

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Gary Braaten, Don Olson.

Members Absent: Bill Milbrath, Joan Roe.

Others Present: Citizens, Daryl Franklin.

The regular meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, June 26, 1996, at 2:40 p.m. in the County Office's, Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the May 29, 1996, meeting were approved as mailed on a motion by Gary Braaten, seconded by Don Olson. The motion passed unanimously.

Chair Olson stated that there would be a deviation from the agenda to take Variance #303 first.

Variance #303 - Morrison Well Co. & Brian Dolan. Variance from Section 6-82 of the Mower County Well Code to allow the petitioner to drill a cased and grouted Galena limestone well in Section 23 of Lansing 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 Gary Braaten, seconded by Don Olson, 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:

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 200 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 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 must 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 determine 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 the construction of the well.
11. The well must be constructed in accordance with all other provisions of Minnesota Rules, Chapter 4725.

One 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 Mower County Ordinance.

The motion passed unanimously.

Variance #302 - Eugene Reed. Variance from Section 14-50(h) of the Mower County Zoning Ordinance for an additional non-farm dwelling on agricultural land (two sites) in Section 19 of Racine Township. Staff report was presented. Reference was made to the on-site conducted by the Board of Adjustment today at 1:45 p.m. Mike Reed represented Eugene Reed at the meeting and he explained the proposal. He stated that they had no specific sale but wanted the variance for possible future sale. A letter from Racine Township was presented stating the Township's opposition to the variance because of the high CER of the property and the feedlots in the area. Bill Harnack, a feedlot owner east of the site, expressed concern about the feedlots being close to the property. Dave Geerdes stated that he had feedlots and dryers running all the time and he was concerned about how a non-farm dwelling may affect his farming operation. Bruce Bucknell, representing Racine Township, stated that the Township was concerned about the high CER of the land and that it should remain farm land. Don Olson and Gary Braaten discussed the Ordinance that was in effect at the time of the

application. After some discussion, a motion was made by Gary Braaten, seconded by Don Olson, to deny the variance because (1) the variance is not in harmony with the spirit and intent of the ordinance because the land has been tilled in the past five years and has a CER greater than 60, (2) the variance is not consistent with the Comprehensive Plan because the Comprehensive Plan discusses the value of the preservation of Agricultural land. The motion passed unanimously.

There being no further business, the meeting adjourned at 3:20 p.m. on a motion by Gary Braaten, seconded by Don Olson. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin