



# MOWER COUNTY

AUSTIN, MINNESOTA

55912

## Minutes of the Mower County Board of Adjustment

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

Members Absent: Kenneth Trom.

Others Present: Paul Meany, Jim Dodd, Doug Thompson, Jason Korphage, Bill Buckley, Daryl Franklin.

The meeting of the Mower County Board of Adjustment was called to order by Acting-Chair Don Olson on Wednesday, June 29, 1994, at 2:30 p.m. in the Conference Room of the Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota.

Minutes of the May 18, 1994, meeting were approved as mailed on a motion by Bill Millbrath, seconded by Joan Roe. The motion passed unanimously.

**Variance #267 - James Dodd** - Variance for (1) an additional non-farm dwelling per quarter quarter, (2) 59 foot frontage instead of the 125 foot requirement and (3) 15 foot setback from the right-of-way instead of the 40 foot requirement, in Section 5, Austin Township. The Board of Adjustment visited the site prior to the meeting on this date. Staff report was presented. It was explained that the parcel is unique considering the access to the township road on the west and the access to the limited maintenance township road on the east. Neighbors Bert Bridgeman and Lloyd Larson were present to explain their concerns on the variance. 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 Joan Roe, to combine requested item 1 & 2 into one variance and to have item 3 variance separate. The motion passed unanimously. A motion was made by Joan Roe, seconded by Bill Millbrath, to approve the variance for the additional non-farm dwelling per quarter quarter and the 59 foot frontage variance from the 125 foot frontage requirement because (1) the variance is in harmony with the spirit and intent of the ordinance because of the unique configuration of the lot and surrounding residential development, (2) the variance is consistent with the Comprehensive Plan for the reasons stated before, (3) there are practical difficulties and particular hardships shown because of the configuration of the parcel. The variance was approved with the condition that no building or structures shall be placed in the west 66' x 210' area of the parcel. The motion passed unanimously. A motion was made by Joan Roe, seconded by Bill Millbrath, to deny the third variance for a 15 foot setback from the 40 foot

setback because it is not in the spirit and intent of the ordinance. The motion passed unanimously.

**Variance #268 - Paul Meany/Morrison Well Drilling** - 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. Don Olson explained that at the last meeting there was an emergency and livestock needed the water so permission was granted to proceed with the well and that the variance would be considered at this meeting. It was discovered that this is a new facility and not an existing facility that needed water. After some discussion, a motion was made by Joan Roe, seconded by Bill Millbrath, 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 Spillville, 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 380 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.

**Variance #269 - Jason Korphage/Born Well Drilling** - 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 Bill Millbrath, 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 Spillville, 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 184 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.

The Board of Adjustment members discussed future emergency well situations. The following procedure for future emergency variance well requests was approved and a motion was made by Joan Roe, seconded by Bill Millbrath, to adopt the procedure for future emergency well requests:

1. Staff would be notified verbally by the well driller or well owner to be followed up

with a written request.

2. Staff would notify a minimum of two members of the Board of Adjustment. A minimum of two members of the Board of Adjustment would visit the proposed well site and site of the emergency to determine if an emergency actually exists.
3. After concurrence that an emergency exists, staff would be allowed to issue the permit to construct after receiving the State variance letter. A motion allowing the same would be made at the next regular meeting of the Board of Adjustment. The variance would then be acted on as scheduled before the Board of Adjustment.

The motion passed unanimously.

There being no further business, the meeting adjourned at 4:08 p.m. on a motion by Joan Roe, seconded by Bill Millbrath. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin