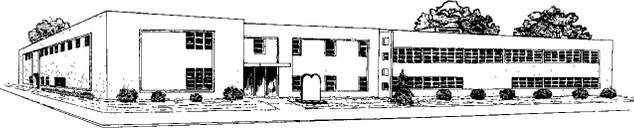


# MOWER COUNTY

AUSTIN, MINNESOTA

55912



## Minutes of the Mower County Board of Adjustment

Members Present: Don Olson and Merrill Chesebrough.

Members Absent: Bill Millbrath and Kenneth Trom

Others Present: Ron Oman, Ray Sayles, William Buckley, Daryl W. Franklin

The regular meeting of the Mower County Board of Adjustment was called to order by Acting Chair Don Olson on Wednesday, April 28, 1993, at 3:00 p.m. in the Conference Room of the Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota.

Minutes of the April 7, 1993, meeting were approved as mailed on a motion by Merrill Chesebrough and seconded by Don Olson. The motion passed unanimously.

Variance # 254 - Ron Oman, Petitioner and Owner, is requesting a variance for an additional non-farm dwelling per quarter-quarter section. The staff report was read. The Board of Adjustment referenced their on-site visit to the property. They stated that there was a very well defined farm site on the South side of the property where two non-farm homes are located. After some discussion, a motion was made by Merrill Chesebrough and seconded by Don Olson to approve the variance because: 1) the selling of one of the existing non-farm dwellings is in accordance with the spirit and intent of the ordinance because no agricultural land will be taken out of production; 2) it also consistent with the Comprehensive Plan in that no farm land will be taken out of production; 3) practical difficulties are shown because there are already two existing structures and there are legal and administrative difficulties. Motion passed unanimously.

Variance # 253 - Bill Buckley opened the discussion for Dean Sayles for a variance from Section 6-82 of the Mower County Code, to allow the petitioner to drill a cased and grouted Galena limestone well of an approximate depth of 300 - 400 feet. Staff report was presented. A letter from the Minnesota Department of Health was presented. Acting Chair Olson requested that we look at the State Statutes requirements for granting a variance. After some discussion, motion was made by Merrill Chesebrough, seconded by Don Olson to approve the well variance because: 1) the variance is in harmony with the spirit and intent of the ordinance because by following the standards of the State Health Department it will insure an adequate and safe supply of water; 2) the variance is consistent with the Comprehensive Plan because it will allow safe

access to water; 3) the practical difficulties are shown because going to the St. Peter Sandstone would not insure any better quality or quantity of water. The variance was approved with the 12 conditions of the State Department of Health and a 13th condition added that the well must be in conformance with Mower County nitrate standard.

1. The variance is valid only with the written approval of Mower County (County). Approval must be given prior to construction and in accordance with the Mower County Water Well Ordinance (Article VII). All conditions from the granted state approval must be included within the County's final variance decree.
2. The Galena formation at the well location must be overlain by the Cedar Valley, Maquoketa, and Dubuque formations.
3. The well must not be completed in the Cedar Valley, Maquoketa, or Dubuque formations.
4. The static water level in the completed well must be no lower than the elevation of the top of the Maquoketa formation.
5. The well must be cased and grouted a minimum of 15 feet into the Galena formation and at least 10 feet below the pumping level in the well.
6. The well must be constructed in an oversized hole which is at least 3.5 inches larger than the outer diameter of the casing. If couplings are used, the borehole must be at least 3.5 inches larger than the outer diameter of the couplings. The annular space around the casing must be filled with neat cement grout.
7. The well must be test pumped and the well water sampled prior to grouting. The water sample taken from the well must meet water quality standards for coliform bacteria (less than 1.0 organism/100 milliliter [ml] MF method or less than 2.2 organisms/100 ml MPN method) and nitrate nitrogen (less than 10.0 milligrams/liter [mg/l]). If the water quality in the Galena formation is unsatisfactory, the well must be cased and grouted into an underlying safe aquifer or be sealed in accordance with Minnesota Rules, Chapter 4725.

8. Water from this well must be tested annually for nitrate nitrogen for a period of three years. The results of these tests must be forwarded to: Minnesota Department of Health, Southeastern District Office, Campus Center Building, 2116 Campus Drive Southeast, Rochester, Minnesota, 55904-4744; and the Mower County Environmental Health Department.
9. Representative samples of drill cuttings must be collected for each 5-foot drilled interval. These samples must be collected in bags which will be sent to you under separate cover. The Minnesota Geological Survey (MGS) will pick up the sample bags.
10. The MGS (612/627-4788) must be contacted after the borehole is drilled so that a gamma log of the well may be obtained. The gamma log and cuttings will be used to produce a map of the depth to the Galena limestone. If it is determined, through analysis of the gamma log and cuttings, that the borehole has not been extended through the Cedar Valley, Maquoketa, and Dubuque formations, the contractor will be required to extend the oversized hole and casing at least 15 feet into the Galena formation.
11. The Minnesota Department of Health Southeastern District Office (MDH) and the County must be notified at least 24 hours prior to construction of the well.
12. The well shall be constructed in accordance with all other provisions of Minnesota Rules, Chapter 4725.

An additional condition was added by the Board of Adjustment:

13. The nitrate-nitrogen concentration of the finished well shall be less than 5 mg/l as required by County Ordinance.

Motion passed unanimously.

There being no further business, the meeting adjourned at 3:26 p.m. on a motion by Merrill Chesebrough, seconded by Don Olson. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin