

*Mower County*  
*1105-1/2 NE 8th Avenue*  
*Austin, MN 55912*

507/437-9527

Fax 507/437-9582

**Minutes of the Mower County Board of Adjustment**

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

Members Absent: None.

Others Present: Jim Silbaugh, William Buckley, Daryl Franklin.

The special meeting of the Mower County Board of Adjustment was called to order by Chair Ken Trom on Wednesday, October 12, 1994, 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 August 31, 1994, meeting were approved as mailed on a motion by Don Olson, seconded by Bill Millbrath. The motion passed unanimously.

There was a deviation from the agenda to do the Silbaugh variance first.

**Variance #280 - James Silbaugh** - Variance from the Mower County Sewage Disposal Ordinance (Chapter 11) section 11-1, Appendix A, Section F, to pump the septage to a manure handling facility as an alternative to a standard drainfield in Section 13 of Lyle Township. Staff report was presented. 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 approve the variance for the holding tank because (1) the variance is in harmony with the spirit and intent of the ordinance because land application is an acceptable means of disposal, (2) the variance is consistent with the Comprehensive Plan because alternative systems are acceptable under MPCA and County Standards, (3) there are practical difficulties and particular hardships shown because of the high water table in the area and the additional cost of a mound as a standard on-site sewer system with the following conditions:

1. An alarm system will be installed in the holding tank showing pump failure.
2. There should be a minimum of 24 hours reserve capacity in the pump station.
3. Unless a solids handling pump is used the septic tank must be pumped and septage hauled whenever the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle.
4. The co-mixed waste will be land spread in accordance with all applicable Federal, State and County regulations.
5. The manure/septage handling facility will be pumped and hauled as required to prevent overflow.
6. Overflow of the manure and septage handling facility will void this variance resulting in the installation of a standard system (mound).

The motion passed unanimously.

**Variance #277 - MN Dept. of Natural Resources & Their Well Co. -**

Variance from Section 6-82 of the Mower County Well Code to allow the petitioner to reconstruct the existing well by grouting it into the Galena limestone to try to make it a potable well in Lake Louise State Park in Section 28, LeRoy Township. 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 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 conditions 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 the current St. Peter Sandstone well does not provide an adequate supply of potable water. The variance was approved with the following 11 conditions of the Minnesota Department of Health :

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 county's final variance decree June 29, 1994.
2. The bore hole must be cleaned out to the top of the St. Peter sandstone. This is estimated to be at a depth of 720 feet.
3. The Minnesota Geological Survey (MGS) must be contacted at 612/627-4788 after the bore hole is cleaned out to a minimum depth of 720 feet so that a gamma log of the well may be obtained. The gamma log will be used to verify the location of

the Galena limestone, the location of the Glenwood and Decorah confining units, and the location of the bottom of the 5-inch casing.

4. The 5-inch casing must be removed, ripped, or perforated as required by Minnesota Rules, Chapter 4725, from the top of the St. Peter sandstone to 10 feet above the top of the Decorah formation. If the reconstruction attempt fails and the well is to be permanently sealed, the entire length of 5-inch casing must be removed, ripped, or perforated in accordance with Minnesota Rules, part 4725.3850.
5. If an insufficient quantity of water is available from the well and the 6-inch grouted casing will be perforated to acquire more water, the 6-inch grouted casing must not be perforated above a depth corresponding to 10 feet below the top of the Galena formation. The depth is estimated to be approximately 300 feet. The exact depth will be available after the well is gamma logged by the MGS.
6. The Galena formation at the well location must be overlain by the Spillville, Maquoketa, and Dubuque formations.
7. The static water level in the reconstructed well must be no lower than the elevation of the top of the Maquoketa formation.
8. The well shall be test pumped and the well water sampled. 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 sealed in accordance with Minnesota Rules, Chapter 4725.
9. Water from this well shall be tested annually for nitrate nitrogen for a period of three years. The results of these tests must be forwarded to the Minnesota Department of Health (MDH), Southeastern District Office, Campus Center Building, 2116 Campus Drive, Southeast, Rochester, Minnesota 55904-4744, and the Mower County Environmental Health Department.
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.

The motion passed unanimously.

**Variance #278 - Al Knudson & Thein Well Co.** - 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. Reference was made that this was an emergency well. Bill Buckley accompanied Board of Adjustment members Joan Roe and Don Olson to the site prior to granting an emergency variance for drilling. 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 conditions 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. 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 county's final variance decree.
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 290 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 in the rock portion of the well.
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 must 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 (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 (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.

An additional condition was stated by the Board of Adjustment:

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

The motion passed unanimously.

**Variance #279 - Marion Grass & Thein Well Co.** - 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.

Reference was made that this was an emergency well. Bill Buckley accompanied Board of Adjustment members Joan Roe and Don Olson to the site prior to granting an emergency variance for drilling. 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 conditions 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. 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 county's final variance decree.
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 340 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 in the rock portion of the well.
  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 must 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 (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 (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.

An additional condition was stated by the Board of Adjustment:

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

The motion passed unanimously.

**Other Business** - A letter regarding the Daniel & Kathleen Blanchard property was discussed by the Board of Adjustment. The Board felt that this was a reasonable approach to follow in this type of situation.

There being no further business, the meeting adjourned at 2:35 p.m. on a motion by Don Olson, seconded by Joan Roe. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin