>565</td> <td>GREEN</td> <td></td> </tr> <tr> <td>SANDROCK</td> <td>565</td> <td>640</td> <td>GRAY</td> <td></td> </tr> </tbody> </table>					Geological Material	From	To (ft.)	Color	Hardness	DRIFT	0	22			LIMEROCK	22	180			ROCK	180	250	BROWN		ROCK & SHALE	250	280	BROWN		SANDROCK	280	370	BROWN		SHALE	370	565	GREEN		SANDROCK	565	640	GRAY		<b>Use</b> domestic <b>Status</b> Active <b>Well Hydrofractured?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> <b>From</b> <b>To</b> <b>Casing Type</b> Step down <b>Joint</b> Welded <b>Drive Shoe?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Above/Below</b> 1 ft. <b>Casing Diameter</b> <b>Weight</b> <b>Hole Diameter</b> 4 in. To 610 ft. lbs./ft. 4 in. To 640 ft. 8 in. To 22 ft. lbs./ft.	
Geological Material	From	To (ft.)	Color	Hardness																																										
DRIFT	0	22																																												
LIMEROCK	22	180																																												
ROCK	180	250	BROWN																																											
ROCK & SHALE	250	280	BROWN																																											
SANDROCK	280	370	BROWN																																											
SHALE	370	565	GREEN																																											
SANDROCK	565	640	GRAY																																											
					<b>Open Hole</b> From 610 ft. To 640 ft. <b>Screen?</b> <input type="checkbox"/> <b>Type</b> <b>Make</b>																																									
					<b>Static Water Level</b> 480 ft. land surface Measure 04/02/1981																																									
					<b>Pumping Level (below land surface)</b> 540 ft. hrs. Pumping at 0 g.p.m.																																									
					<b>Wellhead Completion</b> Pitless adapter manufacturer Model <input type="checkbox"/> Casing Protection <input checked="" type="checkbox"/> 12 in. above grade <input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)																																									
					<b>Grouting Information</b> Well Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Specified Material Amount From To neat cement 9 Cubic yards 0 ft. ft.																																									
					<b>Nearest Known Source of Contamination</b> 200 feet East Direction Barnyard Type Well disinfected upon completion? <input type="checkbox"/> Yes <input type="checkbox"/> No																																									
					<b>Pump</b> <input checked="" type="checkbox"/> Not Installed Date Installed Manufacturer's name Model Number HP 0 Volt Length of drop pipe ft Capacity g.p. Typ																																									
					<b>Abandoned</b> Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No																																									
					<b>Variance</b> Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input type="checkbox"/> No																																									
					<b>Miscellaneous</b> First Bedrock Prairie Du Chien Group Aquifer Wonewoc Last Strat Wonewoc Sandstone Depth to Bedrock 22 ft Located by Minnesota Geological Survey Locate Method Digitization (Screen) - Map (1:24,000) (15 meters or System UTM - NAD83, Zone 15, Meters X 609320 Y 4852785 Unique Number Verification Other, note in Input Date 06/02/2000																																									
					<b>Angled Drill Hole</b>																																									
					<b>Well Contractor</b> Larson Well Co. 23150 LARSON, R. Licensee Business Lic. or Reg. No. Name of Driller																																									
<b>Remarks</b>																																														

1000006106

County Houston  
 Quad Rushford  
 Quad ID 25C

Appendix - Submitted by Applicant  
 MINNESOTA DEPARTMENT OF HEALTH  
**WELL AND BORING REPORT**  
*Minnesota Statutes Chapter 1031*

Entry Date 19 08/13/1995  
 Update Date 08/18/2016  
 Received Date

<b>Well Name</b> FORT, DONALD	<b>Township</b> 104	<b>Range</b> 7	<b>Dir Section</b> W 11	<b>Subsection</b> CDAD	<b>Well Depth</b> 300 ft.	<b>Depth Completed</b> 300 ft.	<b>Date Well Completed</b>				
<b>Elevation</b>	<b>Elev. Method</b>				<b>Drill Method</b>	<b>Drill Fluid</b>					
<b>Address</b> C/W RR 1 BOX 160 CR HOUSTON MN 55943					<b>Use</b> domestic	<b>Status</b> Active					
<b>Stratigraphy Information</b>					<b>Well Hydrofractured?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>From</b> <b>To</b>					
					<b>Casing Type</b>				<b>Joint</b>		
					<b>Drive Shoe?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>				<b>Above/Below</b>		
					<b>Open Hole</b> From _____ ft. To _____ ft.						
					<b>Screen?</b> <input type="checkbox"/> <b>Type</b> <b>Make</b>						
					<b>Static Water Level</b>						
					<b>Pumping Level (below land surface)</b>						
					<b>Wellhead Completion</b> Pitless adapter manufacturer _____ Model _____ <input type="checkbox"/> Casing Protection <input type="checkbox"/> 12 in. above grade <input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)						
					<b>Grouting Information</b> Well Grouted? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Specified						
					<b>Nearest Known Source of Contamination</b> 90 feet <u>Northeast</u> Direction Well disinfected upon completion? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Tanks Type</b>						
<b>Pump</b> <input type="checkbox"/> Not Installed <b>Date Installed</b> Manufacturer's name _____ Model Number _____ HP _____ Volt _____ Length of drop pipe _____ ft Capacity _____ g.p. Typ _____											
<b>Abandoned</b> Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No											
<b>Variance</b> Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input type="checkbox"/> No											
<b>Miscellaneous</b> First Bedrock _____ Aquifer _____ Last Strat _____ Depth to Bedrock _____ ft Located by _____ Locate Method _____ System UTM - NAD83, Zone 15, Meters X Y Unique Number Verification _____ Address with parcel _____ Input Date _____											
<b>Angled Drill Hole</b>											
<b>Well Contractor</b> County Soil & Water District _____ CSW Licensee Business _____ Lic. or Reg. No. _____ Name of Driller _____											
<b>Remarks</b>											



250409

County	Houston
Quad	Rushford
Quad ID	25C

<b>Well Name</b> H-64 <b>Elevation</b> 1190 <b>Elev. Method</b> 7.5 minute topographic map (+/- 5 feet)					<b>Township</b> 104 <b>Range</b> 7 <b>Dir</b> W <b>Section</b> 11 <b>Subsection</b> DBCDCD					<b>Well Depth</b> 94 ft. <b>Depth Completed</b> 94 ft. <b>Date Well Completed</b> 00/00/1988																								
<b>Address</b>  <b>Stratigraphy Information</b> <table border="1"> <thead> <tr> <th>Geological Material</th> <th>From</th> <th>To (ft.)</th> <th>Color</th> <th>Hardness</th> </tr> </thead> <tbody> <tr> <td>STOCKPILE MATERIAL</td> <td>0</td> <td>7</td> <td>BROWN</td> <td></td> </tr> <tr> <td>RESIDUAL SOIL</td> <td>7</td> <td>20</td> <td>RED/BRN</td> <td></td> </tr> <tr> <td>ONEOTA DOLOMITE</td> <td>20</td> <td>94</td> <td></td> <td></td> </tr> </tbody> </table>										Geological Material	From	To (ft.)	Color	Hardness	STOCKPILE MATERIAL	0	7	BROWN		RESIDUAL SOIL	7	20	RED/BRN		ONEOTA DOLOMITE	20	94			<b>Drill Method</b> <b>Drill Fluid</b>				
										Geological Material	From	To (ft.)	Color	Hardness																				
										STOCKPILE MATERIAL	0	7	BROWN																					
										RESIDUAL SOIL	7	20	RED/BRN																					
ONEOTA DOLOMITE	20	94																																
<b>Use</b> scientific investigation <b>Status</b> <b>Sealed</b>																																		
<b>Well Hydrofractured?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>From</b> <b>To</b>																																		
<b>Casing Type</b> <b>Joint</b>										<b>Drive Shoe?</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Above/Below</b>																								
<b>Open Hole</b> <b>From</b> <b>ft.</b> <b>To</b> <b>ft.</b>																																		
<b>Screen?</b> <input type="checkbox"/> <b>Type</b> <b>Make</b>																																		
<b>Static Water Level</b>																																		
<b>Pumping Level (below land surface)</b>																																		
<b>Wellhead Completion</b> Pitless adapter manufacturer    Model <input type="checkbox"/> Casing Protection <input type="checkbox"/> 12 in. above grade <input type="checkbox"/> At-grade (Environmental Wells and Borings ONLY)																																		
<b>Grouting Information</b> Well Grouted? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Specified																																		
<b>Nearest Known Source of Contamination</b> feet    Direction    Type Well disinfected upon completion? <input type="checkbox"/> Yes <input type="checkbox"/> No																																		
<b>Pump</b> <input type="checkbox"/> Not Installed    Date Installed Manufacturer's name Model Number    HP    Volt Length of drop pipe    ft    Capacity    g.p.    Typ																																		
<b>Abandoned</b> Does property have any not in use and not sealed well(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No																																		
<b>Variance</b> Was a variance granted from the MDH for this well? <input type="checkbox"/> Yes <input type="checkbox"/> No																																		
<b>Miscellaneous</b> First Bedrock    Prairie Du Chien/Oneota    Aquifer Last Strat    Prairie Du Chien/Oneota    Depth to Bedrock    20    ft Located by    Minnesota Geological Survey Locate Method    Digitization (Screen) - Map (1:24,000) (15 meters or System    UTM - NAD83, Zone 15, Meters    X 609443    Y 4852922 Unique Number Verification    Information from    Input Date    03/08/2002																																		
<b>Angled Drill Hole</b>																																		
<b>Well Contractor</b> Minnesota Geological Survey    MGS Licensee Business    Lic. or Reg. No.    Name of Driller																																		

Minnesota Well Index Report

250409

Printed on 11/03/2023

HE-01205-15



County  
Houston  
Quadrant  
Rushford East  
Quadrant  
25C

Appendix A Submittal by Applicant  
WELL AND BORING RECORD  
Minnesota Statutes Chapter 1031

Entry Date  
Update  
Received Date  
02/23/1988  
08/18/2014

190804

Well Name FORT, DONALD	Township 104	Range 7	Dir W	Section 11	Subsection DCBCBA	Use domestic	Aquifer Wonevoc Sandstone	Status A	Well Depth 640 ft.	Depth Completed 640 ft.	Date Well Completed 04/02/1981	Lic/Reg. No. 23150	
Elevation 1220 ft.	Elev. Method 7.5 minute topographic map (+/- 5 feet)												
Field Located By Unique No. Verified Geological Interpretation Agency (Interpretation)	Minnesota Geological Survey Other, note in remarks Julia Steenberg Locate Method Input Source Input Date Digitization (Screen) - Map (1:24,000) (15 meters Minnesota Geological Survey 06/02/2000 Universal Transverse Mercator (UTM) - NAD83 - Zone 15 - UTM Easting (X) UTM Northing (Y) Interpretation Method Geologic study 1:24k to 1:100k												
Geological Material	Color	Hardness	Depth (ft.)		Elevation (ft.)		Thickness	From	To	Stratigraphy	Primary Lithology	Secondary	Minor Lithology
DRIFT			From	To									
LIMEROCK			0	22	1198	1220	22	1220	1198	Quaternary deposit	drift		
ROCK	BROWN		22	180	1040	1198	158	1198	1040	Prairie Du Chien	dolomite		
ROCK & SHALE	BROWN		180	250	970	1040	70	1040	970	Prairie Du Chien	dolomite		
SANDROCK	BROWN		250	280	940	970	30	970	940	Prairie Du Chien	dolomite	shale	sandstone
SHALE	GREEN		280	370	850	940	90	940	850	Jordan Sandstone	sandstone	sandstone	
SANDROCK	GRAY		370	565	655	850	195	850	655	St. Lawrence-Tunnel	shale		
			565	640	580	655	75	655	580	Wonevoc Sandstone	sandstone		dolomite

Minnesota Well Index - Stratigraphy Report

190804

Printed on 11/03/2023

County Houston  
Quad Rushford East  
Quad ID 25C

Approved for Release by Applicant  
**WELL AND BORING RECORD**  
Minnesota Statutes Chapter 1031

Entry Date 04/26/1997  
Update  
Received Date 06/12/2015

**250409**

Well Name H-64	Township 104	Range 7	Dir W	Section 11	Subsection DBCDCD	Use scientific investigation	Status S	Well Depth 94 ft.	Depth Completed 94 ft.	Date Well Completed 00/00/1988	Lic/Reg. No. MGS	
Elevation 1190 ft.	Elev. Method	7.5 minute topographic map (+/- 5 feet)			Aquifer	Depth to Bedrock 20 ft			Open Hole ft	Static Water Level ft		
Field Located By Unique No. Verified Geological Interpretation Agency (Interpretation)	Minnesota Geological Survey Information from owner-site John Mossler					Locate Method Input Source Input Date	Digitization (Screen) - Map (1:24,000) (15 meters Minnesota Geological Survey 03/08/2002					Universal Transverse Mercator (UTM) - NAD83 - Zone 15 - UTM Easting (X) UTM Northing (Y) Interpretation Method
609443 485292 Interpreted from core												
Geological Material	Color	Hardness	Depth (ft.)		Elevation (ft.)		Stratigraphy		Primary Lithology	Secondary	Minor Lithology	
STOCKPILE MATERIAL	BROWN		From	To	From	To	Recent undiff.	fill				
RESIDUAL SOIL	RED/BRN		0	7	1190	1183	Recent undiff.	soil				
ONEOTA DOLOMITE			7	20	1183	1170	Prairie Du	dolomite				
			20	94	1170	1096						
Minnesota Well Index - Stratigraphy Report						250409						Printed on 11/03/2023



U.S. Fish and Wildlife Service

# National Wetlands Inventory

Appendix Submitted by Applicant

## Wetlands



November 3, 2023

### Wetlands

- |   |                                |   |                                   |   |          |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland       |  | Lake     |
|  | Estuarine and Marine Wetland   |  | Freshwater Forested/Shrub Wetland |  | Other    |
|   |                                |  | Freshwater Pond                   |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



ENGINEERING  
SURVEYING  
PLANNING

November 6<sup>th</sup> 2023

Houston County Environmental Services  
Attn: Martin Herrick

Re: Bruening Rock Products Fort Quarry CUP application

Dear Mr. Herrick,

Per Section 27.9 of the Houston County Ordinance we are attaching a supplemental narrative for the CUP application.

1. The Quarry is small in size with a life expectancy of 10 to 15 year. Depending on demand for the material this could be shortened or lengthened. The total area proposed for excavation is 13.4 acres. Once the area proposed to be excavated is complete the reclamation plan shall be completed as outlined.
2. The quarry is a limestone and the material will be sold for private and public road improvements.
3. Due to the small size of the quarry a portable crusher will be used when the quarry is processing limestone. This will occur a few times a year as it currently has been happening in the existing quarry. There is no on-site water so there will be no on-site washing.
4. The quarry may be open Monday through Friday, 6:00 AM to 8:00 PM and Saturday 8:00 AM to 3:00 PM. The quarry will be closed Sundays.
5. The quarry has access along County Road 26. The haul truck will head east or west from the site along County Road 26 to the site where the material is to be used.
6. The site drains inward and all stormwater is contained withing the quarry. The operator is required to maintain their MPCA/NPDES permit and all reporting required.
7. Dust is mainly contained within the quarry as the vertical wall that surrounds the quarry acts as a wind block to allow particles to settle withing the quarry. If the dust needs further containment wet suppression may be utilized on stockpiles and haul roads. The noise from quarry activities is typical construction equipment and will be suppressed by the quarry walls. The hours of operation will also limit nuisance noise complaints.
8. Any spillage or excessive dust on the access road will be the responsibility of the operator to manage. There shall be daily inspections of the roadway when the quarry is active. It will be the site operators responsibility to determine whether the operations need to stop due to weather related issues.
9. It is the operators responsibility to understand the site operating plan, including but not limited to, stockpile locations, site inspections, operating hours, dust management and acceptable noise levels.
10. Blasting may occur up to 3 times a year. All local, state, and federal requirements on testing, notifications, and reporting will be adhered to.
11. The proposal is to excavate in the Oneota Dolomite layer of bedrock. We have attached the Geological survey as well as the Boring Log for well 250409 which shows a consistency in the proposed rock formation between the two mappings.

The proposal is a small expansion of a smaller operation quarry. The location of the quarry and the material excavated is utilized in county, township, and private driveway maintenance and construction. The operator is not looking to expand the operational size of the quarry just the boundary as the current operations have depleted the resources within the property boundaries. The operator agrees to provide a performance bond for reclamation in the amount requested by the zoning administrator.

The once reclaimed the quarry floor will be graded at gradual slopes above any water table. The disturbed areas will be seeded in accordance with the current Minnesota manual for erosion control and MnDOT regulations with an approved seed mixture. The area will be reclaimed to a grassy nature area. The vertical rock face will remain after reclamation. The quarry floor will vary by less than 5 foot up or down.

Sincerely,

Chris Priebe  
Senior Vice President  
G-Cubed



**OFFER TO BUY REAL ESTATE AND ACCEPTANCE**

TO: Wesley E. Fort (Seller)

The undersigned BUYER hereby offers to buy and the undersigned SELLER by his acceptance agrees to sell the real property situated in Houston County, Minnesota, legally described as:

Eight acres of the Southwest Quarter of the Southeast Quarter of Section 11-104-7 to be determined by survey

the "Property," upon the following terms and conditions provided BUYER, on possession, is permitted to use the Property for the quarrying of limestone. The property shall be surveyed by G-Cubed Engineering at Buyer's cost.

1. **PURCHASE PRICE.** The Purchase Price shall be \$ , to be paid according to a Contract for Deed (Minnesota Uniform Conveyancing Blanks Form 30.1.1) to be signed at closing. The sum of \$ shall be paid upon the execution of the Contract for Deed. The balance shall accrue interest at the rate of percent, and shall be paid over four years.
2. **TITLE.** SELLER shall, at his expense, provide BUYER with a title insurance commitment within 30 days of the completion of the survey of the Real Estate.
3. **CLOSING.** Possession of the Property shall be delivered to BUYER on or before N, 2023. SELLER shall pay all real estate taxes for the Property until it is separately assessed as a new parcel.
4. **ENVIRONMENTAL MATTERS.** SELLER warrants to the best of his knowledge and belief that there are no abandoned wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Property, and SELLER has done nothing to contaminate the Property with hazardous wastes or substances. SELLER warrants that the property is not subject to any local, state, or federal judicial or administrative action, investigation or order, as the case may be, regarding wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks.
5. **DEED.** Upon payment of the Purchase Price, SELLER shall convey the Property to BUYER by warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement. General warranties of the title shall extend to the time of delivery of the deed excepting liens and encumbrances suffered or permitted by BUYERS.
6. **REMEDIES OF THE PARTIES.** BUYER and SELLER are entitled to utilize any and all other remedies or actions at law or in equity available to them, and the prevailing parties shall be entitled to obtain judgment for costs and attorney fees.
7. **NOTICE.** Any notice under this Agreement shall be in writing and be deemed

served when it is delivered by personal delivery or mailed by certified mail, addressed to the parties at the addresses given below.

8. GENERAL PROVISIONS. In the performance of each part of this Agreement, time shall be of the essence. Failure to promptly assert rights herein shall not, however, be a waiver of such rights or a waiver of any existing or subsequent default. This Agreement shall apply to and bind the successors in interest of the parties. This Agreement shall survive the closing. This Agreement contains the entire agreement of the parties and shall not be amended except by a written instrument duly signed by SELLER and BUYER. Paragraph headings are for convenience of reference and shall not limit or affect the meaning of this Agreement. Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender according to the context.

9. NO REAL ESTATE AGENT OR BROKER. Neither party has used the service of a real estate agent or broker in connection with this transaction.

10. CERTIFICATION. BUYER and SELLER each certify that they are not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly on behalf of, any such person, group, entity or nation. Each party hereby agrees to defend, indemnify and hold harmless the other party from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to my breach of the foregoing certification.

11. ACCEPTANCE. When accepted, this Agreement shall become a binding contract. If not accepted and delivered to BUYER on or before the August 7, 2023, this Agreement shall be null and void and all payments made shall be returned immediately to BUYER. If accepted by SELLER at a later date and acceptance is satisfied in writing, this contract shall be valid and binding.

Accepted this 7 day of Aug, 2023.

SELLER

Wesley Fort  
Wesley E. Fort

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023

BUYER

G&K Development, L.C.



## SECTION 11

T. 104 N., R. 7 W.

All that part of the Northwest Quarter of the Southeast Quarter and all that part of the West one-fourth of the Northeast Quarter of the Southeast Quarter, Section 11, Township 104 North, Range 7 West, Houston County, Minnesota, lying South of the public road.

AND  
The East 1200.00 feet of the North 34.00 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 104 North, Range 7 West, Houston County, Minnesota.

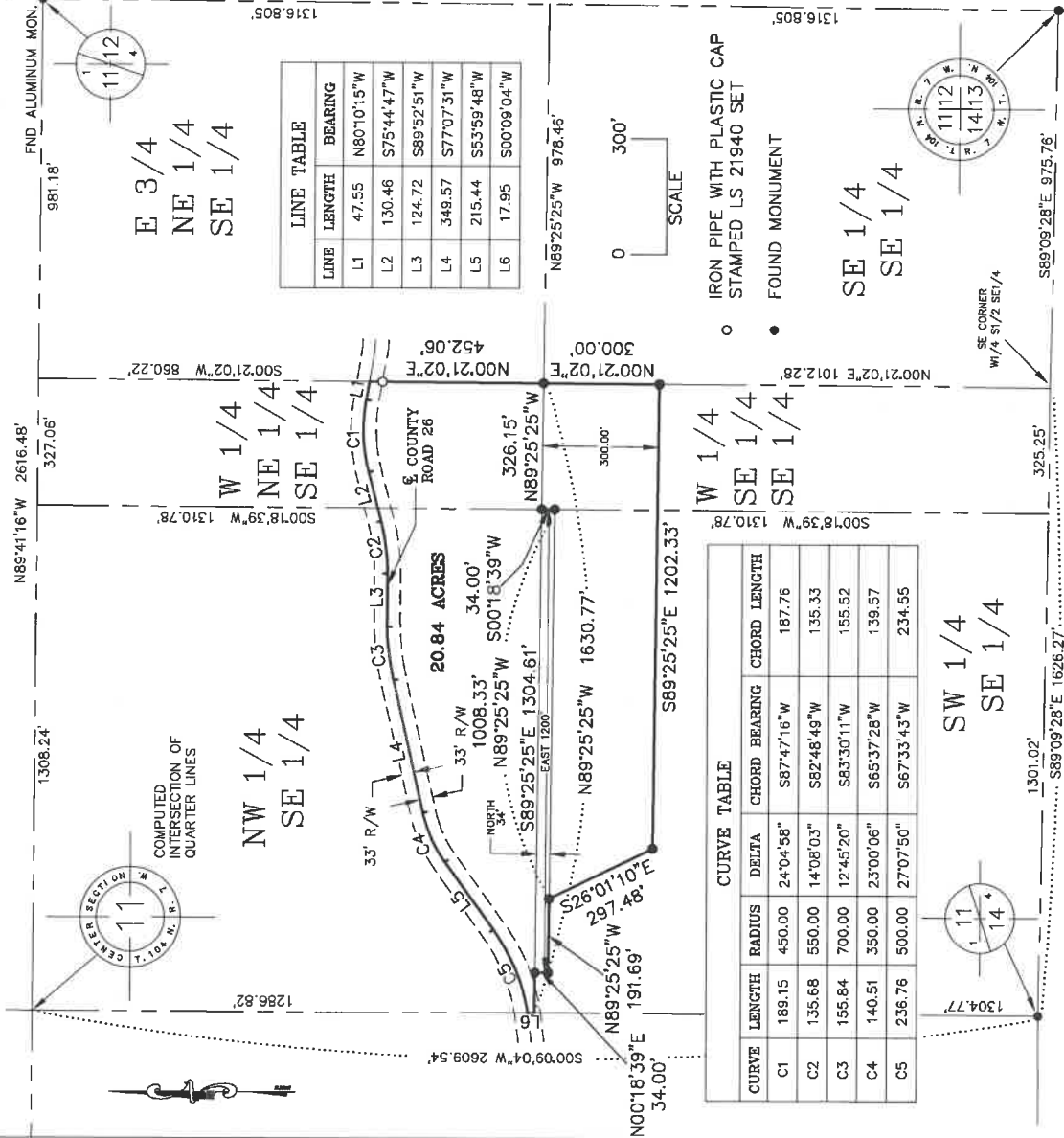
AND  
That part of the Southwest Quarter of the Southeast Quarter, and that part of the West Quarter of the South Half of the Southeast Quarter, all in Section 11, Township 104 North, Range 7 West, Houston County, Minnesota, described as follows:

range 7 west, Houston County, Minnesota, as described as follows:  
Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence on an assumed bearing of South 89°09'28" East, along the south line of said Southeast Quarter, 1826.27 feet to the southeast corner of said West Quarter of the Southeast Quarter; thence North 00°21'02" East, along the east line of said West Quarter of the Southeast Quarter of the Southeast Quarter, 1012.28 feet to the point of beginning; thence continuing North 00°21'02" East, along said east line, 300.00 feet to the northeast corner of said West Quarter of the Southeast Quarter of the Southeast Quarter; thence North 89°25'25" West 326.15 feet to the northwest corner of said West Quarter of the Southeast Quarter of the Southeast Quarter; thence South 00°18'39" West, along the west line of said West Quarter of the Southeast Quarter of the Southeast Quarter, 34.00 feet; thence North 89°25'25" West, along a line that is 34.00 feet southerly of and parallel with the north line of said Southwest Quarter of the Southeast Quarter, 1008.33 feet; thence South 25°01'10" East 297.48 feet to a line that is 300.00 feet southerly of and parallel with said north line of the Southwest Quarter of the Southeast Quarter; thence South 89°25'25" East, along said parallel line, 1202.33 feet to the point of beginning.

09 23 23 East, along said parallel line, 1202.33 feet to the point of beginning. The above described conveyance contains 20.84 acres, more or less, and is subject to any easements, covenants, and restrictions of record.

**Basis of Bearings:** All bearings based on NAD 83 (1996 Adjustment) Houston County Coordinate System. Based on this system, the southwest corner of the Southeast Quarter of Section 11 has coordinates of North 21°58'52.8" & East 453°39'5.06."

**Basis of Bearings:** All bearings based on NAD 83 (1996 Adjustment) Houston County Coordinate System. Based on this system, the south line of the Southeast Quarter of Section 11 bears North 89°09'28" West / South 89°09'28" East.



LINE TABLE		
LINE	LENGTH	BEARING
L1	47.55	N80°10'15"W
L2	130.46	S75°44'47"W
L3	124.72	S89°52'51"W
L4	349.57	S77°07'31"W
L5	215.44	S53°59'48"W
L6	17.95	S00°09'04"W

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	189.15	450.00	24°04'58"	S87°47'16"W	187.76
C2	135.68	550.00	14°08'03"	S82°48'49"W	135.33
C3	155.84	700.00	12°45'20"	S83°30'11"W	155.52
C4	140.51	350.00	23°00'06"	S65°37'28"W	139.57
C5	236.76	500.00	27°07'50"	S67°33'43"W	234.55

$$\text{SE } 1/4$$

SW 1/4  
SE 1/4

Coordinate System. Based on this system, the southwest corner of the Southeast Quarter of Section 11 has coordinates of North 215852.81 & East 453995.06.

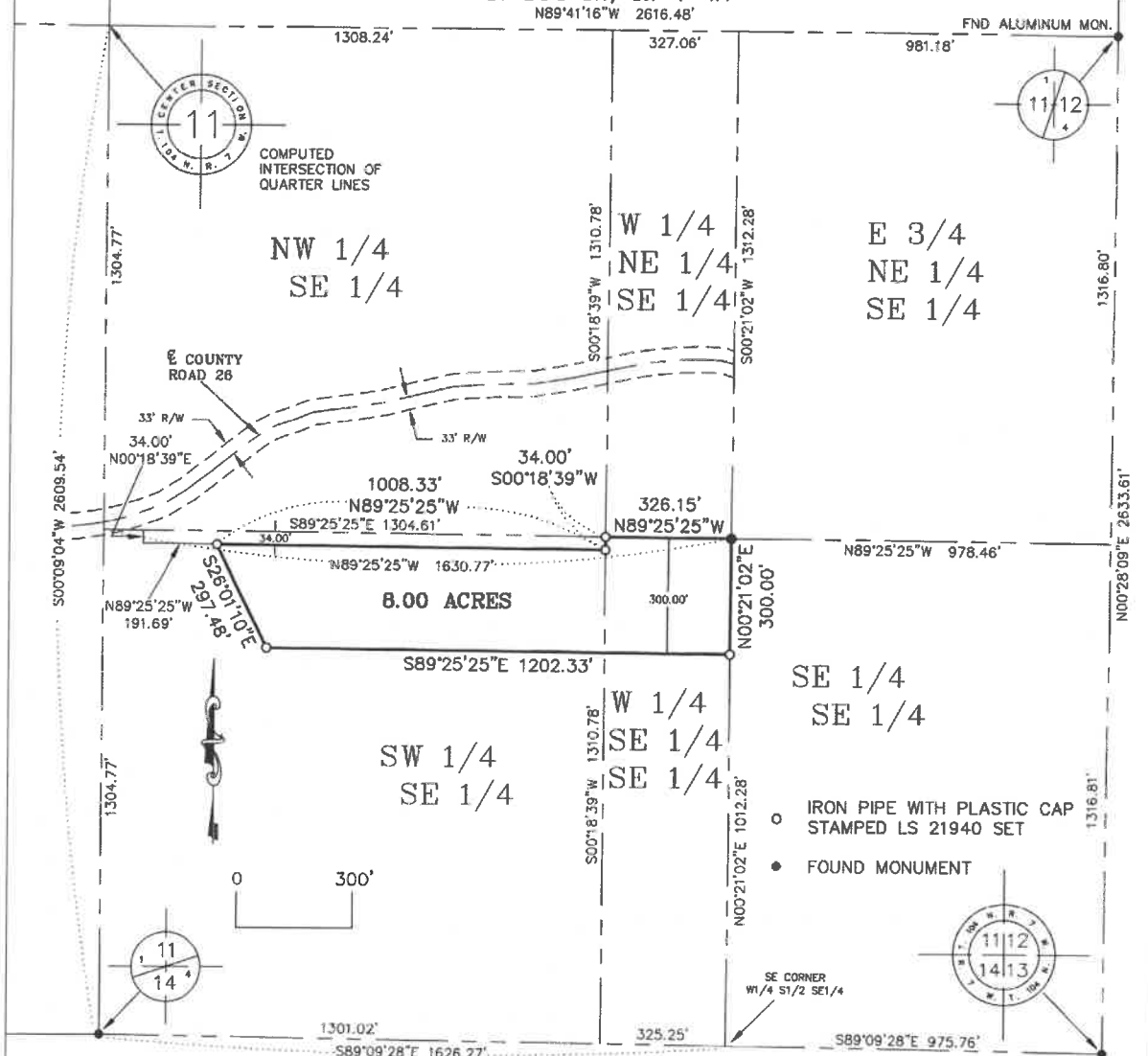
**Basis of Bearings:** All bearings based on NAD 83 (1996 Adjustment) Houston County Coordinate System. Based on this system, the south line of the Southeast Quarter of Section 11 bears North 89°09'28" West / South 89°09'28" East.

# CERTIFICATE OF SURVEY

## SECTION 11

T. 104 N., R. 7 W.

N89°41'16"W 2616.48'



Basis of Bearings: All bearings based on the 1983 Houston County Coordinate System (1996 Adjustment). Based on this system, the northeast corner of the Southeast Quarter of Section 11 has coordinates of North 218448.08 & East 456618.38.

Basis of Bearings: All bearings based on the 1983 Houston County Coordinate System (1996 Adjustment). Based on this system, the north line of the Southeast Quarter of Section 11 bears North 89°41'16\"/>

### LAND DESCRIPTION:

That part of the Southwest Quarter of the Southeast Quarter, and that part of the West Quarter of the South Half of the Southeast Quarter, all in Section 11, Township 104 North, Range 7 West, Houston County, Minnesota, described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence on an assumed bearing of South 89°09'28\"/>

The above described parcel contains 8.00 acres and is subject to any easements, covenants, and restrictions of record.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

DATE 8/17/2023 REG. NO. 21940

G<sup>3</sup>

G-Cubed

14070 Hwy 52 S.E.  
Chatfield, MN 55923

ENGINEERING  
SURVEYING  
PLANNING  
Ph. 507-867-1868  
Fax 507-867-1855  
www.gcg3.com

DATE OF SURVEY: 8-16-2023  
Prepared For:  
Bruening Rock Products  
PO Box 127  
Decorah, IA 52101  
SHEET 1 OF 1 FILE NO: 23-246

\$ 5.00

No. 135

State of Minnesota,

County of Hennepin

Residence of Mary Luck

Office of Jimmy Adams

## Building Permit

IN CONSIDERATION OF The statements and representations made by

Donald A. Fort

in his application therefor duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY

GRANTED To said

Donald A. Fort

as owner

to build, erect, install, add to, alter, repair, move, wreck, as the case may be) a building described as follows: kind of construction

front or width in feet

54

; side or length in feet

28

; height in feet

10

number of stories

1

; contents

15,000

cubic feet;

1212

square feet, upon that

tract of land described as follows: Lot

5 1/2

Block

4-104-7

; plat or addition

Plat 28

which tract is of the size and area specified in said application.

This permit is granted upon the express conditions that said owner and his contractors, agents, workmen and employees, shall comply in all respects with the ordinances of the County of Hennepin; that it does not cover the use of public property, such as streets, sidewalks, alleys, etc., for which special permits must be secured; and that it does not cover the following:

(Electrical work, plumbing, heating, plastering, etc., if such there be.)

for which special permits must be secured.

Given under the hand of the County of Hennepin, of said County, and its corporate seal and attested by its this 11 day of August 1911

Attest:

Jimmy Adams



## BRUENING ROCK PRODUCTS, INC.

900 MONTGOMERY STREET, P.O. BOX 127  
DECORAH, IOWA 52101  
(563) 382-2933

November 3, 2023

Houston County Planning and Zoning  
Attn: Martin Herrick  
304 S. Marshall St.  
Caledonia, MN 55921

Re: Representation by G-Cubed Engineering

Please be advised that G-Cubed Engineering has been retained to represent Bruening Rock Products, Inc. for purposes of zoning and development matters before Houston County. This includes affiliated entities Skyline Materials, Ltd. and G & K Development, L.C.

Please contact me with any questions.

BRUENING ROCK PRODUCTS, INC.

A handwritten signature in black ink, appearing to read "Ronald D. Fadness", is written over the printed name.

Ronald D. Fadness  
General Counsel



Conditional Use Request  
2023-CUP-178793

Fees Paid  
\$746.00

Applicant  
Chris Priebe

Created  
October 5, 2023

Number  
2023-CUP-  
178793

Chris Priebe - G-Cubed on  
behalf of Bruening Rock  
Products | 100103000 |  
Submitted by Chrisp@ggg.to on  
10/5/2023



## Applicant

Chris Priebe

5078671666

[chrisp@ggg.to](mailto:chrisp@ggg.to)

**Search Parcel Data** Completed On 10/5/2023 2:35 PM EST by Chrisp@ggg.to

ParcelID	Address	City	OwnerName	Acres
100103000	19305 COUNTY 26	HOUSTON	SKYLINE MATERIALS LTD	7.940

**CONDITIONAL USE INTRO** Completed On 10/5/2023 2:35 PM EST by Chrisp@ggg.to

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.**

Application Fee:

**Conditional Use Application Fee**

\$700.00

Recording Fee:

**Recording Fee**

\$46.00

**Application Type:**

Conditional Use

**CONDITIONAL USE FINDING OF FACTS** Completed On 10/5/2023 2:51 PM EST by Chrisp@ggg.to

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

## Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

**Comments:**

Expansion of existing aggregate quarry in a agricultural area.

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

Yes

**Comments:**

Material from the quarry will be use for local public and private construction projects.

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

Yes

**Comments:**

Existing excavation is above the water table and the expansion will remain the same. All stormwater is contained within the quarry and the proposed expansion will remain the same.

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

Yes

**Comments:**

All contact stormwater will be contained within the quarry. The proposed expansion will not negatively effect the watershed.

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

Yes

**Comments:**

The proposed excavation will require stripping of topsoil and stockpiling for future reclamation.

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

Yes

**Comments:**

All local, state, and federal standards will be met. A MPCA NPDES Permit is required and will be active prior to any expansion excavation activities.

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

Yes

**Comments:**

Access is off a county road. Additional traffic is not anticipated as the expansion is due to the existing quarry running out of material not an expansion in capacity of output.



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

Yes

**Comments:**

All parking is within the quarry.

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

Yes

**Comments:**

There is adequate site distance to the existing quarry entrance. The expansion proposed is in area only not in volume and/or traffic.

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

Yes

**Comments:**

The area adjacent is agricultural in nature and has not been injurious as it has operated for many years. The adjacent farm sold the area to be mined as a condition that it be mined for limestone.

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.

Yes

**Comments:**

The area adjacent is agricultural in nature and has not been injurious as it has operated for many years. The adjacent farm sold the area to be mined as a condition that it be mined for limestone.

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

Yes

**Comments:**

The area adjacent is agricultural in nature and has not been injurious as it has operated for many years. The adjacent farm sold the area to be mined as a condition that it be mined for limestone.

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

N/A

**Comments:**

NA

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.

N/A

**Comments:**

NA

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

Yes

**Comments:**

All local, state, and federal standards will be met. A MPCA NPDES Permit is required and will be active prior to any expansion excavation activities.

**SITE PLAN INFORMATION** Completed On 10/5/2023 2:52 PM EST by Chrisp@ggg.to

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

**Upload Site Plan**

[02 - PROPOSED.pdf](#)

[03 - RECLAMATION.pdf](#)

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

☒ Sketch Layer

☒ Reference Layer

☒ Mapproxy



Powered by Esri

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

**APPLICANT INFORMATION** Completed On 10/5/2023 2:53 PM EST by Chrisp@ggg.to

**Applicant Name**

Chris Priebe - G-Cubed on behalf of Bruening Rock Products

**Parcel Tax ID**

100103000

**Telephone Number**

563-382-2933

**Address**

19305 COUNTY 26

**City**

HOUSTON

**Zip**

55943

**Legal Description**

PT NW1/4 SE1/4 & PT W1/4 NE1/4SE1/4 & E 1200' OF N 34' OF SW1/4 SE1/4

**Section-Township-Range**

11-104-007

**Do you own additional adjacent parcels**

No

**Township of:**

Money Creek

**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**

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629

La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runnigen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541
Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637
Yucatan	Deb Dewey	507-896-3566

**CONDITIONAL USE REQUEST** Completed On 10/5/2023 2:53 PM EST by Chrisp@ggg.to

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

**Describe in detail your request.**

Expand an existing 6.8 acre limestone quarry by an additional 6.6 acres totaling 13.5 acres

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

Section 27- Mineral Extraction

**Requested Dimension:**

6.6 acres added for excavation. Certificate of Survey attached for entire property.

**Please upload any supporting documents:**

[CERTIFICATE OF SURVEY SIGNED.pdf](#)

[01 - EXISTING.pdf](#)

[02 - PROPOSED.pdf](#)

[03 - RECLAMATION.pdf](#)

[Purchase Agreement - Public.pdf](#)

**APPLICATION SUBMITTAL** Completed On 10/5/2023 2:53 PM EST by Chrisp@ggg.to

**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:**

10/5/2023

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

Email APPLICATION SUBMITTAL Completed On 10/5/2023 2:53 PM EST by Chrisp@ggg.to

[RESEND EMAIL](#)**Delivered** on Thursday, October 5, 2023 at 2:53 PM CDT**Options**

Send to the applicant? Yes

Send to members of the following roles:

Zoning

County Board

**Recipients****To:**

holly.felten@co.houston.mn.us

amy.sylling@co.houston.mn.us

amelia.meiners@co.houston.mn.us

martin.herrick@co.houston.mn.us

robert.burns@co.houston.mn.us

eric.johnson@co.houston.mn.us

robert.schuldt@co.houston.mn.us

dewey.severson@co.houston.mn.us

chrisp@ggg.to

**Subject:** Parcel 100103000 Conditional Use Application Received

The information provided in your Conditional Use application has been received by the County. An application fee of \$700.00 payable to the Houston County Treasurer and a recording fee of \$46.00 payable to the Houston County Recorder are necessary to complete your application and are required before the application will be reviewed. Please send a separate check for each.

Houston County Planning and Zoning  
304 S. Marshall Street, Room 209  
Caledonia, MN 55921

Once payment is received your application will be reviewed and you will be contacted by staff.

Please call 507-725-5800 or email martin.herrick@co.houston.mn.us with any questions or concerns.

**Number:** 2023-CUP-178793**Workflow:** Conditional Use Request**Description:** Chris Priebe - G-Cubed on behalf of Bruening Rock Products | 100103000 |**Created On:** 10/5/2023[View Application](#)

## External Notes

## Documents

## Internal Notes

## Documents



**From:** [Brian Pogodzinski](#)  
**To:** [Martin Herrick](#)  
**Cc:** [Amelia Meiners](#)  
**Subject:** RE: Houston County Public Hearing Notices 11-15-23 and 11-16-23  
**Date:** Thursday, November 9, 2023 9:36:34 AM

---

Great. No concerns from me then.

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

**From:** Martin Herrick <Martin.Herrick@co.houston.mn.us>  
**Sent:** Thursday, November 9, 2023 8:19 AM  
**To:** Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>  
**Cc:** Amelia Meiners <amelia.meiners@co.houston.mn.us>  
**Subject:** RE: Houston County Public Hearing Notices 11-15-23 and 11-16-23

Brian

That is correct the expansion is to continue operations but not increase production. The application from Chris Priebe of G3 engineering states this in the narrative.

Thanks,

Marty Herrick  
Environmental Service Director  
Houston County

Phone (507) 725-5800

**From:** Brian Pogodzinski <[Brian.Pogodzinski@co.houston.mn.us](mailto:Brian.Pogodzinski@co.houston.mn.us)>  
**Sent:** Thursday, November 9, 2023 8:11 AM  
**To:** Amelia Meiners <[amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us)>; Martin Herrick <[Martin.Herrick@co.houston.mn.us](mailto:Martin.Herrick@co.houston.mn.us)>  
**Subject:** FW: Houston County Public Hearing Notices 11-15-23 and 11-16-23

Amelia & Martin,

Am I correct in that the CUP for mineral extraction on CSAH 26 is to expand the existing quarry as a similar rate as the current quarry? I don't have any issues with the CUP and expanding as applied for as long as the mining operations will be at a similar rate to how it has historically been mined. CSAH 26 as a whole has a relatively weak roadway section. If they want to significantly increase the intensity of mining, the county need to make sure CSAH 26 will hold up to the increased heavy loads going across the road, along with consider the impacts of the trucks going past the campground.

Brian K. Pogodzinski, P.E.

Houston County Engineer

**From:** Holly Felten <[Holly.Felten@co.houston.mn.us](mailto:Holly.Felten@co.houston.mn.us)>

**Sent:** Monday, November 6, 2023 1:54 PM

**To:** Samuel Jandt <[Samuel.Jandt@co.houston.mn.us](mailto:Samuel.Jandt@co.houston.mn.us)>; Brian Pogodzinski  
<[Brian.Pogodzinski@co.houston.mn.us](mailto:Brian.Pogodzinski@co.houston.mn.us)>

**Subject:** Houston County Public Hearing Notices 11-15-23 and 11-16-23

*Holly Felten*

Houston County Environmental Services

304 South Marshall Street – Room 209

Caledonia, MN 55921

Phone: (507) 725-5800

Fax: (507) 725-5590

# Houston County Agenda Request Form

Date Submitted: November 14, 2023

Board Date: November 28, 2023

Person requesting appointment with County Board: Brian Pogodzinski

**Issue:**

Project # SAP 028-599-083 and SAP 028-599-083 with Minnowa Construction, Inc., for bridge replacements on Wiebke Hill Drive in Wilmington Township 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 23-44 Final Acceptance for SAP 028-599-083 and SAP 028-599-084, Contract #329 with Minnow Construction, Inc for the replacement of 2 bridges with box culverts. Total cost was \$559,531.60.

WHEREAS, Contract No. 329 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:**

# Houston County Highway Department

1124 E Washington St, Caledonia, MN 55921  
329 Wiebke Hill Box Culverts  
Final Payment No. 2

**Contractor:** Minnowa Construction Inc.  
850 Wickett Drive NW  
Harmony, MN 55939

**Contract No.** 329 SAP 028-599-083 and SAP  
028-599-084  
**Vendor Number:** 9652  
**Up To Date:** 10/16/2023  
**Warrant #** \_\_\_\_\_ **Date** \_\_\_\_\_

## Contract Amount

Original Contract	\$557,997.75
Contract Changes	\$0.00
Revised Contract	\$557,997.75

## Funds Encumbered

Original	\$557,997.75
Additional	N/A
Total	\$557,997.75

## Work Certified To Date

Base Bid Items	\$559,531.60
Contract Changes	\$
Material On Hand	\$0.00
Total	\$559,531.60

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	\$559,531.60	\$0.00	\$531,555.02	\$27,976.58	\$559,531.60
Percent: Retained: 0%			Percent Complete: 100.27%		
<b>Amount Paid This Partial Payment</b>				<b>\$27,976.58</b>	


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 Minnowa Construction Inc.

County Engineer

Date

  
Contractor

Date

10/26/23

**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 \$559,531.60 and agrees to the amount of \$27,976.58 as Final Payment on this Contract in accordance with this Final Voucher.

Contractor: Minnowa Construction Inc.

By

Jocelyn L. Clarine  
Signature

And \_\_\_\_\_ And \_\_\_\_\_ State of MN  
Signature Signature

On This 26<sup>th</sup> Day of October, 2023, Before me appeared Jocelyn L. Clarine 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)

\_\_\_\_\_ And \_\_\_\_\_, to me personally known, who, being each by me duly sworn

each did say that they are respectively the Controller and \_\_\_\_\_ of the

Minnowa Const. 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

\_\_\_\_\_ and said \_\_\_\_\_ and \_\_\_\_\_

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

Notarial My Commission as Notary Public in Sillmore County

Seal Expires 1-31-25 Signature Jackie A. Ward



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

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

Dated \_\_\_\_\_ Signature \_\_\_\_\_ District Engineer

Houston County Highway Department  
1124 E Washington St, Caledonia, MN 55921  
329 Wiebke Hill Box Culverts  
Final Payment No. 2

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

Contract Number: 329 SAP 028-599-083 and SAP 028-599-084  
Contractor: Minnowa Construction Inc.  
Date Certified: 10/16/2023  
Payment Number: 2

Whereas; Contract No.329 SAP 028-599-083 and SAP 028-599-084 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, Polly Heberlein, Interim 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  
329 Wiebke Hill Box Culverts  
Final Payment No. 2

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	9/13/2023	\$559,531.60	\$27,976.58	\$531,555.02
2	10/16/2023	\$0.00	(\$27,976.58)	\$27,976.58

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
SAP 028-599-083 Non-Participating		\$33,647.91	\$0.00	\$31,965.51	\$1,682.40	\$33,647.91
SAP 028-599-083 Participating		\$279,140.16	\$0.00	\$265,183.15	\$13,957.01	\$279,140.16
SAP 028-599-084 Non-Participating		\$30,954.47	\$0.00	\$29,406.75	\$1,547.72	\$30,954.47
SAP 028-599-084 Participating		\$215,789.06	\$0.00	\$204,999.61	\$10,789.45	\$215,789.06

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
584 SAP 028-599-083 Township (Local)	Local / Township Match	\$500.01	\$10,000.00	\$10,000.00	\$10,000.00
585 SAP 028-599-083 Town Bridge	Town Bridge	\$10,556.81	\$211,136.00	\$211,136.00	\$211,136.00
586 SAP 028-599-084 Town Bridge	Town Bridge	\$1,852.28	\$37,738.00	\$37,738.00	\$37,045.72
587 SAP 028-599-084 Special Town Bridge	Special Town Bridge	\$9,984.89	\$198,328.85	\$198,328.85	\$199,697.81
588 SAP 028-599-084 Township (Local)	Local / Township Match	\$500.00	\$10,000.00	\$10,000.00	\$10,000.00
589 SAP 028-599-083 Special Town Bridge	Special Town Bridge	\$4,582.59	\$90,794.90	\$90,794.90	\$91,652.07

Contract Item Status								
Base/Alt	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501 MOBILIZATION (LUMP SUM)	\$6,900.00	0.79	0.00	\$0.00	0.79	\$5,451.00
Base Bid	2	2412.502 16X12 PRECAST CONCRETE BOX CULVERT END SECTION (EACH)	\$63,000.00	2.00	0.00	\$0.00	2	\$126,000.00
Base Bid	3	2412.503 16X12 PRECAST CONCRETE BOX CULVERT (LIN FT)	\$3,575.00	38.00	0.00	\$0.00	38	\$135,850.00
Base Bid	4	2451.507 COURSE AGGREGATE BEDDING (CV) (CU YD)	\$28.95	172.00	0.00	\$0.00	180.61	\$5,228.66
Base Bid	5	2511.507 RANDOM RIPRAP CLASS IV (CU YD)	\$50.00	95.00	0.00	\$0.00	113.25	\$5,662.50

Houston County Highway Department  
1124 E Washington St, Caledonia, MN 55921  
329 Wiebke Hill Box Culverts  
Final Payment No. 2

**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	6	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$1,200.00	0.79	0.00	\$0.00	0.79	\$948.00
Base Bid	7	2021.501 MOBILIZATION (LUMP SUM)	\$6,900.00	0.21	0.00	\$0.00	0.21	\$1,449.00
Base Bid	8	2106.507 EXCAVATION - COMMON (P) (CU YD)	\$5.50	102.00	0.00	\$0.00	102	\$561.00
Base Bid	9	2106.507 COMMON EMBANKMENT (CV) (P) (CU YD)	\$11.50	630.00	0.00	\$0.00	630	\$7,245.00
Base Bid	10	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$14.50	108.00	0.00	\$0.00	117.73	\$1,707.09
Base Bid	11	2211.509 AGGREGATE BASE CLASS 5Q (TON)	\$15.50	80.00	0.00	\$0.00	91.42	\$1,417.01
Base Bid	12	2442.501 REMOVE EXISTING BRIDGE (LUMP SUM)	\$15,500.00	1.00	0.00	\$0.00	1	\$15,500.00
Base Bid	13	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$1,200.00	0.21	0.00	\$0.00	0.21	\$252.00
Base Bid	14	2573.503 SILT FENCE, TYPE MS (LIN FT)	\$3.50	167.00	0.00	\$0.00	0	\$0.00
Base Bid	15	2575.501 TURF ESTABLISHMENT (LUMP SUM)	\$1,850.00	1.00	0.00	\$0.00	1	\$1,850.00
Base Bid	16	2575.504 ROLLED EROSION PREVENTION CATEGORY 20 (SQ YD)	\$3.25	1,140.00	0.00	\$0.00	1,128.25	\$3,666.81
Base Bid	1	2021.501 MOBILIZATION (LUMP SUM)	\$5,500.00	0.83	0.00	\$0.00	0.83	\$4,565.00
Base Bid	2	2412.502 12X9 PRECAST CONCRETE BOX CULVERT END SECTION (EACH)	\$40,000.00	2.00	0.00	\$0.00	2	\$80,000.00
Base Bid	3	2412.503 12X9 PRECAST CONCRETE BOX CULVERT (LIN FT)	\$2,300.00	52.00	0.00	\$0.00	52	\$119,600.00
Base Bid	4	2451.507 COURSE AGGREGATE BEDDING (CV) (CU YD)	\$29.10	146.00	0.00	\$0.00	162.27	\$4,722.06
Base Bid	5	2511.507 RANDOM RIPRAP CLASS IV (CU YD)	\$50.00	111.00	0.00	\$0.00	128.91	\$6,445.50
Base Bid	6	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$550.00	0.83	0.00	\$0.00	0.83	\$456.50
Base Bid	7	2021.501 MOBILIZATION (LUMP SUM)	\$5,500.00	0.17	0.00	\$0.00	0.17	\$935.00
Base Bid	8	2106.507 EXCAVATION - COMMON (P) (CU YD)	\$5.50	164.00	0.00	\$0.00	164	\$902.00
Base Bid	9	2106.507 COMMON EMBANKMENT (CV) (P) (CU YD)	\$11.50	573.00	0.00	\$0.00	573	\$6,589.50
Base Bid	10	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$14.50	164.00	0.00	\$0.00	164.62	\$2,386.99
Base Bid	11	2211.509 AGGREGATE BASE CLASS 5Q (TON)	\$15.50	145.00	0.00	\$0.00	141.05	\$2,186.28
Base Bid	12	2442.501 REMOVE EXISTING BRIDGE (LUMP SUM)	\$11,000.00	1.00	0.00	\$0.00	1	\$11,000.00

Houston County Highway Department  
1124 E Washington St, Caledonia, MN 55921  
329 Wiebke Hill Box Culverts  
Final Payment No. 2

**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	13	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$550.00	0.17	0.00	\$0.00	0.17	\$93.50
Base Bid	14	2573.503 SILT FENCE, TYPE HI (LIN FT)	\$4.00	102.00	0.00	\$0.00	0	\$0.00
Base Bid	15	2575.501 TURF ESTABLISHMENT (LUMP SUM)	\$1,851.00	1.00	0.00	\$0.00	1	\$1,851.00
Base Bid	16	2575.504 ROLLED EROSION PREVENTION CATEGORY 20 (SQ YD)	\$3.25	1,613.00	0.00	\$0.00	1,541.6	\$5,010.20
<b>Base Bid Totals:</b>						<b>\$0.00</b>		<b>\$559,531.60</b>

**Project Category Totals**

Project	Category	Amount This Request	Amount To Date
SAP 028-599-083	Participating	\$0.00	\$279,140.16
SAP 028-599-083	Non-Participating	\$0.00	\$33,647.91
SAP 028-599-084	Participating	\$0.00	\$215,789.06
SAP 028-599-084	Non-Participating	\$0.00	\$30,954.47

**Contract Change Item Status**

Project	CC	CC#	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
<b>Contract Change Totals:</b>								<b>\$</b>		<b>\$</b>

<b>Contract Total</b>	<b>\$559,531.60</b>
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**Contract Change Totals**

Number	Description	Amount This Request	Amount To Date

**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  
329 Wiebke Hill Box Culverts  
Final Payment No. 2

**Contract Item Status by Funding Breakdown**

Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	7	2021.501 MOBILIZATION (LUMP SUM)	\$6,900.00	0.21	0.00	\$0.00	0.21	\$1,449.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	8	2106.507 EXCAVATION - COMMON (P) (CU YD)	\$5.50	102.00	0.00	\$0.00	102.00	\$561.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	9	2106.507 COMMON EMBANKMENT (CV) (P) (CU YD)	\$11.50	630.00	0.00	\$0.00	630.00	\$7,245.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	10	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$14.50	108.00	0.00	\$0.00	117.73	\$1,707.09
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	11	2211.509 AGGREGATE BASE CLASS 5Q (TON)	\$15.50	80.00	0.00	\$0.00	91.42	\$1,417.01
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	12	2442.501 REMOVE EXISTING BRIDGE (LUMP SUM)	\$15,500.00	1.00	0.00	\$0.00	1.00	\$15,500.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	13	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$1,200.00	0.21	0.00	\$0.00	0.21	\$252.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	14	2573.503 SILT FENCE, TYPE MS (LIN FT)	\$3.50	167.00	0.00	\$0.00	0.00	\$0.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	15	2575.501 TURF ESTABLISHMENT (LUMP SUM)	\$1,850.00	1.00	0.00	\$0.00	1.00	\$1,850.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Non-Participating	16	2575.504 ROLLED EROSION PREVENTION CATEGORY 20 (SQ YD)	\$3.25	1,140.00	0.00	\$0.00	1,128.25	\$3,666.81
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Participating	1	2021.501 MOBILIZATION (LUMP SUM)	\$6,900.00	0.79	0.00	\$0.00	0.79	\$5,451.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Participating	2	2412.502 16X12 PRECAST CONCRETE BOX CULVERT END SECTION (EACH)	\$63,000.00	2.00	0.00	\$0.00	2.00	\$126,000.00
SAP 028-599-083 and SAP 028-599-084 /	3	2412.503 16X12 PRECAST CONCRETE BOX CULVERT (LIN FT)	\$3,575.00	38.00	0.00	\$0.00	38.00	\$135,850.00

Houston County Highway Department  
1124 E Washington St, Caledonia, MN 55921  
329 Wiebke Hill Box Culverts  
Final Payment No. 2

**Contract Item Status by Funding Breakdown**

Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SAP 028-599-083 Participating								
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Participating	4	2451.507 COURSE AGGREGATE BEDDING (CV) (CU YD)	\$28.95	172.00	0.00	\$0.00	180.61	\$5,228.66
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Participating	5	2511.507 RANDOM RIPRAP CLASS IV (CU YD)	\$50.00	95.00	0.00	\$0.00	113.25	\$5,662.50
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-083 Participating	6	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$1,200.00	0.79	0.00	\$0.00	0.79	\$948.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	7	2021.501 MOBILIZATION (LUMP SUM)	\$5,500.00	0.17	0.00	\$0.00	0.17	\$935.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	8	2106.507 EXCAVATION - COMMON (P) (CU YD)	\$5.50	164.00	0.00	\$0.00	164.00	\$902.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	9	2106.507 COMMON EMBANKMENT (CV) (P) (CU YD)	\$11.50	573.00	0.00	\$0.00	573.00	\$6,589.50
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	10	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$14.50	164.00	0.00	\$0.00	164.62	\$2,386.99
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	11	2211.509 AGGREGATE BASE CLASS 5Q (TON)	\$15.50	145.00	0.00	\$0.00	141.05	\$2,186.28
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	12	2442.501 REMOVE EXISTING BRIDGE (LUMP SUM)	\$11,000.00	1.00	0.00	\$0.00	1.00	\$11,000.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	13	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$550.00	0.17	0.00	\$0.00	0.17	\$93.50
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	14	2573.503 SILT FENCE, TYPE HI (LIN FT)	\$4.00	102.00	0.00	\$0.00	0.00	\$0.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	15	2575.501 TURF ESTABLISHMENT (LUMP SUM)	\$1,851.00	1.00	0.00	\$0.00	1.00	\$1,851.00

Houston County Highway Department  
1124 E Washington St, Caledonia, MN 55921  
329 Wiebke Hill Box Culverts  
Final Payment No. 2

Contract Item Status by Funding Breakdown								
Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Non-Participating	16	2575.504 ROLLED EROSION PREVENTION CATEGORY 20 (SQ YD)	\$3.25	1,613.00	0.00	\$0.00	1,541.60	\$5,010.20
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Participating	1	2021.501 MOBILIZATION (LUMP SUM)	\$5,500.00	0.83	0.00	\$0.00	0.83	\$4,565.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Participating	2	2412.502 12X9 PRECAST CONCRETE BOX CULVERT END SECTION (EACH)	\$40,000.00	2.00	0.00	\$0.00	2.00	\$80,000.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Participating	3	2412.503 12X9 PRECAST CONCRETE BOX CULVERT (LIN FT)	\$2,300.00	52.00	0.00	\$0.00	52.00	\$119,600.00
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Participating	4	2451.507 COURSE AGGREGATE BEDDING (CV) (CU YD)	\$29.10	146.00	0.00	\$0.00	162.27	\$4,722.06
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Participating	5	2511.507 RANDOM RIPRAP CLASS IV (CU YD)	\$50.00	111.00	0.00	\$0.00	128.91	\$6,445.50
SAP 028-599-083 and SAP 028-599-084 / SAP 028-599-084 Participating	6	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$550.00	0.83	0.00	\$0.00	0.83	\$456.50
<b>Totals:</b>						<b>\$0.00</b>		<b>\$559,531.60</b>





## Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

### Confirmation Summary

Confirmation Number:	2-092-826-208
Submitted Date and Time:	7-Nov-2023 8:05:35 AM
Legal Name:	MINNOWA CONSTRUCTION INC
Federal Employer ID:	41-1479487
User Who Submitted:	minnowa
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

Affidavit Number:	849956864
Minnesota ID:	4962954
Project Owner:	HOUSTON COUNTY
Project Number:	SAP 028-599-083 & 028-599-084
Project Begin Date:	16-Aug-2023
Project End Date:	06-Sep-2023
Project Location:	HOUSTON COUNTY-WIEBKE HILL/CULVERTS
Project Amount:	\$557,996.75

### Subcontractor Summary

Name	ID	Affidavit Number
NORTHERN EROSION LLC	9917969	850219008

### 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](mailto:withholding.tax@state.mn.us). Business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. Central Time.

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:	0-527-597-920
Submitted Date and Time:	6-Nov-2023 5:03:10 PM
Legal Name:	NORTHERN EROSION LLC
Federal Employer ID:	30-0549217
User Who Submitted:	andywein
Type of Request Submitted:	Contractor Affidavit

<b>Affidavit Number:</b>	<b>850219008</b>
Minnesota ID:	9917969
Project Owner:	HOUSTON COUNTY
Project Number:	SAP 028-599-083/084
Project Begin Date:	11-Sep-2023
Project End Date:	11-Sep-2023
Project Location:	HOUSTON COUNTY
Project Amount:	\$12,566.00
Subcontractors:	No Subcontractors

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](mailto:withholding.tax@state.mn.us). Business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. Central Time.

### How to View and Print this Request

You can see copies of your requests by going into your History.

This message and any attachments are solely for the intended recipient and may contain nonpublic / private data. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us and immediately and permanently delete this message and any attachments. Thank you.

**RESOLUTION NO. 23-44**

**FINAL ACCEPTANCE FOR SAP 028-599-083 and SAP 028-599-084  
WIEBKE HILL ROAD – BOX CULVERTS**

**CONTRACT # 329 – MINNOW CONSTRUCTION, INC**

**November 28, 2023**

WHEREAS, Contract No. 329 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, Polly Heberlein, Interim County Auditor/Treasurer do certify that the above is a true  
and correct copy of a resolution adopted by the Houston County Board of Commissioners at the  
session dated November 28, 2023.

WITNESS my hand and the seal of my office this 28th day of November 2023.

Signed by \_\_\_\_\_

Interim Houston County Auditor - Treasurer

**RESOLUTION NO. 23-44**

**FINAL ACCEPTANCE FOR SAP 028-599-083 and SAP 028-599-084  
WIEBKE HILL ROAD – BOX CULVERTS**

**CONTRACT # 329 – MINNOW CONSTRUCTION, INC**

**November 28, 2023**

WHEREAS, Contract No. 329 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, Polly Heberlein, Interim County Auditor/Treasurer do certify that the above is a true  
and correct copy of a resolution adopted by the Houston County Board of Commissioners at the  
session dated November 28, 2023.

WITNESS my hand and the seal of my office this 28th day of November 2023.

Signed by \_\_\_\_\_

Interim Houston County Auditor - Treasurer

# Houston County Agenda Request Form

Date Submitted: November 14, 2023

Board Date: November 28, 2023

Person requesting appointment with County Board: Brian Pogodzinski

**Issue:**

CP # 2022-08 with Zenke, Inc., for the Courthouse parking lot project 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 23-45 Final Acceptance for CP 2022-08, Contract #802 with Zenke, Inc. for the Courthouse parking lot project. Total cost was \$325,964.12.

WHEREAS, Contract No. 802 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 and authorize final payment as specified herein.

**For County Use Only**

**Reviewed by:**

\_\_\_\_\_  
County Auditor

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

\_\_\_\_\_  
Zoning Administrator

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

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

\_\_\_\_\_  
Environmental Services

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

\_\_\_\_\_  
Other (Indicate dept)

**Recommendation:**

**Decision:**

**RESOLUTION NO. 23-45**

**FINAL ACCEPTANCE FOR CP 2022-08  
COURTHOUSE PARKING LOT**

**CONTRACT # 802 – ZENKE, INC**

**November 28, 2023**

WHEREAS, Contract No. 802 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, Polly Heberlein, Interim County Auditor/Treasurer do certify that the above is a true  
and correct copy of a resolution adopted by the Houston County Board of Commissioners at the  
session dated November 28, 2023.

WITNESS my hand and the seal of my office this 28th day of November 2023.

Signed by \_\_\_\_\_

Interim Houston County Auditor - Treasurer

# Houston County Highway Department

1124 E Washington St, Caledonia, MN 55921  
CP 2022-08 County Courthouse West Parking Lot  
Final Payment No. 4

**Contractor:** Zenke, Inc  
87 Main Street, Ste 5  
La Crescent, MN 55947

**Contract No.** 802 CP 2022-08 Courthouse  
West Parking Lot  
**Vendor Number:** 5382  
**Up To Date:** 10/26/2023  
**Warrant #** \_\_\_\_\_ **Date** \_\_\_\_\_

## Contract Amount

Original Contract	\$296,165.05
Contract Changes	\$8,426.90
Revised Contract	\$304,591.95

## Funds Encumbered

Original	\$296,165.05
Additional	N/A
Total	\$296,165.05

## Work Certified To Date

Base Bid Items	\$317,537.22
Contract Changes	\$8,426.90
Material On Hand	\$0.00
Total	\$325,964.12

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	\$325,964.12	\$0.00	\$309,665.91	\$16,298.21	\$325,964.12
Percent: Retained: 0%			Percent Complete: 107.02%		
Amount Paid This Partial Payment				\$16,298.21	

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 Zenke, Inc

County Engineer

Date

Contractor

Date Oct 30, 2023



**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 \$325,964.12 and agrees to the amount of \$16,298.21 as Final Payment on this Contract in accordance with this Final Voucher.

Contractor: Zenke, Inc

By \_\_\_\_\_ Signature

And \_\_\_\_\_ Signature \_\_\_\_\_ And \_\_\_\_\_ Signature \_\_\_\_\_ State of MN

On This 30th Day October, 2023, Before me appeared Travis Zenke 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)

\_\_\_\_\_ And \_\_\_\_\_, to me personally known, who, being each by me duly sworn

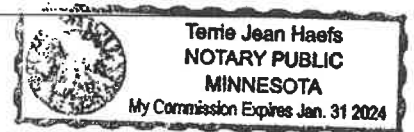
each did say that they are respectively the President and \_\_\_\_\_ of the Zenke Corporation named in the foregoing instrument, and that the seal affixed to said instrument is the Corporate Seal of said Corporation, and the said instrument was signed and sealed in behalf of said Corporation by authority of its

\_\_\_\_\_ and said \_\_\_\_\_ and \_\_\_\_\_

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

Notarial My Commission as Notary Public in Houston County

Seal Expires Jan. 31, 2024 Signature Temie Jean Haefs



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

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

Dated \_\_\_\_\_ Signature \_\_\_\_\_ District Engineer

Houston County Highway Department  
1124 E Washington St, Caledonia, MN 55921  
CP 2022-08 County Courthouse West Parking Lot  
Final Payment No. 4

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

Contract Number: 802 CP 2022-08 Courthouse West Parking Lot  
Contractor: Zenke, Inc  
Date Certified: 10/26/2023  
Payment Number: 4

Whereas; Contract No.802 CP 2022-08 Courthouse West Parking Lot 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 2022-08 County Courthouse West Parking Lot  
Final Payment No. 4

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	7/20/2023	\$123,395.02	\$6,169.75	\$117,225.27
2	8/17/2023	\$195,956.60	\$9,797.83	\$186,158.77
3	9/21/2023	\$6,612.50	\$330.63	\$6,281.87
4	10/26/2023	\$0.00	(\$16,298.21)	\$16,298.21

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
City of Caledonia	2	\$23,612.64	\$0.00	\$22,432.01	\$1,180.63	\$23,612.64
Houston County	1	\$302,351.48	\$0.00	\$287,233.90	\$15,117.58	\$302,351.48

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
1	County Levy	\$15,117.58	\$282,915.29	\$254,324.69	\$302,351.48
2	Local / Other[2]	\$1,180.63	\$21,676.66	\$20,591.86	\$23,612.64

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	2104.502 REMOVE CATCH BASIN (EACH)	\$400.00	3.00	0.00	\$0.00	3	\$1,200.00
Base Bid	2	2104.502 REMOVE LIGHT FOUNDATION (EACH)	\$350.00	1.00	0.00	\$0.00	1	\$350.00
Base Bid	3	2104.502 SALVAGE CASTING (EACH)	\$350.00	1.00	0.00	\$0.00	1	\$350.00
Base Bid	4	2104.502 SALVAGE LIGHTING UNIT (EACH)	\$875.00	1.00	0.00	\$0.00	0	\$0.00
Base Bid	5	2104.503 SAWING BITUMINOUS PAVEMENT (FULL DEPTH) (LIN FT)	\$5.00	183.00	0.00	\$0.00	353.5	\$1,767.50
Base Bid	6	2104.503 REMOVE SEWER PIPE (STORM) (LIN FT)	\$25.00	55.00	0.00	\$0.00	56	\$1,400.00
Base Bid	7	2104.504 REMOVE BITUMINOUS PAVEMENT (SQ YD)	\$10.00	476.00	0.00	\$0.00	481	\$4,810.00
Base Bid	8	2105.607 COMMON EXCAVATION (CU YD)	\$32.00	80.00	0.00	\$0.00	80	\$2,560.00
Base Bid	9	2112.604 SUBGRADE PREPARATION (SQ YD)	\$3.02	2,877.00	0.00	\$0.00	2,933	\$8,857.66
Base Bid	10	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$25.80	446.00	0.00	\$0.00	497	\$12,822.60
Base Bid	11	2360.509 TYPE SP 12.5 WEARING COURSE MIX (2.C) (TON)	\$142.34	486.00	0.00	\$0.00	552.7	\$78,671.32
Base Bid	12	2503.503 12" RC PIPE SEWER (LIN FT)	\$68.90	130.00	0.00	\$0.00	139	\$9,577.10
Base Bid	13	2504.602 ADJUST VALVE BOX - WATER (EACH)	\$250.00	2.00	0.00	\$0.00	1	\$250.00

Houston County Highway Department  
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**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	2506.502 ADJUST CASTING (EACH)	\$1,000.00	1.00	0.00	\$0.00		\$0.00
Base Bid	15	2506.502 CONSTRUCT DRAINAGE STRUCTURE TYPE 1 (EACH)	\$3,290.00	2.00	0.00	\$0.00	2	\$6,580.00
Base Bid	16	2506.502 CONSTRUCT DRAINAGE STRUCTURE DESIGN SD-48 (EACH)	\$3,350.00	1.00	0.00	\$0.00	1	\$3,350.00
Base Bid	17	2506.502 CONSTRUCT DRAINAGE STRUCTURE DESIGN H (EACH)	\$2,540.00	2.00	0.00	\$0.00	2	\$5,080.00
Base Bid	18	2506.502 CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020 (EACH)	\$3,470.00	1.00	0.00	\$0.00	1	\$3,470.00
Base Bid	19	2521.518 4" CONCRETE WALK (SQ FT)	\$6.20	1,225.00	0.00	\$0.00	813.8	\$5,045.56
Base Bid	20	2521.518 INTEGRAL WALK AND CURB (SQ FT)	\$17.25	1,701.00	0.00	\$0.00	1,734.1	\$29,913.23
Base Bid	21	2531.504 8" CONCRETE DRIVEWAY PAVEMENT (SQ YD)	\$108.10	35.00	0.00	\$0.00	34.7	\$3,751.07
Base Bid	22	2521.618 CONCRETE WALK (ADA) (SQ FT)	\$8.74	429.00	0.00	\$0.00	997.2	\$8,715.53
Base Bid	23	2531.604 8" CONCRETE VALLEY GUTTER (SQ YD)	\$121.90	28.00	0.00	\$0.00	27.8	\$3,388.82
Base Bid	24	2531.603 CONCRETE CURB AND GUTTER (LIN FT)	\$39.10	910.00	0.00	\$0.00	1,084	\$42,384.40
Base Bid	25	2531.618 TRUNCATED DOMES (SQ FT)	\$55.20	75.00	0.00	\$0.00	79	\$4,360.80
Base Bid	26	2545.602 ADJUST HANDHOLE (EACH)	\$260.00	1.00	0.00	\$0.00		\$0.00
Base Bid	27	2545.503 2" NON-METALLIC CONDUIT (LIN FT)	\$38.90	158.00	0.00	\$0.00	158	\$6,146.20
Base Bid	28	2545.502 LIGHT FOUNDATION DESIGN E (EACH)	\$25.88	1.00	0.00	\$0.00		\$0.00
Base Bid	29	2545.502 LIGHT FOUNDATION DESIGN E MODIFIED (EACH)	\$3,350.00	2.00	0.00	\$0.00	2	\$6,700.00
Base Bid	30	2545.502 LIGHT UNIT TYPE SPECIAL (EACH)	\$7,300.00	2.00	0.00	\$0.00	2	\$14,600.00
Base Bid	31	2545.602 INSTALL LIGHTING UNIT (EACH)	\$1,230.00	1.00	0.00	\$0.00		\$0.00
Base Bid	32	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$2,900.00	0.94	0.00	\$0.00	0.94	\$2,726.00
Base Bid	33	2573.502 STORM DRAIN INLET PROTECTION (EACH)	\$75.00	5.00	0.00	\$0.00		\$0.00
Base Bid	34	2574.507 COMMON TOPSOIL BORROW (CU YD)	\$40.00	43.00	0.00	\$0.00	30	\$1,200.00
Base Bid	35	2575.501 TURF ESTABLISHMENT (LUMP SUM)	\$5,200.00	1.00	0.00	\$0.00	1	\$5,200.00
Base Bid	36	2582.503 4" SOLID LINE PAINT (LIN FT)	\$1.01	1,436.00	0.00	\$0.00	1,327	\$1,340.27

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**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	37	2582.503 6" SOLID LINE PAINT (LIN FT)	\$2.40	64.00	0.00	\$0.00	68	\$163.20
Base Bid	38	2582.518 PAVEMENT MESSAGE PAINT (SQ FT)	\$18.06	11.00	0.00	\$0.00	42	\$758.52
Base Bid	39	2104.503 SAWING BITUMINOUS PAVEMENT (FULL DEPTH) (LIN FT)	\$5.00	48.00	0.00	\$0.00	40	\$200.00
Base Bid	41	2112.604 SUBGRADE PREPARATION (SQ YD)	\$3.02	476.00	0.00	\$0.00	492	\$1,485.84
Base Bid	42	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$25.80	50.00	0.00	\$0.00	70	\$1,806.00
Base Bid	43	2360.509 TYPE SP 12.5 WEARING COURSE MIX (2,C) (TON)	\$142.34	81.00	0.00	\$0.00	90.6	\$12,896.00
Base Bid	44	2506.502 ADJUST CASTING (EACH)	\$1,000.00	1.00	0.00	\$0.00	1	\$1,000.00
Base Bid	45	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$2,900.00	0.06	0.00	\$0.00	0.06	\$174.00
Base Bid	46	2582.503 6" SOLID LINE PAINT (LIN FT)	\$2.40	67.00	0.00	\$0.00	65	\$156.00
Alternate 1	47	2101.501 CLEARING AND GRUBBING (LS)	\$1,700.00	1.00	0.00	\$0.00	1	\$1,700.00
Alternate 1	48	2104.503 REMOVE CURB AND GUTTER (LIN FT)	\$4.00	881.00	0.00	\$0.00	1,026	\$4,104.00
Alternate 1	49	2104.503 REMOVE WOOD EDGER (LIN FT)	\$3.00	220.00	0.00	\$0.00	220	\$660.00
Alternate 1	50	2104.503 REMOVE CONCRETE CURB (LIN FT)	\$4.50	199.00	0.00	\$0.00	199	\$895.50
Alternate 1	51	2104.504 REMOVE BITUMINOUS PAVEMENT (ALTERNATE) (SQ YD)	\$4.00	2,965.00	0.00	\$0.00	3,095	\$12,380.00
Alternate 1	52	2104.504 REMOVE CONCRETE DRIVEWAY PAVEMENT (SQ YD)	\$12.00	46.00	0.00	\$0.00	46	\$552.00
Alternate 1	53	2104.518 REMOVE CONCRETE WALK (SQ FT)	\$1.00	2,057.00	0.00	\$0.00	2,038.1	\$2,038.10
<b>Base Bid Totals:</b>						<b>\$0.00</b>		<b>\$317,537.22</b>

**Project Category Totals**

Project	Category	Amount This Request	Amount To Date
CP 2022-08	Houston County	\$0.00	\$272,679.78
CP 2022-08	City of Caledonia	\$0.00	\$22,527.84
CP 2022-08	Alternate	\$0.00	\$22,329.60

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Contract Change Item Status										
Project	CC	CC#	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
CP 2022-08	BK	2	54	9037 Labor (LUMP SUM)	\$642.60	1.00	0.00	\$0.00	1.00	\$642.60
CP 2022-08	BK	2	55	9038 Material (LUMP SUM)	\$350.70	1.00	0.00	\$0.00	1.00	\$350.70
CP 2022-08	BK	2	56	9039 Equipment (LUMP SUM)	\$130.20	1.00	0.00	\$0.00	1.00	\$130.20
CP 2022-08	BK	3	57	9037 Labor (LUMP SUM)	\$2,781.45	1.00	0.00	\$0.00	1.00	\$2,781.45
CP 2022-08	BK	3	58	9038 Material (LUMP SUM)	\$1,853.25	1.00	0.00	\$0.00	1.00	\$1,853.25
CP 2022-08	BK	3	59	9039 Equipment (LUMP SUM)	\$195.30	1.00	0.00	\$0.00	1.00	\$195.30
CP 2022-08	BK	4	60	2575.609 LANDSCAPE ROCK (TON)	\$22.65	8.00	0.00	\$0.00	8.00	\$181.20
CP 2022-08	BK	4	61	9040 LANDSCAPE FABRIC (SY)	\$2.52	15.00	0.00	\$0.00	15.00	\$37.80
CP 2022-08	BK	4	62	9037 Labor (LUMP SUM)	\$440.00	1.00	0.00	\$0.00	1.00	\$440.00
CP 2022-08	BK	5	63	2105.507 SUBGRADE EXCAVATION (CU YD)	\$32.00	33.90	0.00	\$0.00	33.90	\$1,084.80
CP 2022-08	BK	5	64	2105.507 SUBGRADE EXCAVATION (CU YD)	\$32.00	22.80	0.00	\$0.00	22.80	\$729.60
<b>Contract Change Totals:</b>								<b>\$0.00</b>		<b>\$8,426.90</b>

<b>Contract Total</b>	<b>\$325,964.12</b>
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Contract Change Totals			
Number	Description	Amount This Request	Amount To Date
5	Subgrade Excavation. Performed for unstable base sections prior to surfacing; backfill material was provided for under the "Aggregate Base Class 5" pay item.	\$0.00	\$1,814.40
4	Landscape Rock. Landscape rock and fabric furnished and installed along the west side of the Courthouse building.	\$0.00	\$659.00
3	Concrete Retaining Wall. Price includes 5% markup for Subcontractor work as allowed in MnDOT 1904.4. Additional time for this work accounted for in the Weekly Construction Diary.	\$0.00	\$4,830.00
2	North Doorway Stoop and Threshold Reconstruction. Price includes 5% markup for Subcontractor work as allowed in MnDOT 1904.4. Additional time for this work was accounted for in the Weekly Construction Diary.	\$0.00	\$1,123.50
1	The Engineer has directed that the concrete curb and gutter along the west bound side of Washington St. be removed and replaced. This change has resulted in an overrun of 166 LF to the "Concrete Curb & Gutter" bid item. 2 additional working days have been added for this work.	\$0.00	\$0.00

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

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Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

**Contract Item Status by Funding Breakdown**

Funding Cat	Line	Item	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
City of Caledonia	7	2104.504 REMOVE BITUMINOUS PAVEMENT (SQ YD)	\$10.00	476.00	0.00	\$0.00	481.00	\$4,810.00
City of Caledonia	39	2104.503 SAWING BITUMINOUS PAVEMENT (FULL DEPTH) (LIN FT)	\$5.00	48.00	0.00	\$0.00	40.00	\$200.00
City of Caledonia	41	2112.604 SUBGRADE PREPARATION (SQ YD)	\$3.02	476.00	0.00	\$0.00	492.00	\$1,485.84
City of Caledonia	42	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$25.80	50.00	0.00	\$0.00	70.00	\$1,806.00
City of Caledonia	43	2360.509 TYPE SP 12.5 WEARING COURSE MIX (2,C) (TON)	\$142.34	81.00	0.00	\$0.00	90.60	\$12,896.00
City of Caledonia	44	2506.502 ADJUST CASTING (EACH)	\$1,000.00	1.00	0.00	\$0.00	1.00	\$1,000.00
City of Caledonia	45	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$2,900.00	0.06	0.00	\$0.00	0.06	\$174.00
City of Caledonia	46	2582.503 6" SOLID LINE PAINT (LIN FT)	\$2.40	67.00	0.00	\$0.00	65.00	\$156.00
City of Caledonia	63	2105.507 SUBGRADE EXCAVATION (CU YD)	\$32.00	33.90	0.00	\$0.00	33.90	\$1,084.80
Houston County	47	2101.501 CLEARING AND GRUBBING (LS)	\$1,700.00	1.00	0.00	\$0.00	1.00	\$1,700.00
Houston County	48	2104.503 REMOVE CURB AND GUTTER (LIN FT)	\$4.00	881.00	0.00	\$0.00	1,026.00	\$4,104.00
Houston County	49	2104.503 REMOVE WOOD EDGER (LIN FT)	\$3.00	220.00	0.00	\$0.00	220.00	\$660.00
Houston County	50	2104.503 REMOVE CONCRETE CURB (LIN FT)	\$4.50	199.00	0.00	\$0.00	199.00	\$895.50
Houston County	51	2104.504 REMOVE BITUMINOUS PAVEMENT (ALTERNATE) (SQ YD)	\$4.00	2,965.00	0.00	\$0.00	3,095.00	\$12,380.00
Houston County	52	2104.504 REMOVE CONCRETE DRIVEWAY PAVEMENT (SQ YD)	\$12.00	46.00	0.00	\$0.00	46.00	\$552.00
Houston County	53	2104.518 REMOVE CONCRETE WALK (SQ FT)	\$1.00	2,057.00	0.00	\$0.00	2,038.10	\$2,038.10
Houston County	1	2104.502 REMOVE CATCH BASIN (EACH)	\$400.00	3.00	0.00	\$0.00	3.00	\$1,200.00



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**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
Houston County	2	2104.502 REMOVE LIGHT FOUNDATION (EACH)	\$350.00	1.00	0.00	\$0.00	1.00	\$350.00
Houston County	3	2104.502 SALVAGE CASTING (EACH)	\$350.00	1.00	0.00	\$0.00	1.00	\$350.00
Houston County	4	2104.502 SALVAGE LIGHTING UNIT (EACH)	\$875.00	1.00	0.00	\$0.00	0.00	\$0.00
Houston County	5	2104.503 SAWING BITUMINOUS PAVEMENT (FULL DEPTH) (LIN FT)	\$5.00	183.00	0.00	\$0.00	353.50	\$1,767.50
Houston County	6	2104.503 REMOVE SEWER PIPE (STORM) (LIN FT)	\$25.00	55.00	0.00	\$0.00	56.00	\$1,400.00
Houston County	8	2105.607 COMMON EXCAVATION (CU YD)	\$32.00	80.00	0.00	\$0.00	80.00	\$2,560.00
Houston County	9	2112.604 SUBGRADE PREPARATION (SQ YD)	\$3.02	2,877.00	0.00	\$0.00	2,933.00	\$8,857.66
Houston County	10	2211.509 AGGREGATE BASE CLASS 5 (TON)	\$25.80	446.00	0.00	\$0.00	497.00	\$12,822.60
Houston County	11	2360.509 TYPE SP 12.5 WEARING COURSE MIX (2,C) (TON)	\$142.34	486.00	0.00	\$0.00	552.70	\$78,671.32
Houston County	12	2503.503 12" RC PIPE SEWER (LIN FT)	\$68.90	130.00	0.00	\$0.00	139.00	\$9,577.10
Houston County	13	2504.602 ADJUST VALVE BOX - WATER (EACH)	\$250.00	2.00	0.00	\$0.00	1.00	\$250.00
Houston County	14	2506.502 ADJUST CASTING (EACH)	\$1,000.00	1.00	0.00	\$0.00	0.00	\$0.00
Houston County	15	2506.502 CONSTRUCT DRAINAGE STRUCTURE TYPE 1 (EACH)	\$3,290.00	2.00	0.00	\$0.00	2.00	\$6,580.00
Houston County	16	2506.502 CONSTRUCT DRAINAGE STRUCTURE DESIGN SD-48 (EACH)	\$3,350.00	1.00	0.00	\$0.00	1.00	\$3,350.00
Houston County	17	2506.502 CONSTRUCT DRAINAGE STRUCTURE DESIGN H (EACH)	\$2,540.00	2.00	0.00	\$0.00	2.00	\$5,080.00
Houston County	18	2506.502 CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020 (EACH)	\$3,470.00	1.00	0.00	\$0.00	1.00	\$3,470.00
Houston County	19	2521.518 4" CONCRETE WALK (SQ FT)	\$6.20	1,225.00	0.00	\$0.00	813.80	\$5,045.56
Houston County	20	2521.518 INTEGRAL WALK AND CURB (SQ FT)	\$17.25	1,701.00	0.00	\$0.00	1,734.10	\$29,913.23
Houston County	21	2531.504 8" CONCRETE DRIVEWAY PAVEMENT (SQ YD)	\$108.10	35.00	0.00	\$0.00	34.70	\$3,751.07
Houston County	22	2521.618 CONCRETE WALK (ADA) (SQ FT)	\$8.74	429.00	0.00	\$0.00	997.20	\$8,715.53
Houston County	23	2531.604 8" CONCRETE VALLEY GUTTER (SQ YD)	\$121.90	28.00	0.00	\$0.00	27.80	\$3,388.82

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**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
Houston County	24	2531.603 CONCRETE CURB AND GUTTER (LIN FT)	\$39.10	910.00	0.00	\$0.00	1,084.00	\$42,384.40
Houston County	25	2531.618 TRUNCATED DOMES (SQ FT)	\$55.20	75.00	0.00	\$0.00	79.00	\$4,360.80
Houston County	26	2545.602 ADJUST HANDHOLE (EACH)	\$260.00	1.00	0.00	\$0.00	0.00	\$0.00
Houston County	27	2545.503 2" NON-METALLIC CONDUIT (LIN FT)	\$38.90	158.00	0.00	\$0.00	158.00	\$6,146.20
Houston County	28	2545.502 LIGHT FOUNDATION DESIGN E (EACH)	\$25.88	1.00	0.00	\$0.00	0.00	\$0.00
Houston County	29	2545.502 LIGHT FOUNDATION DESIGN E MODIFIED (EACH)	\$3,350.00	2.00	0.00	\$0.00	2.00	\$6,700.00
Houston County	30	2545.502 LIGHT UNIT TYPE SPECIAL (EACH)	\$7,300.00	2.00	0.00	\$0.00	2.00	\$14,600.00
Houston County	31	2545.602 INSTALL LIGHTING UNIT (EACH)	\$1,230.00	1.00	0.00	\$0.00	0.00	\$0.00
Houston County	32	2563.601 TRAFFIC CONTROL (LUMP SUM)	\$2,900.00	0.94	0.00	\$0.00	0.94	\$2,726.00
Houston County	33	2573.502 STORM DRAIN INLET PROTECTION (EACH)	\$75.00	5.00	0.00	\$0.00	0.00	\$0.00
Houston County	34	2574.507 COMMON TOPSOIL BORROW (CU YD)	\$40.00	43.00	0.00	\$0.00	30.00	\$1,200.00
Houston County	35	2575.501 TURF ESTABLISHMENT (LUMP SUM)	\$5,200.00	1.00	0.00	\$0.00	1.00	\$5,200.00
Houston County	36	2582.503 4" SOLID LINE PAINT (LIN FT)	\$1.01	1,436.00	0.00	\$0.00	1,327.00	\$1,340.27
Houston County	37	2582.503 6" SOLID LINE PAINT (LIN FT)	\$2.40	64.00	0.00	\$0.00	68.00	\$163.20
Houston County	38	2582.518 PAVEMENT MESSAGE PAINT (SQ FT)	\$18.06	11.00	0.00	\$0.00	42.00	\$758.52
Houston County	54	9037 Labor (LUMP SUM)	\$642.60	1.00	0.00	\$0.00	1.00	\$642.60
Houston County	55	9038 Material (LUMP SUM)	\$350.70	1.00	0.00	\$0.00	1.00	\$350.70
Houston County	56	9039 Equipment (LUMP SUM)	\$130.20	1.00	0.00	\$0.00	1.00	\$130.20
Houston County	57	9037 Labor (LUMP SUM)	\$2,781.45	1.00	0.00	\$0.00	1.00	\$2,781.45
Houston County	58	9038 Material (LUMP SUM)	\$1,853.25	1.00	0.00	\$0.00	1.00	\$1,853.25
Houston County	59	9039 Equipment (LUMP SUM)	\$195.30	1.00	0.00	\$0.00	1.00	\$195.30

Houston County Highway Department  
 1124 E Washington St, Caledonia, MN 55921  
 CP 2022-08 County Courthouse West Parking Lot  
 Final Payment No. 4

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
Houston County	60	2575.609 LANDSCAPE ROCK (TON)	\$22.65	8.00	0.00	\$0.00	8.00	\$181.20
Houston County	61	9040 LANDSCAPE FABRIC (SY)	\$2.52	15.00	0.00	\$0.00	15.00	\$37.80
Houston County	62	9037 Labor (LUMP SUM)	\$440.00	1.00	0.00	\$0.00	1.00	\$440.00
Houston County	64	2105.507 SUBGRADE EXCAVATION (CU YD)	\$32.00	22.80	0.00	\$0.00	22.80	\$729.60
<b>Totals:</b>						<b>\$0.00</b>		<b>\$325,964.12</b>



## Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

### Confirmation Summary

Confirmation Number:	1-134-428-512
Submitted Date and Time:	8-Nov-2023 9:52:08 AM
Legal Name:	ZENKE INC
Federal Employer ID:	41-1634612
User Who Submitted:	Terrieh
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

Affidavit Number:	1899974656
Minnesota ID:	2567145
Project Owner:	HOUSTON CTY DOT
Project Number:	CP-2022-08
Project Begin Date:	19-Jun-2023
Project End Date:	11-Aug-2023
Project Location:	HOUSTON CTY COURTHOUSE
Project Amount:	\$325,964.12

### Subcontractor Summary

Name	ID	Affidavit Number
MATHY CONSTRUCTION	8749839	620974080
FOWLER & HAMMER INC	9230307	705908736
WARNING LIGHTS	3086922	102322176
HOSKINS ELECTRIC INC	1866084	124604416

### 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](mailto:withholding.tax@state.mn.us). Business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. Central Time.

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:	0-632-208-992
Submitted Date and Time:	31-Oct-2023 10:47:57 AM
Legal Name:	MATHY CONSTRUCTION CO
Federal Employer ID:	39-0752519
User Who Submitted:	mathy1
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

Affidavit Number:	620974080
Minnesota ID:	8749839
Project Owner:	HOUSTON CTY
Project Number:	CP - 2022-08
Project Begin Date:	01-Aug-2023
Project End Date:	31-Aug-2023
Project Location:	HOUSTON CTY COURTHOUSE, HOUSTON MN
Project Amount:	\$98,837.23

### Subcontractor Summary

Name	ID	Affidavit Number
FAHRNER ASPHALT SEALERS LLC	8753003	1157844992

#### 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:	0-207-208-032
Submitted Date and Time:	31-Oct-2023 10:11:04 AM
Legal Name:	FAHRNER ASPHALT SEALERS LLC
Federal Employer ID:	11-3804531
User Who Submitted:	8753003
Type of Request Submitted:	Contractor Affidavit

#### Affidavit Summary

Affidavit Number:	1157844992
Minnesota ID:	8753003
Project Owner:	HOUSTON COUNTY
Project Number:	CP2022-08
Project Begin Date:	08-Aug-2023
Project End Date:	08-Aug-2023
Project Location:	HOUSTON COUNTY COURTHOUSE
Project Amount:	\$2,202.95
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:	0-930-709-856
Submitted Date and Time:	8-Nov-2023 9:05:59 AM
Legal Name:	FOWLER & HAMMER INC
Federal Employer ID:	39-1018263
User Who Submitted:	FowlerHammer
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

Affidavit Number:	705908736
Minnesota ID:	9230307
Project Owner:	HOUSTON COUNTY HWY SHOP
Project Number:	CP 2022-08
Project Begin Date:	16-Jun-2023
Project End Date:	07-Sep-2023
Project Location:	JCT OF E. WASHINGTON STREET & S KINSTON ST CALEDONIA MN
Project Amount:	\$96,859.71
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:	1-166-671-456
Submitted Date and Time:	7-Nov-2023 8:59:20 AM
Legal Name:	WARNING LITES OF MINNESOTA INC
Federal Employer ID:	36-4762529
User Who Submitted:	jjjewels
Type of Request Submitted:	Contractor Affidavit

### Affidavit Summary

Affidavit Number:	102322176
Minnesota ID:	3086922
Project Owner:	HOUSTON COUNTY
Project Number:	2022-08
Project Begin Date:	31-Jul-2023
Project End Date:	30-Sep-2023
Project Location:	HOUSTON CTY COURT HOUSE
Project Amount:	\$1,900.00
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](mailto:withholding.tax@state.mn.us). Business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. Central Time.

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

**From:** hoskinselec@acegroup.cc  
**Sent:** Tuesday, November 7, 2023 9:40 AM  
**To:** Terrie Haefs  
**Subject:** FW: Your Recent Contractor Affidavit Request

I think this should do it, let me know if there's anything else.

Thanks,

**William M. Hoskins**

**Hoskins Electric**

922 Industry Rd. J. Caledonia MN. | 55921  
Phone: 507-725-5207 | Cell: 507-273-6120  
email: [hoskinselec@acegroup.cc](mailto:hoskinselec@acegroup.cc)

**From:** MN Revenue e-Services <[eservices.mdor@state.mn.us](mailto:eservices.mdor@state.mn.us)>  
**Sent:** Tuesday, November 7, 2023 9:39 AM  
**To:** [hoskinselec@acegroup.cc](mailto:hoskinselec@acegroup.cc)  
**Subject:** Your Recent Contractor Affidavit Request

This email is an automated notification and is unable to receive replies.

**Contractor Affidavit Submitted**

Thank you, your Contractor Affidavit has been approved.

**Confirmation Summary**

Confirmation Number:	0-415-039-840
Submitted Date and Time:	7-Nov-2023 9:38:49 AM
Legal Name:	HOSKINS ELECTRIC INC
Federal Employer ID:	41-1798746
User Who Submitted:	HoskinsElec
Type of Request Submitted:	Contractor Affidavit

**Affidavit Summary**

<b>Affidavit Number:</b>	<b>124604416</b>
Minnesota ID:	1866084
Project Owner:	HOUSTON COUNTY
Project Number:	CP-2022-08
Project Begin Date:	01-Apr-2023
Project End Date:	01-Sep-2023
Project Location:	CALEDONIA MN
Project Amount:	\$27,662.50
Subcontractors:	No Subcontractors

**RESOLUTION NO. 23-45**

**FINAL ACCEPTANCE FOR CP 2022-08  
COURTHOUSE PARKING LOT**

**CONTRACT # 802 – ZENKE, INC**

**November 28, 2023**

WHEREAS, Contract No. 802 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, Polly Heberlein, Interim County Auditor/Treasurer do certify that the above is a true  
and correct copy of a resolution adopted by the Houston County Board of Commissioners at the  
session dated November 28, 2023.

WITNESS my hand and the seal of my office this 28th day of November 2023.

Signed by \_\_\_\_\_

Interim Houston County Auditor - Treasurer

# Houston County Agenda Request Form

**Date Submitted:** November 20, 2023

Board Date: November 28, 2023

**Person requesting appointment with County Board:** Brian Pogodzinski

**Issue:**

Wilmington Township intends on applying for the Local Road Improvement Program funding for the paving of Nine Oaks Drive and Nine Oakes Road. In order to apply, the County must agree to sponsor the application for the project.

**Attachments/Documentation for the Board's Review:**

## Houston County Resolution

**Justification:**

County sponsorship is required in order for Wilmington Township to apply for the project.

**Action Requested:**

**Approve Resolution of Support for and Agreement to Sponsor Wilmington Township for their Nine Oakes Road and Nine Oakes Drive paving project.**

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

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

**RESOLUTION NO. 23-46**

**RESOLUTION OF SUPPORT FOR AND AGREEMENT TO SPONSOR  
WILMINGTON TOWNSHIP'S PURSUIT OF 2023 LOCAL ROAD  
IMPROVEMENT PROGRAM FUNDING FOR THE NINE OAKS SUBDIVISION  
PAVING PROJECT**

WHEREAS, the Nine Oaks Subdivision Paving Project ("Project") includes Nine Oaks Dr and Nine Oaks Rd; and

WHEREAS, the Local Road Improvement Program (LRIP) administered by the Minnesota Department of Transportation makes available up to \$1,500,000 to apply towards projects on local roads that are regionally significant, result in safety improvements, address transportation deficiencies, and contribute to economic development; and

WHEREAS, the Nine Oaks Subdivision Paving Project is regionally significant, results in safety improvements, addresses transportation deficiencies, and contributes to economic development for the following reasons:

- 1) By providing direct access to TH 44 for local and commercial traffic,
- 2) By providing a paved surface with a 10-ton capacity,
- 3) By improving surface drainage; and
- 4) By expanding access to commercial and industrial properties

WHEREAS, the project would not be financially feasible for the Township without LRIP funding; and

WHEREAS, the Local Road Improvement Program (LRIP) requires a township, such as Wilmington, to have a county sponsor and the support of the County Board; and

WHEREAS, the proposed year for project construction is 2024.

NOW, THEN BE IT RESOLVED, that:

1. The County supports Wilmington Township's pursuit of LRIP funds for the construction of resurfacing of Nine Oaks Dr and Nine Oaks Rd.
2. The County agrees to sponsor Wilmington Township's Local Road Improvement Program application to MnDOT.

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

STATE OF MINNESOTA  
COUNTY OF HOUSTON

I, Polly Heberlein, Interim County Auditor/Treasurer, do certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners at the session dated November 28, 2023.

WITNESS my hand and the seal of my office this 28<sup>th</sup> day of November, 2023.

Signed by \_\_\_\_\_  
Interim Houston County Auditor-Treasurer

# Houston County Agenda Request Form

Date Submitted: November 20, 2023

Board Date: November 28, 2023

Person requesting appointment with County Board: Brian Pogodzinski

**Issue:**

Houston County desires to improve and reconstruct County State Aid Highway 20, located 2.5 miles south of the junction with MNTH 44, with grading, bridge replacement (No. 88431 Old)(No. 28J70 New), and aggregate base, identified as SAP 028-620-016.

The Houston County Highway Department and the Houston County Surveyor have prepared a Houston County Right of Way Plat Number 87 to identify and delineate the right of way within the State of Minnesota required for this project.

The County Board needs to execute and certify the plat map so the project can move forward.

**Attachments/Documentation for the Board's Review:**

Resolution 23-47 and Plat No. 87 are attached.

**Justification:**

**Action Requested:**

To approve resolution 23-47 and to authorize, execute and sign the Certification statement on Right of Way Plat No. 87.

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

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

RESOLUTION NO. 23-47

RESOLUTION TO APPROVE AND ACCEPT HOUSTON COUNTY RIGHT OF WAY  
PLAT NO. 87 FOR THE RECONSTRUCTION OF  
STATE AID PROJECT 028-620-016.

WHEREAS; Houston County desires to improve and reconstruct County State Aid Highway 20, Located 2.5 Miles South of the Junction with MNTH 44, with Grading, Bridge Replacement (No. 88431 Old)(No. 28J70 New), Aggregate Base, identified as SAP 028-620-016; and

WHEREAS; the Houston County Highway Department and the Houston County Surveyor have prepared Houston County Right of Way Plat Number 87 to identify and delineate the right of way within the State of Minnesota required for this project; and

NOW THEREFORE BE IT RESOLVED; that Houston County approves and accepts Houston County Right of Way Plat No. 87 as designating the definite location of that part of County State Aid Highway 4, located in Section 25, Township 103 North, Range 5 West, as presented on this date, November 28, 2023, and authorizes it to be filed of record with the Houston County Recorder.

BE IT FURTHER RESOLVED that Dewey Severson, Houston County Board of Commissioners Chairperson, is hereby authorized to execute and sign the Certification statement on said plat on behalf of Houston County.

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

STATE OF MINNESOTA

COUNTY OF HOUSTON

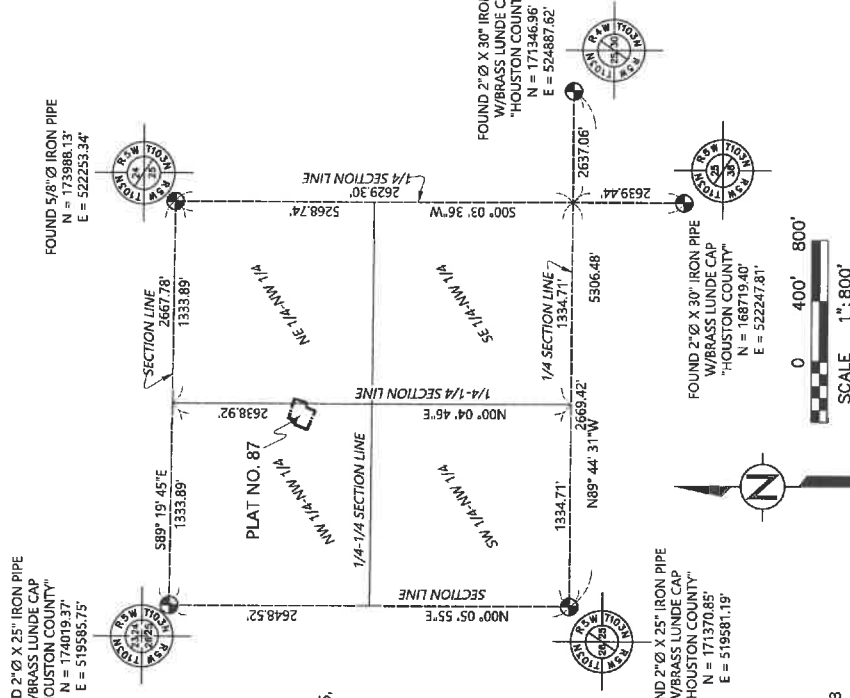
I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by Houston County at a duly authorized meeting thereof held on the 28<sup>th</sup> day of November 2023, as shown by the minutes of said meeting in my possession.

---

County Auditor



**SHEET 1 OF 2**



4. COORDINATES AND BEARINGS ARE BASED ON HOUSTON COUNTY NAD 83 (1996 ADJ.) COUNTY COORDINATE SYSTEM USING CONTROL STATION "MALAY"

PARCEL NO.	PROPERTY ID NO.	RECORDED OWNER	LOCATION BY 1/4-1/4 SECTION	TRANSFER DOCUMENT	EXIST ROW (Ac)	ROW EASEMENT WITHIN PROJECT LIMITS ③NEW ROW (Ac)	TOTAL ROW (Ac)
1.	14.0201.000	DOUCET DECEDENT'S TRUST	NW 1/4-NW 1/4 Sec. 25-T103N-R5W	#A283749	0.305	0.065	0.370
2.	14.0201.002	HOUSTON COUNTY	NW 1/4-NW 1/4 Sec. 25-T103N-R5W	#A266260	0.039	0.000	0.039
3.	14.0201.001	THOMAS A CARPENTER AND SARA E. CARPENTER	NW 1/4-NW 1/4 Sec. 25-T103N-R5W	#A178282	0.000	0.024	0.024
4.	14.0200.000	DEIDRE A. KRISTOFF-GOETTING	NE 1/4-NW 1/4 Sec. 25-T103N-R5W	#A237864	0.0002	0.038	0.038
				TOTAL ROW	0.344	0.127	0.471

# HOUSTON CO. RIGHT OF WAY PLAT NO. 87 COUNTY STATE AID HIGHWAY 20 S.A.P. NO. 028-620-016

FOUND 2"Ø X 25" IRON PIPE  
W/BRASS LUNDE CAP  
"HOUSTON COUNTY"  
N = 171370.85'  
E = 519581.19'

FOUND 2"Ø X 25" IRON PIPE  
W/BRASS LUNDE CAP  
"HOUSTON COUNTY"  
N = 174019.37'  
E = 519585.75'

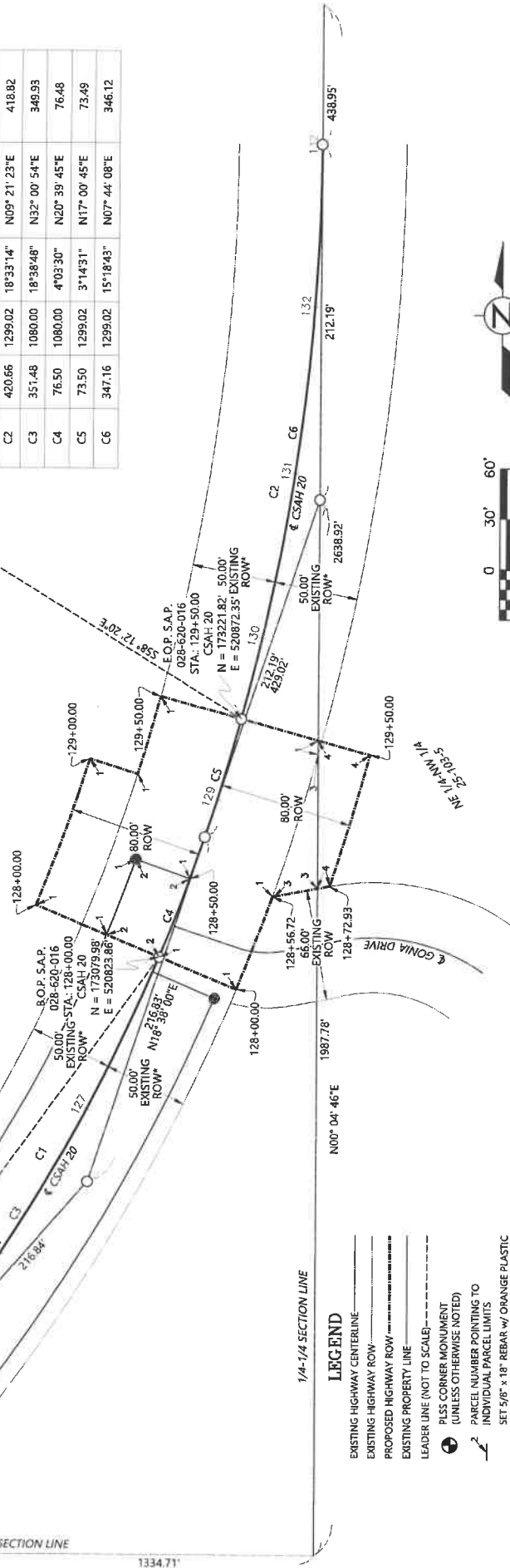
NW 1/4 NW 1/4  
25-103.5

N89° 44' 31" W  
1334.71'

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	427.98	1080.00	22° 42' 19"	N29° 59' 09" E	425.18
C2	420.66	1299.02	18° 33' 14"	N09° 21' 23" E	418.82
C3	351.48	1080.00	18° 38' 48"	N32° 00' 54" E	349.93
C4	76.50	1080.00	4° 03' 30"	N20° 39' 45" E	76.48
C5	73.50	1299.02	3° 14' 31"	N17° 00' 45" E	73.49
C6	347.16	1299.02	15° 18' 43"	N07° 44' 08" E	346.12

\*50.00' RIGHT OF WAY ESTABLISHED  
IN DOCUMENT #A9534, RECORDED  
FEBRUARY 27, 1962



1/4-1/4 SECTION LINE

1/4 SECTION LINE

- LEGEND**
- EXISTING HIGHWAY CENTERLINE
  - EXISTING HIGHWAY ROW
  - PROPOSED HIGHWAY ROW
  - EXISTING PROPERTY LINE
  - LEADER LINE (NOT TO SCALE)
  - PLSS CORNER MONUMENT (UNLESS OTHERWISE NOTED)
  - PARCEL NUMBER POINTING TO INDIVIDUAL PARCEL LIMITS
  - SET 5/8" x 18" REBAR w/ ORANGE PLASTIC CAP MARKING CORNER MONUMENTS PLACED NO LATER THAN 12 MONTHS AFTER COMPLETION OF CONSTRUCTION
  - FOUND 5/8" x 18" REBAR w/ YELLOW PLASTIC CAP PLS 16676



RESOLUTION NO. 23-47

RESOLUTION TO APPROVE AND ACCEPT HOUSTON COUNTY RIGHT OF  
WAY PLAT NO. 87 FOR THE RECONSTRUCTION OF  
STATE AID PROJECT 028-620-016.

WHEREAS; Houston County desires to improve and reconstruct County State Aid Highway 20, Located 2.5 Miles South of the Junction with MNTH 44, with Grading, Bridge Replacement (No. 88431 Old)(No. 28J70 New), Aggregate Base, identified as SAP 028-620-016; and

WHEREAS; the Houston County Highway Department and the Houston County Surveyor have prepared Houston County Right of Way Plat Number 87 to identify and delineate the right of way within the State of Minnesota required for this project; and

NOW THEREFORE BE IT RESOLVED; that Houston County approves and accepts Houston County Right of Way Plat No. 87 as designating the definite location of that part of County State Aid Highway 4, located in Section 25, Township 103 North, Range 5 West, as presented on this date, November 28, 2023, and authorizes it to be filed of record with the Houston County Recorder.

BE IT FURTHER RESOLVED that Dewey Severson, Houston County Board of Commissioners Chairperson, is hereby authorized to execute and sign the Certification statement on said plat on behalf of Houston County.

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

STATE OF MINNESOTA

COUNTY OF HOUSTON

I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by Houston County at a duly authorized meeting thereof held on the 28<sup>th</sup> day of November 2023, as shown by the minutes of said meeting in my possession.

---

County Auditor

# Houston County Agenda Request Form

Date Submitted: 11/22/2023

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:**

For Discussion: Consider pros & cons of exercising Public Health Authority regarding cannabis business registration in Houston County.

**Attachments/Documentation for the Board's Review:**

**Justification:**

**Action Requested:**

Discussion

## For County Use Only

<b><u>Reviewed by:</u></b>	<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>

**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 schedule appointments as appropriate.