

# MOWER COUNTY

## AUSTIN, MINNESOTA

55912



### Minutes of the Mower County Board of Adjustment

Members Present: Bill Millbrath, Joan Roe, Kenneth Trom.

Members Absent: Don Olson.

Others Present: Francis Guiney (Red Rock Township), Kim Underwood, Doug Thompson (Lansing Township), Daryl W. Franklin.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Ken Trom on Wednesday, October 27, 1993, at 1:30 p.m. in the Conference Room of the Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota.

Minutes of the September 26, 1993, meeting were approved as mailed on a motion by Joan Roe and seconded by Bill Millbrath. The motion passed unanimously.

**Variance #256 - Frank Mayzlik** - Ken Trom called for information on the variance. It was explained that through an administrative oversight, two dates were sent to the Mayzlik's. One for the 27th and one for the 28th. They were unable to make the meeting. In a conference call to Judith Schwartz, she explained some of the concerns that they had on the variance. They discussed the situation. Ms. Schwartz said that they would like to get this resolved as soon as possible. They had a concern on the two options that were presented. One of the options was that the Mayzlik's would be required to gain the additional 33 feet of right-of-way and give it to the township then find out how much money would be necessary to escrow for the development of the road before the township took it over. The second option would be to deny the variance because it was not consistent with the Comprehensive Plan. After some discussion, a motion was made by Joan Roe, seconded by Bill Millbrath, to continue the hearing until the next meeting. The motion passed unanimously.

Variance #259 - Jack & Kim Underwood - A variance has been requested 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 350 feet. Staff report was presented. A letter from the Minnesota Department of Health was presented. Chair Trom requested that we look at the State Statutes requirements for granting a variance. After some discussion, a motion was made by Bill Millbrath, seconded by Joan Roe, 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 following 11 conditions of the State Department of Health and a 12th condition added that the well must be in conformance with the 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 static water level in the completed well must be no lower than the elevation of the top of the Maquoketa formation.
4. The well must be cased and grouted to a minimum depth of 230 feet and must be at least 20 feet below the static water level in the well. If the gamma-log and geological cutting samples, analyzed by the Minnesota Geological Survey (MGS), indicate that the top of the Galena formation is at a shallower depth than the required minimum depth given in this condition, the well can be cased and grouted to a depth not less than 10 feet into the Galena formation.
5. The well must be constructed in a bore hole which is at least 3-1/4 inches larger than the outer diameter of the casing. If couplings are used, the bore hole must be at least 3-1/4 inches larger than the outer diameter of the couplings. The annular space around the casing must be filled with neat cement grout.

6. 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). 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.
7. 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.
8. 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 bagged drill cuttings.
9. The MGS (612/627-4788) must be contacted after the bore hole 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.
10. Mr. Chris De Mattos or Mr. Peter Zimmerman at the MDH (507/285-7289) and the County must be notified at least 24 hours prior to the construction of the well.
11. The well shall be constructed in accordance with all other provisions of Minnesota Rules, Chapter 4725.
12. 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 2:58 p.m. on a motion by Joan Roe, seconded by Bill Millbrath. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin