



# MOWER COUNTY

AUSTIN, MINNESOTA

55912

## Minutes of the Mower County Board of Adjustment

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

Members Absent: None.

Others Present: Bob Balgeman, Don & Dolly Johnson, Ken Winkels, Stan Durben, Don Durben, Bill Buckley, Daryl Franklin.

The special meeting of the Mower County Board of Adjustment was called to order by Chair Ken Trom on Wednesday, May 18, 1994, at 3:20 p.m. in the Conference Room of the Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota.

Minutes of the April 27, 1994, meeting were approved as mailed on a motion by Bill Millbrath, seconded by Joan Roe. The motion passed unanimously.

**Variance #265 - Robert & Harlan Balgeman** - Variance from the 40 foot setback from a township road right-of-way staff report was presented. Reference was made to the on-site inspection conducted on May 18, 1994. The property is located in section 25, Lyle Township. Don Olson stated concern over granting a 23 foot variance. The Johnson's were not concerned about the variance but that they thought the facility might have a lagoon. Mr. Balgeman stated that to move the building to the north would create a problem by having to move his drive and cut down some trees in a grove. Mr. Balgeman stated that the township road has limited usage and he would like to use his existing driveway. In order to grant a variance, the Board of Adjustment must find:

- 1.) That the variance is in harmony with the spirit and intent of the Ordinance?
- 2.) The variance is consistent with the Comprehensive Plan?
- 3.) Are practical difficulties or particular hardships shown?

After some discussion, a motion was made by Bill Millbrath, seconded by Don Olson, to deny the variance because (1) the variance is not in harmony with the spirit and intent of the ordinance which seeks orderly setbacks, (2) the variance is not consistent with the Comprehensive Plan for the reasons stated before, (3) there are no practical difficulties and particular hardships shown because the building could be placed to the north and would not necessitate the granting of a variance. The motion passed unanimously.

**Variance #266 - Donald Durben/William Rugg** - Variance for an additional non-farm dwelling per quarter quarter. Reference was made to the on-site inspection conducted on May 18, 1994. Staff report was presented. After some discussion, a motion was made by Don Olson, seconded by Joan Roe, to approve the variance because (1) the variance is in harmony with the spirit and intent of the ordinance because the property will be rezoned and developed for commercial use (2) the variance is consistent with the Comprehensive Plan because of the commercial development will be contained in one area, (3) there are practical difficulties and particular hardships shown because the rezoning is being requested for commercial and residential development; the variance be approved with the following conditions:

1. The residential use be connected to commercial enterprise.
2. The variance is subject to the rezoning of the property.

The motion passed unanimously.

**Variance #264 - Kenneth Winkels** - Variance from Section 6-82 of the Mower County Well Code to allow the petitioner to drill a cased and grouted Galena limestone well. Staff report was presented. A letter of approval from the Minnesota Department of Health was discussed. After some discussion, a motion was made by Don Olson, seconded by Joan Roe, to approve the 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 for the reasons stated above; (3) there are practical difficulties and particular hardships 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 Minnesota Department of Health and a 12th condition added that the well must be 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 shall be included within the final variance decree of Mower County.
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 270 feet and 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 3.25 inches larger than the outer diameter of the casing. If couplings are used, the bore hole must be at least 3.25 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 shall 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.
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 (MDH), Southeastern District Office, Campus Center Building, 2116 Campus Drive SE, Rochester, Minnesota, 55904-4744; and the Mower County Environmental Health Department.
8. Representative samples of drill cuttings shall be collected for each 5-foot drilled interval. These samples shall be collected in bags which will be sent to the well contractor under separate cover. The MGS will pick up the bagged drill cuttings.
9. The MGS shall be contacted at 612/627-4788 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 (507/437-9527) shall be notified at least 24 hours prior to construction of the well.
11. The well must 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.

The motion passes unanimously.

A letter was presented to the Board of Adjustment concerning a variance well for Paul Meany. Bill Buckley explained that the farmer needs the water for his livestock and requested that the Board allow him to start the drilling process as soon as he receives approval from the Minnesota Department of Health and agrees to the 12th condition that the County adds. This variance would be considered then at the next regular meeting of the Board of Adjustment. A motion was made by Bill Millbrath, seconded by Don Olson, to allow this variance well to be drilled after approval from MDH and to be considered at the next meeting. The motion passed unanimously.

The Board of Adjustment members requested that the staff prepare a policy which could be considered at the next meeting relating to emergency well situations.

There being no further business, the meeting adjourned at 4:25 p.m. on a motion by Don Olson, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Daryl W. Franklin". The signature is written in a cursive, somewhat stylized script.

Daryl W. Franklin