



**Mississippi Headwaters Board  
Meeting Agenda  
Cass County Board Room Walker, MN**

<https://us02web.zoom.us/j/81713984717>

**September 23, 2022  
10:00 am**

**10:00 AM**

- Call to Order/Pledge of Allegiance

**10:05 AM Approve/Amend**

- Agenda
- Consent Agenda – July '22 Minutes & July/August Expenses

**Correspondence**

- September Press Release
- Stauber press release for Lake Winnie bill statement
- BWSR Camp Ripley press release

**Planning and Zoning (Actions)**

- M9a22- Khris Sundvahl/Johnson variance

**Action / Discussion Items:**

- DNR Conservation Focus area presentation- James Wanstall
- Recreation Webpage Update and Display Update
- Executive Directors report- Discussion

**Misc:** ☼ Legislature Update (if any) ☼ County Updates

**Meeting Adjourned - Thank you**

**Mtgs: October 28, 2022 9:00 AM- Cass County Courthouse, Walker, MN**

**Attachment**

Draft Minutes

Monthly Expenses

Mississippi Headwaters Board  
July 22, 2022  
Cass County Board Room  
322 Laurel St.  
Brainerd, MN

Optional interactive technology: <https://us02web.zoom.us/j/81989309950>

MEETING  
MINUTES

Members present by Roll Call: Scott Bruns (Cass), Craig Gaasvig (Beltrami), Davin Tinquist (Itasca interactive), Ted VanKempen (Hubbard), Dean Newland (Clearwater), Mike Wilson (Morrison), and Tim Terrill (Executive Director).

Others Present: Jacob Frie and Nicole Hausmann (Crow Wing County Environmental Services)

Pledge of Allegiance

Chair Van Kempen asked if there were any additions to the agenda. **M/S (Wilson/Newland) to approve of the agenda. Motion carried unanimously.**

**M/S (Gaasvig/Wilson) to approve of the Consent agenda by roll call. Motion carried unanimously.**

### Correspondence

Tim noted that the article was sent out on 7/1/22 to all the county newspapers, and stated that it talked about the MHB approving of the Crow Wing County zoning ordinance. He stated that the article demonstrates that this action produces consistency across the first 400 miles.

Tim showed the board a copy of the letter sent by Sen. Carrie Ruud to DNR Commissioner Strommen discussing the Sheep Ranch parcels being removed from the DNR appraisal process. He stated that the language is similar to what will be discussed later on in the agenda in a letter of support from the MHB to Commissioner Strommen.

### Planning and Zoning

**CW7a22 Magnus Variance-** Tim provided the board with a brief overview of the variance approved by Crow Wing county and then introduced Environmental Services director Jacob Frie to discuss it in more detail. Mr. Frie provided the decision of the Board of Adjustment to the MHB board to approve of the dirt moving in the bluff to enable removal of failing retaining walls on the property and replace them with new ones with an SWCD plan that addresses erosion control, restoration, and specific vegetation for bluff stabilization. The Chair asked if there were any questions and Comm. Wilson asked a question concerning process and why the MHB does or does not approve of the deck or patio that is mentioned in the variance. Tim explained that our MHB Comprehensive Plan addresses these issues, but the after-the-fact variances were not passed by the CW Board of Adjustment, so there is no need to certify something that was not passed locally. **M/S (Wilson/Newland) to certify the Magnus dirt moving Variance. Motion carried unanimously.**

## **Action/Discussion:**

MHB Letter of Support to Comm. Strommen- Tim provided context to the support letter to remove the Sheep Ranch parcels from the DNR statewide appraisal process. He said the language is similar to what was written by Sen. Ruud. The Chair said that Hubbard county approved and sent a letter of support to Comm. Strommen as well on Tuesday. He further noted that while the board is not in favor of more DNR ownership because it takes away funding from the tax base, he said that it makes sense for DNR ownership because of the layout of the public land adjacent to it. Comm. Van Kempen also said that there are some small forested parcels that he believes will be suited for private ownership, but the county might consider them if they are not sold to private individuals. **M/S (Van Kempen/Gaasvig) to approve the Letter of Support. Motion carried unanimously.**

Resource retention surveys- Tim reviewed the surveys conducted at the resource retention events in Itasca and Aitkin. Some of the highlights were that most people learned about the event through social media or word of mouth, and most of the people attending were new people.

## **Executive Directors Report**

1. Tim said that he attended a park and rec meeting in Baxter where almost 880 acres are available to look at developing a recreational area. The purpose is to develop a plan so that grants can be attained to do feasibility studies and implement the project. Tim noted that a bike route was planned and contributed to the conversation by asking the city to also look at the proposed bike route on an area photo with a topography and wetlands layer so that it can be quickly determined if the route is even remotely feasible from a desktop analysis. That will add credibility to your grant application.
2. Tim attended an NCCR meeting and informed the attendees on the MHB boards conversation with Comm. Strommen. Attendees stated that they were pleased that the MHB and Sen. Ruud sent a letter of support because it gives awareness and recognition at a political level.
3. Held a conversation with Dave Schotzko from NE DNR region parks and rec to discuss signage at two different stretches of the Miss. river. Tim said that there is a temporary hold on signage requests in the DNR NE region to check with consistency in other parts of the state. Tim stated that he modified his request to allow for now digging in the area so it will not trigger an archaeological study which will take more time and expense to complete.
4. Tim gave a brief summary about the Bowen Lodge land exchange and said that Bill Heig hired the Western Land Group to help with the land exchange process. Tim has been having meeting with them and Stauber's office to determine a strategy moving forward.

## **County or Legislative Updates**

Comm. Gaasvig stated that he talked with his land commissioner about another Miss. river high banks project where erosion issues are threatening the Mississippi river and thought it might be a potential candidate for funding in the future.

**M/S (Wilson/Newland) to adjourn. Motion carried unanimously.**

## August SFY'23 Budget Summary

		YTD spending/rei mbursement	Projected Budget	% of budget spent	
<b>Revenues:</b>	<b>Monthly Amount</b>				<b>Notes</b>
Governor's DNR grant (53290)		\$34,855.23	\$124,000.00	28.11%	non competitive quarterly reimbursement
LSOHC grant (53290)		\$2,819.86	\$9,000.00	31.33%	LSOHC reimbursement
Guidebook sales (58400)			\$200.00	0.00%	reimbursment for Guidebook sales
Enbridge program (58300)			\$12,000.00	0.00%	enbridge reimbursement
Miscell. Other revenue (58300)			\$3,600.00	0.00%	AIS reimbursement
MCIT Dividend (58300)	\$83.00		\$83.00	0.00%	MCIT refund
County Support (52990)			\$12,000.00	0.00%	8 county support
LCCMR acquisition			\$500.00	0.00%	competitive reimbursement
<b>Total</b>	<b>\$83.00</b>	<b>\$2,819.86</b>	<b>\$36,883.00</b>		
<b>Expenses:</b>	<b>Monthly Amount</b>				<b>Notes</b>
Salaries/Benefits FICA/Med/PERA/LIFE/LTD/Hlth/ WC(61000)	\$ 8,351.61	\$11,692.35	\$105,064.00	11.13%	reimbursed by Gov. DNR grant
MCIT insurance/work comp/liability (61500)			\$2,492.00	0.00%	reimbursed by Gov. DNR grant
MHB board Per Diem (62680)		\$250.00	\$2,200.00	11.36%	reimbursed by Gov. DNR grant
Hotel/Meals/travel exp. (63340)	\$ 9.24	\$29.00	\$550.00	5.27%	meal reimbursement
Commissioner Mileage (62720)		\$210.00	\$1,600.00	13.13%	reimbursed by Gov. DNR grant
Employee Mileage (63320)	\$ 345.26	\$405.00	\$3,000.00	13.50%	reimbursed by Gov. DNR grant
Professional Services (62990)	\$ 525.00	\$525.00	\$30,000.00	1.75%	CW financial
Office supplies/operations (64090)	\$ 229.78	\$93.19	\$1,350.00	6.90%	telephone, Zoom renewal
Training & Registration Fees (63380)			\$750.00	0.00%	reimbursed by Gov. DNR grant
<b>Total</b>	<b>\$9,460.89</b>	<b>\$13,204.54</b>	<b>\$147,006.00</b>		

Governor's DNR grant is always \$124K every year

LSOHC grant is around \$6K to \$8K every year

\*The total under revenue does not reflect the \$124K because it is a non-competitive grant, and it doesn't always fall in the fiscal year.

ACCOUNT DETAIL HISTORY FOR 2022 07 TO 2022 07

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	53290		Natural Resources							
										REVISED BUDGET .00
						PER 01		-44,626.96	-44,626.96	
						PER 04		-32,838.24	-77,465.20	
						PER 06		-1,720.12	-79,185.32	
22/07	1650	07/28/22	GEN					-34,855.23	-114,040.55	
	ST OF MN	DNR4Q-22								
22/07	1661	07/29/22	GEN					-14,552.64	-128,593.19	
	ST OF MN	7								
			LEDGER BALANCES --- DEBITS:		.00		CREDITS:	-128,593.19	NET:	-128,593.19
74830	61000		Salaries & Wages - Regular							REVISED BUDGET .00
						PER 01		5,523.01	5,523.01	
						PER 02		6,012.04	11,535.05	
						PER 03		5,802.46	17,337.51	
						PER 04		5,802.46	23,139.97	
						PER 05		5,802.47	28,942.44	
						PER 06		5,802.46	34,744.90	
22/07	162	07/01/22	PRJ PR0701	1220701	1220701	1220		2,901.23	37,646.13	
	PAY070122	WARRANT=220701	RUN=1	BI-WEEKL						
22/07	635	07/15/22	PRJ PR0715	1220715	1220715	1220		2,901.23	40,547.36	
	PAY071522	WARRANT=220715	RUN=1	BI-WEEKL						
22/07	1454	07/29/22	PRJ PR0729	1220729	1220729	1220		2,901.23	43,448.59	
	PAY072922	WARRANT=220729	RUN=1	BI-WEEKL						
			LEDGER BALANCES --- DEBITS:		43,448.59		CREDITS:	.00	NET:	43,448.59
74830	61200		Active Insurance							REVISED BUDGET .00
						PER 01		1,709.26	1,709.26	
						PER 02		1,709.26	3,418.52	
						PER 03		1,709.96	5,128.48	
						PER 04		1,709.96	6,838.44	
						PER 05		1,711.36	8,549.80	
						PER 06		1,709.96	10,259.76	
22/07	162	07/01/22	PRJ PR0701	1220701	1220701	1220		866.91	11,126.67	
	PAY070122	WARRANT=220701	RUN=1	BI-WEEKL						
22/07	635	07/15/22	PRJ PR0715	1220715	1220715	1220		843.05	11,969.72	
	PAY071522	WARRANT=220715	RUN=1	BI-WEEKL						

ACCOUNT DETAIL HISTORY FOR 2022 07 TO 2022 07

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
LEDGER BALANCES --- DEBITS:					11,969.72	CREDITS:		.00	NET:	11,969.72
74830	61300	Employee Pension & FICA								
										REVISED BUDGET .00
						PER 01		796.85	796.85	
						PER 02		870.93	1,667.78	
						PER 03		839.18	2,506.96	
						PER 04		839.17	3,346.13	
						PER 05		839.18	4,185.31	
						PER 06		839.17	5,024.48	
22/07	162	07/01/22	PRJ PR0701	1220701	1220701	1220		419.59	5,444.07	
			PAY070122 WARRANT=220701 RUN=1 BI-WEEKL							
22/07	635	07/15/22	PRJ PR0715	1220715	1220715	1220		419.58	5,863.65	
			PAY071522 WARRANT=220715 RUN=1 BI-WEEKL							
22/07	1454	07/29/22	PRJ PR0729	1220729	1220729	1220		439.53	6,303.18	
			PAY072922 WARRANT=220729 RUN=1 BI-WEEKL							
LEDGER BALANCES --- DEBITS:					6,303.18	CREDITS:		.00	NET:	6,303.18
74830	62100	Telephone								
										REVISED BUDGET .00
						PER 01		57.37	57.37	
						PER 02		56.83	114.20	
						PER 03		56.91	171.11	
						PER 04		57.66	228.77	
						PER 05		57.84	286.61	
						PER 06		67.83	354.44	
22/07	589	07/19/22	API 006205		173761	31132		5.99	360.43	
			W C071922 MONTHLY BILLING ACCT 00023555- CONSOLIDATED TELECOM							
22/07	635	07/15/22	PRJ PR0715	1220715	1220715	1220		55.00	415.43	
			PAY071522 WARRANT=220715 RUN=1 BI-WEEKL							
LEDGER BALANCES --- DEBITS:					415.43	CREDITS:		.00	NET:	415.43
74830	62680	Non-Employee Per Diems								
										REVISED BUDGET .00
						PER 02		150.00	150.00	
						PER 03		550.00	700.00	
						PER 05		150.00	850.00	
						PER 06		200.00	1,050.00	
22/07	1029	07/26/22	API 003356		174326	31280		50.00	1,100.00	
			W A072622 TED VANKEMPEN PER DIEM AND MIL HUBBARD COUNTY TREAS							

ACCOUNT DETAIL HISTORY FOR 2022 07 TO 2022 07

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
22/07	1029	07/26/22	API 100532		174328	1940868		50.00	1,150.00		
	W A072622	MIKE WILSON	PER DIEM		MORRISON COUNTY	AUDI					
22/07	1029	07/26/22	API 002534		174329	31281		50.00	1,200.00		
	W A072622	PER DIEM			NEWLAND, DEAN						
22/07	1029	07/26/22	API 003257		174330	31279		50.00	1,250.00		
	W A072622	MHB MILEAGE AND	PER DIEM		GAASVIG, CRAIG						
22/07	1029	07/26/22	API 002809		174331	31302		50.00	1,300.00		
	W A072622	MHB PER DIEM			TINQUIST, DAVIN C						
LEDGER BALANCES --- DEBITS:					1,300.00	CREDITS:	.00	NET:	1,300.00		
74830	62720	Non-Employee Mileage			REVISED BUDGET				.00		
					PER 02			198.90	198.90		
					PER 03			359.19	558.09		
					PER 05			164.97	723.06		
					PER 06			227.92	950.98		
22/07	1029	07/26/22	API 003356		174326	31280		33.75	984.73		
	W A072622	TED VANKEMPEN	PER DIEM AND MIL		HUBBARD COUNTY	TREAS					
22/07	1029	07/26/22	API 101580		174327	31303		112.50	1,097.23		
	W A072622	MHB MILEAGE			WILSON, MICHAEL						
22/07	1029	07/26/22	API 003257		174330	31279		63.75	1,160.98		
	W A072622	MHB MILEAGE AND	PER DIEM		GAASVIG, CRAIG						
LEDGER BALANCES --- DEBITS:					1,160.98	CREDITS:	.00	NET:	1,160.98		
74830	62990	Prof. & Tech. Fee - Other			REVISED BUDGET				.00		
					PER 01			2,080.20	2,080.20		
					PER 02			595.00	2,675.20		
					PER 03			92,098.80	94,774.00		
					PER 04			6,725.98	101,499.98		
					PER 05			1,818.08	103,318.06		
					PER 06			11,820.00	115,138.06		
22/07	201	07/05/22	API 102404		172735	1940308		1,023.88	116,161.94		
	W A070522	EASEMENT Q AND A	FLYERS		ALLEGRA						
22/07	201	07/05/22	API 101649		172736	1940309		7,841.25	124,003.19		
	W A070522	WEST INVOICE # 7			WEST COMMUNICATIONS						
22/07	795	07/19/22	API 100171		173999	1940728		750.00	124,753.19		
	W A071922	CWSWCD INVOICE #7			CROW WING SWCD						



ACCOUNT DETAIL HISTORY FOR 2022 07 TO 2022 07

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
22/07	795 07/19/22	API 006007		174000		31218	1,846.53	126,599.72	
	W A071922	TNC INVOICE #7		THE NATURE					
22/07	1690 07/31/22	GEN					525.00	127,124.72	
	RECURRING	FINANCIAL SERVICE							
LEDGER BALANCES --- DEBITS:			127,124.72	CREDITS:			.00	NET:	127,124.72

74830	63320	Employee Mileage	REVISED BUDGET	
				.00
			PER 01	239.96
			PER 02	330.93
			PER 03	676.14
			PER 04	1,062.95
			PER 05	1,303.55
			PER 06	1,419.97
22/07	991 07/26/22	GNI JUNE		36.56
	WF PCARD	1434 - Morrison Local water Pl		
		TIM TERRILL - OOP		

22/07	991 07/26/22	GNI JUNE		47.39	1,503.92				
	WF PCARD	1434 - PYGO resourcetainment							
		TIM TERRILL - OOP							
22/07	991 07/26/22	GNI JUNE		101.79	1,605.71				
	WF PCARD	1434 - Oversee kiosk const							
		TIM TERRILL - OOP							
22/07	991 07/26/22	GNI JUNE		38.03	1,643.74				
	WF PCARD	1434 - Aitkin PYGO mtg							
		TIM TERRILL - OOP							
22/07	991 07/26/22	GNI JUNE		14.27	1,658.01				
	WF PCARD	1434 - EDAM conference							
		TIM TERRILL - OOP							
22/07	991 07/26/22	GNI JUNE		14.27	1,672.28				
	WF PCARD	1434 - EDAM conference							
		TIM TERRILL - OOP							
22/07	991 07/26/22	GNI JUNE		62.01	1,734.29				
	WF PCARD	1434 - MHB monthly mtg							
		TIM TERRILL - OOP							
22/07	991 07/26/22	GNI JUNE		90.68	1,824.97				
	WF PCARD	1434 - Paddle and Pint							
		TIM TERRILL - OOP							
LEDGER BALANCES --- DEBITS:			1,824.97	CREDITS:			.00	NET:	1,824.97

74830	63340	Hotel & Meals Travel Expense	REVISED BUDGET	
				.00
			PER 01	303.48
			PER 02	312.81
			PER 03	323.00
			PER 04	339.35

ACCOUNT DETAIL HISTORY FOR 2022 07 TO 2022 07

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
						PER 06		20.92	360.27	
22/07	992	07/26/22	GNI	JUNE				7.62	367.89	
	BREM	PCARD	meal after ISP paddle							
			TIM TERRILL - DAIRY QUEEN #12890							
22/07	992	07/26/22	GNI	JUNE				21.38	389.27	
	BREM	PCARD	meal for Paddle & Pint event							
			TIM TERRILL - DUTCHROOM INC							
	LEDGER BALANCES --- DEBITS:				389.27	CREDITS:		.00	NET:	389.27
74830	64090	Office Supplies								
										REVISED BUDGET
						PER 02		1.76	1.76	
						PER 03		34.72	36.48	
						PER 04		35.81	72.29	
						PER 06		18.09	90.38	
								32.20	122.58	
22/07	992	07/26/22	GNI	JUNE						
	BREM	PCARD	mailing of easement flyers							
			TIM TERRILL - USPS PO 2673800170							
	LEDGER BALANCES --- DEBITS:				122.58	CREDITS:		.00	NET:	122.58
	GRAND TOTAL --- DEBITS:				194,059.44	CREDITS:		-128,593.19	NET:	65,466.25

36 Records printed

\*\* END OF REPORT - Generated by Korie Wiggins \*\*

ACCOUNT DETAIL HISTORY FOR 2022 08 TO 2022 08

ORG YR/PR	OBJECT JNL EFF DATE	PROJ SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	58300	Miscellaneous Other Revenue							
							REVISED BUDGET		.00
					PER 02		-42,000.00	-42,000.00	
					PER 03		-44,300.00	-86,300.00	
22/08	361 08/05/22	GEN					-83.00	-86,383.00	
	EFT	MCIT							
		LEDGER BALANCES --- DEBITS:		.00	CREDITS:	-86,383.00	NET:	-86,383.00	
74830	61000	Salaries & Wages - Regular							
							REVISED BUDGET		.00
					PER 01		5,523.01	5,523.01	
					PER 02		6,012.04	11,535.05	
					PER 03		5,802.46	17,337.51	
					PER 04		5,802.46	23,139.97	
					PER 05		5,802.47	28,942.44	
					PER 06		5,802.46	34,744.90	
					PER 07		8,703.69	43,448.59	
22/08	499 08/12/22	PRJ PR0812	1220812	1220812	1220		2,901.23	46,349.82	
	PAY081222	WARRANT=220812	RUN=1	BI-WEEKL					
22/08	1308 08/26/22	PRJ PR0826	1220826	1220826	1220		2,901.24	49,251.06	
	PAY082622	WARRANT=220826	RUN=1	BI-WEEKL					
		LEDGER BALANCES --- DEBITS:		49,251.06	CREDITS:	.00	NET:	49,251.06	
74830	61200	Active Insurance							
							REVISED BUDGET		.00
					PER 01		1,709.26	1,709.26	
					PER 02		1,709.26	3,418.52	
					PER 03		1,709.96	5,128.48	
					PER 04		1,709.96	6,838.44	
					PER 05		1,711.36	8,549.80	
					PER 06		1,709.96	10,259.76	
					PER 07		1,709.96	11,969.72	
22/08	499 08/12/22	PRJ PR0812	1220812	1220812	1220		866.91	12,836.63	
	PAY081222	WARRANT=220812	RUN=1	BI-WEEKL					
22/08	1308 08/26/22	PRJ PR0826	1220826	1220826	1220		843.05	13,679.68	
	PAY082622	WARRANT=220826	RUN=1	BI-WEEKL					
		LEDGER BALANCES --- DEBITS:		13,679.68	CREDITS:	.00	NET:	13,679.68	

ACCOUNT DETAIL HISTORY FOR 2022 08 TO 2022 08

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	61300		Employee Pension & FICA							
										REVISED BUDGET .00
										PER 01 796.85 796.85
										PER 02 870.93 1,667.78
										PER 03 839.18 2,506.96
										PER 04 839.17 3,346.13
										PER 05 839.18 4,185.31
										PER 06 839.17 5,024.48
										PER 07 1,278.70 6,303.18
22/08	499	08/12/22	PRJ PR0812	1220812	1220812	1220		419.59		6,722.77
			PAY081222 WARRANT=220812 RUN=1 BI-WEEKL							
22/08	1308	08/26/22	PRJ PR0826	1220826	1220826	1220		419.59		7,142.36
			PAY082622 WARRANT=220826 RUN=1 BI-WEEKL							
			LEDGER BALANCES --- DEBITS:		7,142.36	CREDITS:		.00	NET:	7,142.36
74830	62100		Telephone							
										REVISED BUDGET .00
										PER 01 57.37 57.37
										PER 02 56.83 114.20
										PER 03 56.91 171.11
										PER 04 57.66 228.77
										PER 05 57.84 286.61
										PER 06 67.83 354.44
										PER 07 60.99 415.43
22/08	581	08/16/22	API 006205		175852	31462		5.32		420.75
			W C081622 AUGUST CTC			CONSOLIDATED TELECOM				
22/08	1308	08/26/22	PRJ PR0826	1220826	1220826	1220		55.00		475.75
			PAY082622 WARRANT=220826 RUN=1 BI-WEEKL							
			LEDGER BALANCES --- DEBITS:		475.75	CREDITS:		.00	NET:	475.75
74830	62990		Prof. & Tech. Fee - Other							
										REVISED BUDGET .00
										PER 01 2,080.20 2,080.20
										PER 02 595.00 2,675.20
										PER 03 92,098.80 94,774.00
										PER 04 6,725.98 101,499.98
										PER 05 1,818.08 103,318.06
										PER 06 11,820.00 115,138.06
										PER 07 11,986.66 127,124.72
22/08	1455	08/30/22	API 003534		176676	1941727		595.00		127,719.72
			W A083022 REPLACEMENT SIGNS			FISHING THE WILDSIDE				
22/08	1728	08/31/22	GEN					525.00		128,244.72

ACCOUNT DETAIL HISTORY FOR 2022 08 TO 2022 08

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
	RECURRING		FINANCIAL SERVICE							
	LEDGER BALANCES	---	DEBITS:		128,244.72	CREDITS:		.00	NET:	128,244.72
74830	63320		Employee Mileage							
						REVISED BUDGET				.00
						PER 01		239.96		239.96
						PER 02		90.97		330.93
						PER 03		345.21		676.14
						PER 04		386.81		1,062.95
						PER 05		240.60		1,303.55
						PER 06		116.42		1,419.97
						PER 07		405.00		1,824.97
22/08	1563	08/31/22	GNI JUL					38.31		1,863.28
	WF PCARD		1434 - Aitkin River Trails mtg							
			TIM TERRILL - OOP							
22/08	1563	08/31/22	GNI JUL					37.56		1,900.84
	WF PCARD		1434 - Aitkin Steve Hughes mtg							
			TIM TERRILL - OOP							
22/08	1563	08/31/22	GNI JUL					103.13		2,003.97
	WF PCARD		1434 - Itasca State Park Paddl							
			TIM TERRILL - OOP							
22/08	1563	08/31/22	GNI JUL					100.63		2,104.60
	WF PCARD		1434 - Bemidji to andrusia							
			TIM TERRILL - OOP							
22/08	1563	08/31/22	GNI JUL					65.63		2,170.23
	WF PCARD		1434 - monthly mtg							
			TIM TERRILL - OOP							
	LEDGER BALANCES	---	DEBITS:		2,170.23	CREDITS:		.00	NET:	2,170.23
74830	63340		Hotel & Meals Travel Expense							
						REVISED BUDGET				.00
						PER 01		303.48		303.48
						PER 02		9.33		312.81
						PER 03		10.19		323.00
						PER 04		16.35		339.35
						PER 06		20.92		360.27
						PER 07		29.00		389.27
22/08	1562	08/31/22	GNI JUL					9.24		398.51
	BREM PCARD		meal from beltrami kayak							
			TIM TERRILL - DAIRY QUEEN #12890							
	LEDGER BALANCES	---	DEBITS:		398.51	CREDITS:		.00	NET:	398.51

ACCOUNT DETAIL HISTORY FOR 2022 08 TO 2022 08

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	64090	Office Supplies							
						REVISED BUDGET			.00
					PER 02		1.76	1.76	
					PER 03		34.72	36.48	
					PER 04		35.81	72.29	
					PER 06		18.09	90.38	
					PER 07		32.20	122.58	
22/08	1562 08/31/22	GNI JUL					198.72	321.30	
	BREM PCARD Economy table cover								
	TIM TERRILL - SPECIALIZED OFFICE SYSTE								
22/08	1562 08/31/22	GNI JUL					7.75	329.05	
	BREM PCARD waterproof phone case								
	TIM TERRILL - WAL-MART #1654								
22/08	1562 08/31/22	GNI JUL					161.71	490.76	
	BREM PCARD zoom renewal								
	TIM TERRILL - ZOOM.US 888-799-9666								
LEDGER BALANCES --- DEBITS:				490.76	CREDITS:		.00	NET:	490.76
GRAND TOTAL --- DEBITS:				201,853.07	CREDITS:		-86,383.00	NET:	115,470.07

20 Records printed

\*\* END OF REPORT - Generated by Korie Wiggins \*\*



PROTECTING THE FIRST 400 MILES

IMMEDIATE PRESS RELEASE 9/1/22

Media Contact

Tim Terrill

218-824-1189

timt@mississippiheadwaters.org

[www.mississippiheadwaters.org](http://www.mississippiheadwaters.org)

322 Laurel St.

Brainerd, MN 56401

### **Mississippi Headwaters Board Learns About Success of Resourcetaiment Events**

The Mississippi Headwaters Board (MHB) heard a report from the Executive Director about how RESOURCETAIMENT events that involve paddling down the Miss. river followed by a social event were working in member counties. “The big draw to the event is meeting new people and paddling down the Mississippi with friends,” said Executive Director Tim Terrill, “and then having some craft beer or adult beverage to share and laugh about.” Tim provided the board with two surveys from Itasca and Aitkin counties respectively answering some very specific questions about each event. In general the public is slightly informed about events on the Miss. river; and they learn about these events mostly from social media and word of mouth. Most of them also spend between \$20 - \$50 after the event at local restaurants and breweries, and everyone noted that they would do it again with friends or relatives since they attended the event.

The MHB board was pleased that the events went well and felt that it provided a sense of community pride and economic opportunity in the area, and promoted awareness and protection of this unique river.



Press            Eli  
ReleaseMansour  
Date: July        Phone  
28, 2022        Number:  
                      (202) 225-  
                      6211

## Stauber Introduces Lake Winnibigoshish Land Exchange Act

washington, dc - Congressman Pete Stauber (MN-08) today introduced the bipartisan Lake Winnibigoshish Land Exchange Act, which exchanges 37.5 acres owned by Bowen Lodge for 7.6 acres managed by the U.S. Forest Service USFS and the Chippewa National Forest, along with Congressman Jared Huffman (CA-02).

“This land exchange is a win-win,” said Congressman Stauber. “Exchanging shoreline on Lake Winnibigoshish for a parcel on Cut Foot Sioux Lake allows Bowen Lodge continuity in managing their marina and keeps the pristine shoreline intact for all Minnesotans to enjoy. Enacting this exchange is consistent with the Mississippi Headwaters Board (MHB) Comprehensive Plan, ensures certainty for Bowen Lodge, and helps the Chippewa National Forest reach its management goals.”

“There are few parcels that have this much water quality and habitat value located on the Mississippi River,” said Mississippi Headwaters Board executive director Tim Terrill. “The MHB board agrees that preserving this newly acquired shoreland property on Lake Winnibigoshish will protect the natural and recreational values of the Mississippi River while keeping our cultural history intact.”

“Protecting this biodiverse and unique piece of land within the Upper Mississippi Headwaters and Chippewa National Forest is critical to the Heig family,” said Bill & Gail Heig, owners of Bowen Lodge. “Representative Pete Stauber, the Mississippi Headwaters Board and the unanimous community support have been instrumental to the exchange. We are truly humbled to create a new opportunity for future

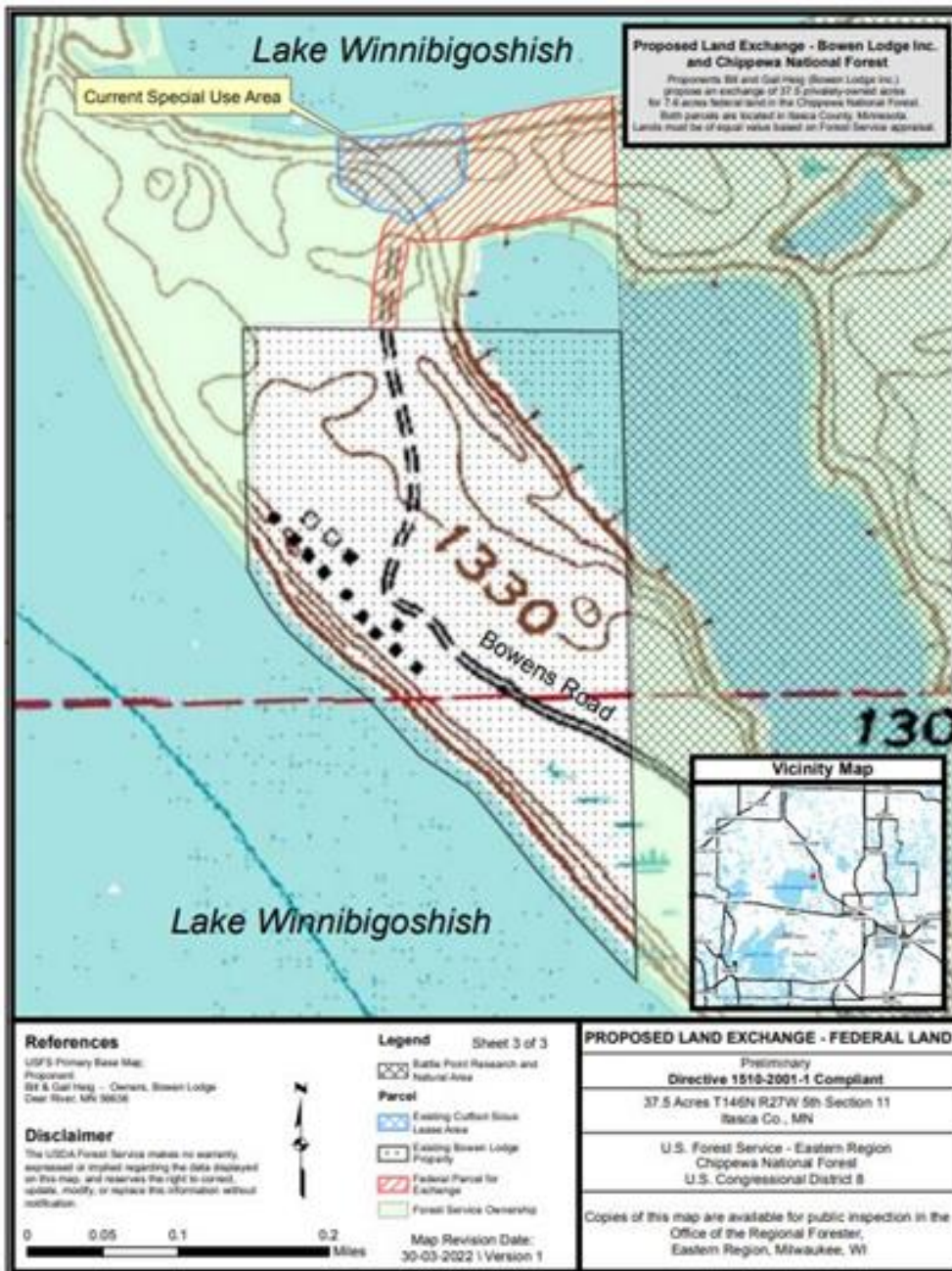


generations to enjoy the tremendous beauty of the Chippewa National Forest and Lake Winnibigoshish watershed region.”

Background:



Map of the parcel that will be acquired by the Chippewa National Forest.



Map of the parcel that will be acquired by Bowen Lodge.

The parcel of land that would be acquired by USFS meets objectives of the USFS and the Chippewa National Forest. On three sides, the parcel borders the National Forest, with the remaining edge being lake shoreline. Receiving this parcel would eliminate a headache-inducing checkerboard pattern of land ownership for USFS with the best fitting possible puzzle piece, while simultaneously remaining consistent with MHB's conservation-oriented mission. This would preserve an undisturbed and environmentally sensitive parcel of land on Lake Winnibigoshish.

The parcel of land that would be acquired by Bowen Lodge contains a marina on Cut Foot Sioux Lake. The parcel is leased annually by Bowen Lodge for marina and resort operation from USFS. Acquiring the USFS-owned property on Cut Foot Sioux Lake would ensure uninhibited resort operations for Bowen Lodge and continued

visitor and commercial activity on developed land.

The proposed exchange between Bowen Lodge and USFS is unanimously supported by local governing bodies. The MHB voted 8-0 in favor, and Itasca County, where both parcels are located, voted 5-0 in favor as well.

You can read letters of support from the [Mississippi Headwaters Board](#) and [Itasca County](#). Full text of the bill can be found [here](#).

###

Washington, DC Office	Brainerd Office	Hermantown Office
461 Cannon HOB	Brainerd City Hall	5094 Miller Trunk Hwy
Washington, DC 20515	501 Laurel Street	Suite 900 Hermantown, MN 55811
Phone: 202-225-6211	Brainerd, MN 56401	Phone: 218-481-6396
	Phone:	
	218-355-0862	

Cambridge Office	Chisholm Office
Cambridge City Hall	Chisholm City Hall
300 3rd Avenue NE	316 W Lake St,
Cambridge, MN 55008	Room 7 Chisholm,
Phone: 763-310-6208	MN 55719
	Phone:
	218-355-0240

[Unsubscribe](#)



# Camp Ripley's forestry partnerships



Natural Resources Conservation Service website: [www.nrcs.usda.gov](http://www.nrcs.usda.gov)

**VIDEO:** Meet a landowner who tapped NRCs' previous RCPP to offset the cost of improving private forestland within the Camp Ripley Sentinel Landscape.

**NRCs' \$400,000 contribution agreement with Morrison SWCD and its \$2.7 million Regional Conservation Partnership Program renewal focus on the Sentinel Landscape, where management can improve habitat and protect the National Guard's mission**

**L**ITTLE FALLS — With an infusion of funds and a focus on forestry, the USDA's Natural Resources Conservation Service is making it easier and less costly for private landowners to manage their property within the Camp Ripley Sentinel Landscape, a 10-mile buffer that simultaneously protects natural resources and the National Guard's training mission.

The Mississippi River runs through the 52,830-acre regional center, where about 30,000 military personnel and



**Wettstein**

civilians train every year. Forests lie to the north, farm fields to the south. Those lands buffer Camp Ripley from Brainerd area sprawl; harbor an array of wildlife; and put distance between residents and the

sometimes-loud operations that run 24 hours a day, seven days a week.

To date, the Morrison Soil & Water

**From left:** Camp Ripley Environmental Supervisor Josh Pennington; NRCs District Conservationist Team Lead Josh Hanson; Lt. Col. Steve Hall; Brig. Gen Lowell Kruse, senior commander at Camp Ripley; Morrison SWCD forester Lew Noska, SWCD Manager Shannon Wettstein; and Camp Ripley Sentinel Landscape Coordinator Todd Holman discussed the forestry work within Camp Ripley's Sentinel Landscape made possible by a cooperative agreement between NRCs and the Morrison SWCD. **Photo Credits:** Ann Wessel, BWSR

## Details and Definitions

### CAMP RIPLEY SENTINEL

**LANDSCAPE:** One of 10 in the U.S., the [Camp Ripley Sentinel Landscape](#) is an award-winning model of myriad partnerships working together to sustain compatible land use for military operations while providing conservation and working-lands benefits. It launched in 2015. ACUB now operates within the Sentinel Landscape.

### SENTINEL LANDSCAPE

**PARTNERS:** Federal — U.S. Army National Guard; the USDA's Farm Service Agency, Forest Service, NRCs; the U.S. Department of Defense's Readiness and Environmental Protection Integration; U.S. Fish & Wildlife Service, National Park Service. State — Minnesota Board of Water and Soil Resources, Department of Agriculture, Department of Military Affairs, Department of Natural Resources, Minnesota Pollution Control Agency. Local — Mississippi Headwaters Board, Morrison SWCD, Crow Wing SWCD, the city of Baxter, Cass County's Sylvan Township. Private — Great River Greening, The Conservation Fund, The Nature Conservancy, The Forest Stewards Guild.

### ONE-SOURCE

**RESOURCE:** A new [interactive map](#), searchable by address, shows a database of all currently funded state and federal program opportunities available to landowners in the Camp Ripley Sentinel Landscape.



*Camp Ripley is 18 miles long and 8 miles wide, with 18 miles of undeveloped, undisturbed Mississippi River flowing through it. About 30,000 military personnel and civilians train at Camp Ripley every year.*

Conservation District has worked with landowners to enroll 329 permanent easements totaling 33,126 acres within the tighter, 5-mile Army Compatible Use Buffer. Those working-lands easements restrict development and help wildlife — giving animals such as gray wolves and white-tailed deer enough room to roam, retaining niche habitats for species such as the federally threatened Northern long-eared bat.

“Landowners that have enrolled into these protection mechanisms are now looking at ways to improve management of the resources they have,” said Josh Pennington, environmental supervisor at Camp Ripley.

A new NRCS agreement and a renewed NRCS funding source offer technical and financial support.

A \$400,000, three-year contribution agreement between NRCS and the Morrison SWCD, which took effect in August 2021, is bringing forestry related training and technical assistance to the 805,000-

“ Any work that’s done outside of Camp Ripley helps support Camp Ripley’s mission as well. ”

— Josh Pennington,  
Camp Ripley environmental supervisor



acre Sentinel Landscape. The agreement gave the SWCD the means to hire a forester, and to subcontract with the Forest Stewards Guild to train regional staff and landowners in prescribed burning.

“This agreement is really focused on long-term resiliency in the forested northern half of the Camp Ripley Sentinel Landscape. This part of the state has large, intact habitat corridors that are almost entirely privately managed,” said Morrison SWCD Manager Shannon Wettstein.

Forestland makes up 35% of the Camp Ripley Sentinel Landscape, primarily in Cass, Crow Wing, northern Morrison and part of Todd counties. All but 0.5% of those forests are privately owned.

“We’ve got a lot of invasive

species on the landscape, like buckthorn, that’s really changing the dynamics of forestry in the area. There’s other management practices, like forest thinnings and prescribed fire, that have been absent,” Pennington said.

Invasive species out-compete native plants and trees, resulting in degraded habitat. Unmanaged forests become less resilient.

“There’s a lot of work that could be done,” Wettstein said.

The \$2,760,280 in NRCS assistance tied to a five-year Regional Conservation Partnership Program (RCPP) renewal that took effect in July will make that work more affordable for landowners within the Sentinel Landscape. Landowners can receive a forestry management plan that considers their goals

## Related Work

### RESILIENCY RESEARCH:

Researcher Will Bartsch of the University of Minnesota Duluth’s Natural Resources Research Institute will analyze GIS and other data to produce a report that will help Morrison SWCD determine where and on what type of forestry practices it should focus to build resiliency on the landscape. The SWCD funded the \$150,000 study with part of the \$240,000 award it received from the National Association of Conservation Districts for winning a Department of Defense REPI challenge. It earmarked \$50,000 for the DNR to update LiDAR databases, and \$40,000 for SWCD staff time. The 15-month award runs through June 2023.

### CULTURAL RESOURCES

**INVENTORY:** Cass County’s Sylvan Township received a \$129,980 Minnesota Arts and Cultural Heritage Fund grant from the Minnesota Historical Society in 2020 for a Camp Ripley Sentinel Landscape archaeological and comprehensive literature assessment. Work finished April 15, 2022. It’s a first step in protecting cultural resources.



Bob Perleberg walked down one of the trails that provides access to 480 acres of managed forestland punctuated by wildlife food plots and ponds. The Perlebergs have planted and harvested trees in an effort to maintain a thinned stand of multi-aged mixed hardwoods. Because their land lies within the Sentinel Landscape, which extends 10 miles from Camp Ripley, NRCS assistance was available to offset the cost of some management practices.

and resource concerns, and then pursue NRCS assistance to implement practices.

Todd Holman, Camp Ripley Sentinel Landscape coordinator and Mississippi Headwaters program director for The Nature Conservancy, explained how the agreement and RCPP work together.

“Couple (the agreement) with the Regional Conservation Partnership Program and NRCS dollars to fund practices, and now all of a sudden we’ve got capacity to deliver, the money to do the work, and now it’s engaging with landowners,” Holman said.

Outreach is part of Morrison SWCD forester Lew Noska’s job.

Since he joined the Morrison SWCD in November, Noska has facilitated

**“ The biggest obstacle is a pretty easy one: our own egos as landowners. We don’t want change. We don’t look forward. We don’t look at the health of the forest. We look at what we want, and we want big, fat over-mature trees. ”**

— Bob Perleberg, landowner, private forestry consultant



Forest Stewards Guild prescribed burn trainings for landowners hosted by Camp Ripley. He meets with landowners to see their property, hear their goals, and then write a management plan that serves as the basis for RCPP assistance.

“A lot of my job is to guide people in the right direction,” Noska said. “I want to have the tools to offer landowners the best

possible (management) tools for their property, whether it be for wildlife, water or just species diversity and resiliency.”

Little Falls-based NRCS District Conservationist Josh Hanson said NRCS and the SWCD had worked with forestry before. The Sentinel Landscape program expanded and accelerated that work, giving landowners access to an array of state and federal programs.

## Army Compatible Use Buffer Update

Working with willing private landowners, the Army Compatible Use Buffer has permanently protected habitat corridors by buffering public lands to prevent habitat conversion on adjacent lands. It’s preserved open spaces within the Camp Ripley Sentinel Landscape, and allowed for practices that improve habitat heterogeneity, and soil and water quality via forest and agricultural enhancements, restoration and mitigation.

### PROTECTION PROGRESS:

With 126,351 acres protected, Camp Ripley and the Morrison SWCD are halfway to meeting the goal of protecting 252,637 acres within the 5-mile ACUB radius. Nearly 34% was already protected — as existing public land or easements through the DNR’s Sustainable Forest Incentive Act.

**EASEMENTS:** As of July 2022, SWCD staff has worked with landowners to record 329 permanent Reinvest in Minnesota (RIM) easements totaling 33,216 acres within the ACUB radius. ACUB aims to enroll 78,000 acres into permanent, voluntary conservation easements that purchase development rights. The SWCD is working from a database of 716 tracts. As funds become available, the SWCD will work through the remaining 387 tracts that landowners had expressed interest in enrolling. As of July 2022, available funding included \$3.7 million from the U.S. Department of Defense’s REPI program and \$4,026,000 in state Outdoor Heritage Funds.

“All of a sudden we have 30 different partners from different government units, NGOs (non-government organizations), just all kinds of different people,” Hanson said. “A lot of people have an idea what they want to do, but they don’t know how to get there. The big thing right now is the education of the customers — what they want to do out there, and how they want to meet that objective.”

Noska, who spends part of his time at Camp Ripley, can help landowners navigate the many options.

“Having this cooperation with NRCS and having a (Morrison SWCD) forester here gives us another opportunity to partnership, which is the heart of what we do with our environmental programs. We partnership with a lot of different agencies,” said Brig. Gen. Lowell Kruse, “all in an effort to keep the installation from having any kind of problems — problems with an inability for our soldiers to train and do what they want to because of an environmental concern, or actually creating environmental concerns with our training.”

Seven miles east of Camp Ripley, C-130 cargo planes graze the treetops on 480 acres Bob Perleberg and

**“ We’re trying to create more opportunities for landowners to learn alongside of us, and bring in more dollars so they can do the management if they’re so inspired after they learn more about what they can do on their land. ”**

— Josh Hanson, NRCS district conservationist



his wife, Donna, bought about 25 years ago. Today, the land is an example of a well-managed private forest within the Sentinel Landscape.

Perleberg tapped NRCS Environmental Quality Incentives Program (EQIP) and Conservation Stewardship Program (CSP) assistance through the previous Sentinel Landscape RCPP to offset the expenses of combatting blister rust and invasive buckthorn, retaining snags and managing woody debris.

His definition of a well-managed central Minnesota forest: an ungrazed, thinned stand of multi-aged mixed hardwoods with a well-established, naturally regenerating understory.

“The biggest obstacle is a pretty easy one: our own egos as landowners,” said Perleberg, who has written stewardship plans for

others within the Sentinel Landscape in his role as a private forestry consultant. “We don’t want change. We don’t look forward. We don’t look at the health of the forest. We look at what we want, and we want big, fat over-mature trees.”

A mature stand of oaks extends a graceful canopy over one of Perleberg’s trails. But he’s more enthusiastic about the stand of birch, and about the far less parklike regeneration that followed a successful timber sale.

“You have to look past what you want and say, ‘What does the forest want?’ The decisions you make and the decisions you don’t make are going to impact that piece of woods for hundreds of years,” Perleberg said. “When you walk through the woods you should say, ‘What do I want here in 200 years?’ Because these decisions we’re making now with oak in central Minnesota are

going to be impacting us in 200 years.”

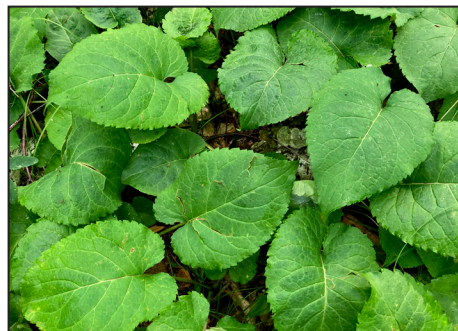
Over two decades, the Perlebergs have harvested timber, planted trees, added wildlife food plots and ponds, and maintained 9 miles of trails that extend to a small lake on the edge of the property. Timber wolves, bears and, more recently, fishers, show up on their trail cameras. Deer favor the diverse habitat.

What benefits wildlife within the Sentinel Landscape benefits Camp Ripley, too.

“Camp Ripley cannot provide the habitat needs for a lot of these species in a vacuum. It really takes a lot of management and protection on private lands surrounding Camp Ripley to really benefit the needs of these species and protect their habitat,” Pennington said. “As habitat fragmentation occurs outside of Camp Ripley, those animals move on to Camp Ripley.”

That can pit environmental stewardship and natural resources management against the need for military training.

“Camp Ripley cannot manage resources in a silo. It takes a larger landscape, and private lands surrounding Camp Ripley are critical,” Pennington said.



Bob and Donna Perleberg have planted trees, encouraged an understory of native plants and left downed timber as habitat on their 480-acre property. Today, it’s an example of a well-managed private forest within the Sentinel Landscape. The Perlebergs tapped NRCS Environmental Quality Incentives Program and Conservation Stewardship Program assistance through a previous Regional Conservation Partnership Program award centered on the Sentinel Landscape.

# Meet Morrison SWCD's new forester

NRCS-backed position expands ability to work with private landowners

When the Morrison Soil & Water Conservation District hired forester Lew Noska, it expanded the capacity to provide expertise — and one more point of contact — for landowners throughout Morrison County and the Camp Ripley Sentinel Landscape.

“There is a large chunk of Morrison County that is forested,” said Morrison SWCD Manager Shannon Wettstein. “To have someone that can specifically help landowners with their questions and how to manage lands is priceless.”

Noska earned a biology degree from Minnesota State University Moorhead in 2006, and then worked for an uncle's Browerville-based heating, ventilation and air conditioning business for 12 years. Most recently, he worked for five years as Todd County SWCD's wetland coordinator and buffer specialist. Noska joined the Morrison SWCD staff in November 2021. He remains a certified wetland delineator, and is the Walk-In Access coordinator for that DNR program in Morrison, Cass and Crow Wing counties.

Wettstein said Noska will be one more person



*“A lot of my job is to guide people in the right direction,” said Morrison SWCD forester Lew Noska, who spends part of his time at Camp Ripley. “I want to have the tools to offer landowners the best possible (management) tools for their property, whether it be for wildlife, water or just species diversity and resiliency.”*

landowners can get to know, trust and work with directly. The three-year NRCS contribution agreement requires Noska to complete 45 field visits with landowners and write 30 management plans. Most of the Sentinel Landscape's forestlands lie in Cass, Crow Wing, northern Morrison and part of Todd counties.

“It's just getting them that first initial contact where they can take that first step and get comfortable working with us, and then we can direct them in the right direction for what their objectives are, be it wildlife habitat, be it timber management — even if they

want to harvest timber,” Noska said.

Management plans that identify resource concerns are the basis for landowners to apply for assistance through NRCS' Regional Conservation Partnership Program.

Noska spends some of his time at Camp Ripley, where he earned a firefighter certification that allows him to work on its prescribed burn crew, and where he is working toward NRCS job approval authority. He facilitates Camp Ripley-hosted events for landowners and conservation professionals — including Forest Stewards

Guild learn-and-burn workshops, and a planned Oct. 1 forestry field day.

“We're trying to create more opportunities for landowners to learn alongside of us, and bring in more dollars so they can do the management if they're so inspired after they learn more about what they can do on their land,” said NRCS District Conservationist Josh Hanson.



Natural Resources Conservation Service

*USDA is an equal opportunity provider, employer and lender.*



## **Planning and Zoning**

M9a22- Khris Sundvahl/Johnson variance- Decision



# -MORRISON COUNTY- BOARD OF ADJUSTMENT

AUGUST 30, 2022



## AGENDA

- GREG AND KERI JOHNSON / KRIS SUNDV AHL – *LITTLE FALLS TOWNSHIP*

# JOHNSON/SUNDVAHL

VARIANCE TO CONSTRUCT A DWELLING  
WITHIN SETBACK TO THE RIVER ; LOCATED IN  
SECTION 30, LITTLE FALLS TOWNSHIP

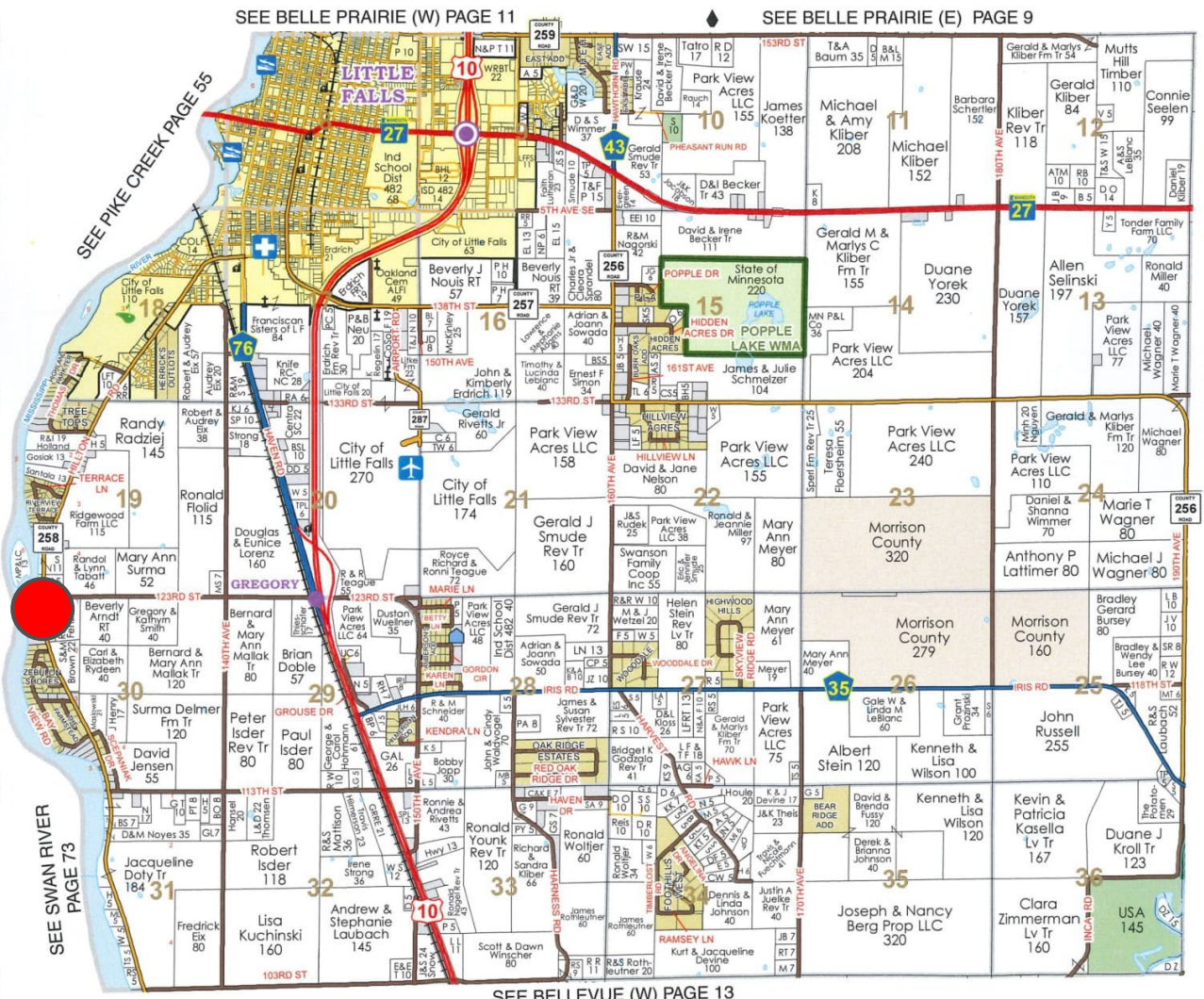
## Section F — Construction or Structure Standards

### F.1. Standards

The following table establishes the minimum standards for lot size, lot width, structure and ISTS setback, shore impact zone, and structure height for each zoning classification.

The following standards apply to the Corridor:

Classification	Minimum Lot Size	Structure Setback from OHWM	ISTS Setback from OHWM	Lot Width at OHWM and at Building Line	Shore Impact Zone	Structure Height
River Wild	10 acres	200 feet	150 feet	330 feet	100 feet	18 feet
River Scenic	5 acres	150 feet	125 feet	330 feet	75 feet	35 feet
Headwaters Lakes: General Development*	30,000 square feet	100 feet	75 feet	100 feet	50 feet	35 feet
Headwaters Lakes: Recreational Development*	40,000 square feet	100 feet	75 feet	150 feet	50 feet	35 feet
Headwaters Lakes: Natural Environment*	80,000 square feet	150 feet	150 feet	200 feet	75 feet	35 feet



153  
143  
133  
123  
113  
103

140 150 160 170 180 190

SEE LITTLE FALLS (E) PAGE 7



Morrison County will provide cost effective, high quality Services to county residents in a friendly and respectful manner.

Land Services Department
213 1st Avenue S.E., Little Falls, MN 56345
Telephone (320) 632-0170
Toll Free 866-401-1111
All Public Hearings will be held in the County Board Room of the Government Center.

Variance Request

Name of Applicant: Greg & Keri Johnson
Address: 1222 Fifth Street South
City: Cold Spring State: MN Zip: 56320
Property Address:
City: Little Falls State: MN Zip: 56345
E-Mail Address: gregjohnson2283@gmail.com
Parcel Number: 160810000 Phone: 320-291-9120
Sec: Twp: Range: Twp. Name: Little Falls
Lake/River Name: Mississippi
Legal Description: Lot 6 Block 3 of Zebulon Shores

(ATTACH A COPY OF YOUR LEGAL DESCRIPTION OFF YOUR DEED)

TWO SEPARATE CHECKS ARE REQUIRED

Public Hearing Fee: (Non-returnable) \$ 600.00 to MORRISON COUNTY TREASURER.

Recording Fee: (Non-returnable) \$ 46.00 to MORRISON COUNTY TREASURER.
(If the property is in Abstract & Torrens two (2) recording fees will be required)

\*\*\*\* APPLICATION WILL NOT BE PROCESSED UNLESS ALL THE REQUIRED FORMS ARE COMPLETED AND FEES PAID BY THE DEADLINE DATE.

AGREEMENT: I hereby certify that I am the owner of the herein described property, or, have the written permission of the owner, and that the information contained herein is accurate.

SIGNATURE: Greg Johnson
DATE: August 2, 2022

Please explain your request in detail:

We are proposing to build a residential home on this property. With the current setback from the Mississippi River (150') and setback from the road, we are unable to make our current plans fit on this lot. The lot is 195' deep and 129' wide. We understand that the road needs to be allowed 36' with an additional 30' of setback. Our home is approximately 68' deep and 62' wide. Ideally, we are asking for a 120'-125' setback/variance from the river. We believe the residential house plans we have for this property are reasonable considering the lot size and neighboring homes in the development.

Please explain your practical difficulty:

In the 1990's, county leaders (and the Mississippi Headwaters Board approved this lot to be separated from its adjacent lot for the purpose of sale. It was noted that the "lot meets land suitability requirements of the ordinance; and that the sanitary setback requirements can be met. Twice in the 1990's, this lot was also approved for a setback variance from the Mississippi River of 100'. It appears most, if not all of the existing homes along the Mississippi River in Zebulon Shores are 100' or less from the Mississippi River.

Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

## Background Information Landowner Variance Request

State Statutes section 394.27 provides the property owner the right to apply for relief from the strict enforcement of the county land use ordinance. An area variance may be granted only where the strict enforcement of county zoning controls will result in "practical difficulty." A determination that a "practical difficulty" exists is based upon the consideration of the criteria listed below. For each of the criteria below, please answer the question as completely as possible.

1. Is the variance request in harmony with the general purpose & intent of the Morrison County Land Use Control Ordinance and Comprehensive Plan?

Yes, The county approved this lot to be separated. In the 1990's, the county and Mississippi Headwaters also approved lot meets land suitability requirements of the ordinance: and that the sanitary setback requirements can be met. Twice in the 1990's, this lot was also approved for a setback variance from the Mississippi River of 100'. Zebulon Shores is a residential neighborhood with multiple homes within 100' from the Mississippi River.

2. Is the variance request proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes, we are proposing to build a residential home in this existing neighborhood. Despite the setbacks and ordinances, most, if not all of the homes in this development have been given variances to the Mississippi setback.

3. Will the requested variance maintain the character of the neighborhood?

Yes, our request of a 120' setback will allow our home to be in a similar lot location as existing homes in this neighborhood. I would like to know how many of the homes in this neighborhood were given variances and are within 150' of the river. It appears most are within 100'. The setback from the road also creates a challenge and limits the amount of buildable space on the lot. We would not remove any trees from the main lot.

4. Is the practical difficulty due to circumstances unique to the property?

Yes, This development was plotted out prior to the existence of headwaters as a residential neighborhood. The county and headwaters approved the lot we are requesting to build on as a buildable lot. Setbacks from the river as well as sanitary setbacks have been approved in the past.

5. How did the need for the variance arise? Is the need for the variance created by actions other than the current owner or prior landowners?

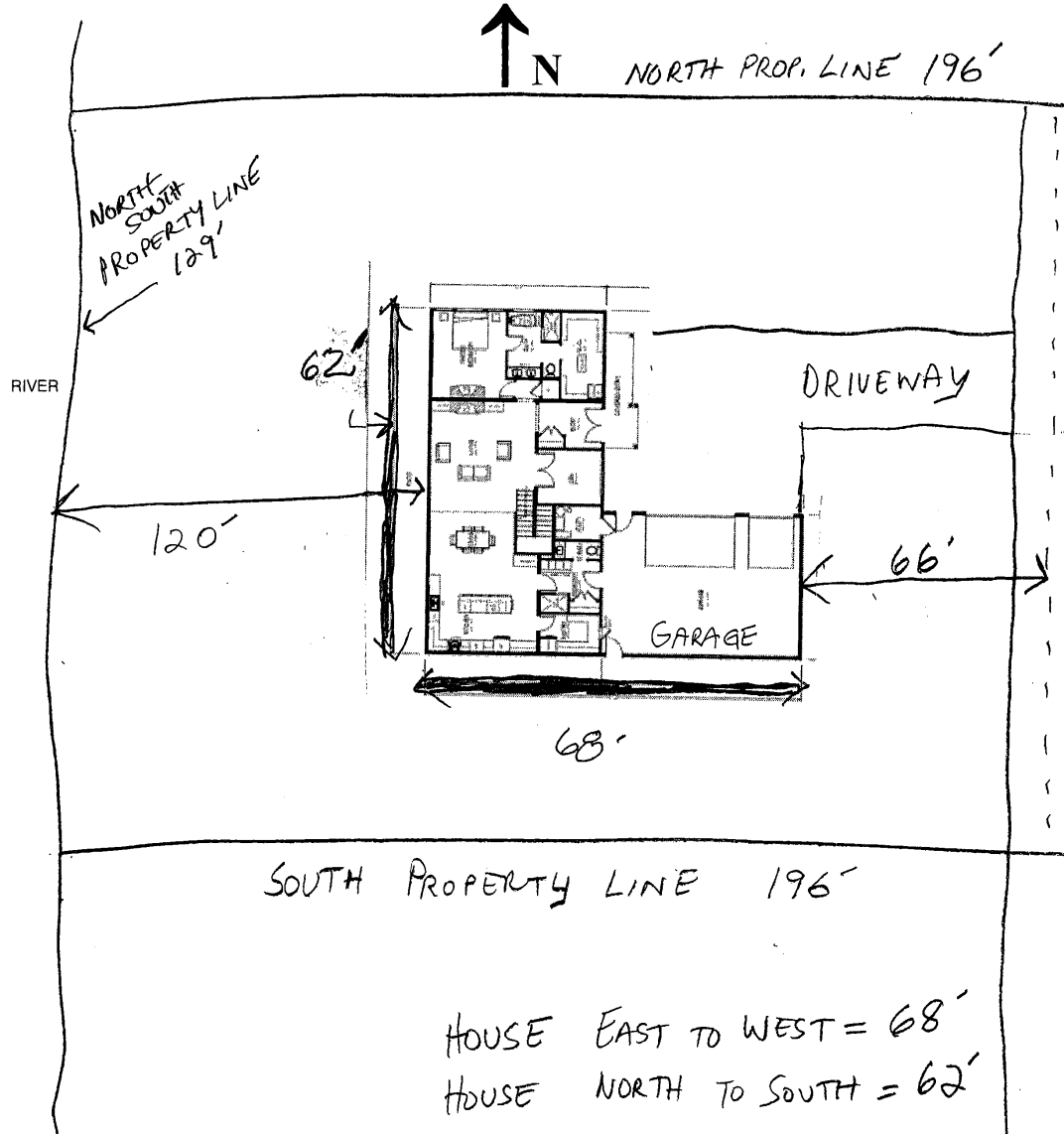
Yes, the need for the variance is due to the restrictions on this property by the county and headwaters. It has significantly reduced the amount of buildable space on this property. I believe these lots were plotted prior to the existence of the Headwater Board.

6. Does the practical difficulty involve more than just economic considerations?

Yes, the restrictions on this property have significantly limited the buildability of the lot and will make it difficult for the current lot owner to sell the property for the purpose of constructing a home that maintains the character of the current neighborhood.



A sketch form is considered part of your application for a Variance. Please show all buildings on your property, all impervious surfaces, and the road from which you have access, all wells (including abandoned wells), and sanitary systems including their setbacks from structures, the work or structure you are proposing, including eaves. (Structure roof eaves must meet all yard setback standards.) Then, give distances from the proposed building(s) to the road right of way, left, right and the rear property lines and lake or river setbacks.



X

Signature

*Keith C. Sundaal*  
Site Inspected By P & Z Staff:

Today's Date

08/02/2022

Date Site Will Be Staked



160810000

*Little Falls*

ZEBULON SHORES DR





08/26/2022



08/26/2022



08/26/2022



08/26/2022



08/26/2022





08/26/2022



08/26/2022



08/26/2022



08/26/2022

# STAFF REPORT

- THE PROPERTY IS IN SECTION 30 OF LITTLE FALLS TOWNSHIP. IT IS ON THE MISSISSIPPI RIVER AND WITHIN THE ZEBULON SHORES SUBDIVISION WHICH WAS ESTABLISHED IN 1977. IT IS A NON-CONFORMING SINGLE LOT (LESS THAN FIVE ACRES AND 330 FEET WIDE). THE PROPERTY IS 120 FEET WIDE AND 25,155 SQUARE FEET.
- THE APPLICANT (JOHNSON) WOULD LIKE TO PURCHASE THE PROPERTY (FROM SUNDVAHL).

# STAFF REPORT

- THE FIRST MISSISSIPPI HEADWATERS BOARD STANDARDS WENT INTO EFFECT IN 1981. THE REQUIRED SETBACK FROM THE RIVER IS 150 FEET. THE SHORE IMPACT ZONE IS THE FIRST 100 FEET FROM THE RIVER.

# STAFF REPORT

- ZONING HISTORY ON THE PROPERTY INCLUDES:
  - 1993: VARIANCE TO SEPARATE A CONTIGUOUS LOT WHICH DOES NOT MEET THE MINIMUM DIMENSIONAL STANDARDS, AND TO ERECT A HOME AT 102' FROM THE ORDINARY HIGH WATER MARK OF THE MISSISSIPPI RIVER
  - 1995: MN LEGISLATIVE CHANGE REGARDING UNDERSIZED CONTIGUOUS LOTS TO BE CONVEYED TOGETHER – LETTER TO PROPERTY OWNER (SUNDVAHL) WITH LEGAL OPINION THAT VARIANCE STILL VALID TO SEPARATE LOTS – LOTS WERE SEPARATED – DATE UNKNOWN
  - 1995: MORRISON COUNTY LAND USE CONTROL AMENDMENT LANGUAGE: IF, WITHIN TWO (2) YEARS AFTER THE DATE THE VARIANCE WAS GRANTED, A LAND USE PERMIT WAS NOT OBTAINED, THE VARIANCE SHALL BECOME NULL AND VOID
  - 2022: INQUIRY INTO DEVELOPING THE LOT UTILIZING THE VARIANCE GRANTED IN 1993 TO ENCROACH ON SETBACK FROM RIVER – COUNTY ATTORNEY OPINION REQUESTED

# STAFF REPORT

- THE APPLICANT IS REQUESTING TO CONSTRUCT A DWELLING 120 FEET FROM THE MISSISSIPPI RIVER, WHICH IS A 30-FOOT ENCROACHMENT INTO THE REQUIRED SETBACK. THE LOCATION OF THE SEPTIC SYSTEM WAS NOT IDENTIFIED WITHIN THE VARIANCE APPLICATION, SO IT IS ASSUMED THAT IT WILL MEET ALL SETBACKS.



# STAFF REPORT

- AN APPROXIMATE 4,260 SQUARE FOOT BUILDING ENVELOPE EXISTS ON THE PROPERTY

160809000

4,260 sq ft

Little Falls 10.16  
46.1

160810000

150

100.5

Zebulon Shores 98.30.24

17.524.76  
10.16

ZEBULON SHORES DR

ARD

160811000



# STAFF REPORT

- THE IMPERVIOUS SURFACE IS 16.41 %; 25% IMPERVIOUS SURFACE IS ALLOWED

## Impervious Surface Calculation

This calculation sheet is a necessary attachment for all land use permit applications and variance applications in the shoreland zoning district. Because of the impact of storm water runoff, the Morrison County Zoning Ordinance limits the amount of impervious surface coverage. Impervious surfaces include constructed or other hard surface that either prevents or retards the entry of water into the soil and causes the water to run off the surface in greater quantities at an increased rate of flow. Examples include gravel, concrete, or asphalt rooftops, sidewalks, patios, driveways, parking areas, storage areas, or areas of hardscaping.

Lot Dimensions: \_\_\_\_\_ X \_\_\_\_\_ Lot Sq.Ft. \_\_\_\_\_

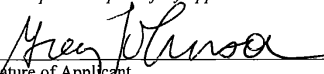
Use the following Table to Calculate Total Impervious Surface Area:  
**\*\* All structure dimensions must be measured from roof eaves\*\***

Impervious Surface Item	Structure Dimensions	Total Area (ft <sup>2</sup> )
Proposed or Existing House		2,920
Proposed House Addition		
Existing Garage(s) or Accessory Buildings		
Proposed Garage or Accessory Buildings		
Boat House and/or Ramp		
Sidewalk(s)		
Patio(s)		310
Deck(s)		
Driveway and Parking Area Including Gravel Surfaced Areas		900
Other		
Other		
Other		
Total Impervious Surface		4130

$$\frac{4130}{25,155} \times 100 = 16.41\%$$

Total impervious surface                      total lot sq. ft.                      percent impervious surface

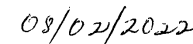
I certify that the above information is true and accurate to the best of my knowledge and that I have included all existing or proposed impervious surfaces on my property. I understand that if the percentage of total impervious surface is greater than the allowance, a variance will be required as part of my application.

  
 \_\_\_\_\_  
 Signature of Applicant

  
 \_\_\_\_\_  
 Date



Attach additional sheet as necessary



# STAFF REPORT

- THE NEIGHBORHOOD CONSISTS OF MANY NONCONFORMING STRUCTURES – MANY HAVE BEEN GRANTED VARIANCES IN THE PAST.

STA

van River

87.52  
75.12  
81.28  
**121**  
93.96  
86.33  
69.25  
89.61  
71.6

ZEBULON SHORES DR

HILTON RD

258

ARDEN BLYD

**Zebulon Shores**

118TH ST

BREDFIELD LN

**Bay View Lots**

**The Farmstead**

BAYVIEW RD

SCEPAN

**Little Falls**



# STAFF REPORT

- THE CURRENT OWNER (SUNDVAHL) SUBMITTED COMMENTS WITH THE APPLICATION

# STAFF REPORT

- APPLICABLE COMPREHENSIVE LAND USE PLAN GOALS:

## NATURAL RESOURCES AND OPEN SPACES

GOAL C2: PRESERVE NATURAL RESOURCES IDENTIFIED AS CRITICAL AND SENSITIVE INCLUDING WILDLIFE HABITATS, WETLANDS, FOREST LANDS, ETC., WITHIN MORRISON COUNTY.

## SHORELAND DEVELOPMENT

GOAL D1: WORK TO ENSURE THAT DEVELOPMENT OCCURRING WITHIN THE COUNTY'S WATERSHEDS IS DONE IN A THOUGHTFUL AND DELIBERATE MANNER SO AS TO BALANCE ENVIRONMENTAL, SOCIAL AND ECONOMIC GOALS TO THE GREATEST EXTENT POSSIBLE.

# STAFF REPORT

- APPLICABLE MORRISON COUNTY COMPREHENSIVE WATER PLAN GOALS AND OBJECTIVES:

SURFACE WATER GOAL: TO PROTECT, ENHANCE AND MAINTAIN THE QUALITY OF ALL SURFACE WATERS IN MORRISON COUNTY (LAKES, RIVERS, STREAMS AND WETLANDS)

OBJECTIVE B: ENSURE THAT LAND USE DECISIONS FOR SHORELAND DEVELOPMENT TAKE ENVIRONMENTAL IMPACTS AND CLIMATE CHANGE INTO CONSIDERATION

LAND USE AND DEVELOPMENT GOAL: TO ENSURE THAT LAND USE DECISIONS ARE COMPATIBLE WITH NATURAL RESOURCE PROTECTION

OBJECTIVE B: ENSURE THAT LAND USE DECISIONS FOR SHORELAND DEVELOPMENT AND PLAT DEVELOPMENT TAKE ENVIRONMENTAL IMPACTS INTO CONSIDERATION

OBJECTIVE D: REDUCE THE LOSS OF NATURAL HABITAT AND ENHANCE NATURAL HABITAT COMMUNITIES WHEN POSSIBLE



# NOTICE AND CORRESPONDENCE

- 104 NOTICES WERE SENT; FOUR COMMENTS WERE RECEIVED PRIOR TO THE PUBLIC HEARING

# FINDING OF FACT & DECISION QUESTIONS

IS THE REQUEST IN HARMONY WITH THE GENERAL PURPOSES AND INTENT OF THE MORRISON COUNTY LAND USE ORDINANCE AND COMPREHENSIVE PLAN?

IS THE APPLICANT PROPOSING TO USE THE PROPERTY IN A REASONABLE MANNER NOT PERMITTED BY THE LAND USE ORDINANCE?

WILL THE ISSUANCE OF THE VARIANCE MAINTAIN THE ESSENTIAL CHARACTER OF THE LOCALITY?

IS THE ALLEGED PRACTICAL DIFFICULTY DUE TO CIRCUMSTANCES UNIQUE TO THE PROPERTY?

IS THE NEED FOR THE VARIANCE CREATED BY ACTIONS OTHER THAN THE LANDOWNER OR PRIOR LANDOWNERS?

DOES THE ALLEGED PRACTICAL DIFFICULTY INVOLVE MORE THAN ECONOMIC CONSIDERATIONS?



Morrison County will provide cost effective, high quality Services to county residents in a friendly and respectful manner.

Land Services Department

213 1st Avenue S.E., Little Falls, MN 56345 Telephone (320) 632-0170 Toll Free 866-401-1111

All Public Hearings will be held in the County Board Room of the Government Center.

Variance Request

Name of Applicant: Greg & Keri Johnson

Address: 1222 Fifth Street South

City: Cold Spring State: MN Zip: 56320

Property Address:

City: Little Falls State: MN Zip: 56345

E-Mail Address: gregjohnson2283@gmail.com

Parcel Number: 160810000 Phone: 320-291-9120

Sec: Twp: Range: Twp. Name: Little Falls

Lake/River Name: Mississippi

Legal Description: Lot 6 Block 3 of Zebulon Shores

(ATTACH A COPY OF YOUR LEGAL DESCRIPTION OFF YOUR DEED)

TWO SEPARATE CHECKS ARE REQUIRED

Public Hearing Fee: (Non-returnable) \$ 600.00 to MORRISON COUNTY TREASURER.

Recording Fee: (Non-returnable) \$ 46.00 to MORRISON COUNTY TREASURER. (If the property is in Abstract & Torrens two (2) recording fees will be required)

\*\*\*\* APPLICATION WILL NOT BE PROCESSED UNLESS ALL THE REQUIRED FORMS ARE COMPLETED AND FEES PAID BY THE DEADLINE DATE.

AGREEMENT: I hereby certify that I am the owner of the herein described property, or, have the written permission of the owner, and that the information contained herein is accurate.

Handwritten signature of Greg Johnson

August 2, 2022

SIGNATURE DATE

## Please explain your request in detail:

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We are proposing to build a residential home on this property. With the current setback from the Mississippi River (150') and setback from the road, we are unable to make our current plans fit on this lot. The lot is 195' deep and 129' wide. We understand that the road needs to be allowed 36' with an additional 30' of setback. Our home is approximately 68' deep and 62' wide. Ideally, we are asking for a 120'-125' setback/variance from the river. We believe the residential house plans we have for this property are reasonable considering the lot size and neighboring homes in the development.

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## Please explain your practical difficulty:

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In the 1990's, county leaders (and the Mississippi Headwaters Board approved this lot to be separated from its adjacent lot for the purpose of sale. It was noted that the "lot meets land suitability requirements of the ordinance; and that the sanitary setback requirements can be met. Twice in the 1990's, this lot was also approved for a setback variance from the Mississippi River of 100'. It appears most, if not all of the existing homes along the Mississippi River in Zebulon Shores are 100' or less from the Mississippi River.

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Variations shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variations are consistent with the comprehensive plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The board or governing body as the case may be may impose conditions in the granting of variations. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

# Background Information

## Landowner Variance Request

State Statutes section 394.27 provides the property owner the right to apply for relief from the strict enforcement of the county land use ordinance. An area variance may be granted only where the strict enforcement of county zoning controls will result in "practical difficulty." A determination that a "practical difficulty" exists is based upon the consideration of the criteria listed below. For each of the criteria below, please answer the question as completely as possible.

1. Is the variance request in harmony with the general purpose & intent of the Morrison County Land Use Control Ordinance and Comprehensive Plan?

Yes, The county approved this lot to be separated. In the 1990's, the county and Mississippi Headwaters also approved lot meets land suitability requirements of the ordinance; and that the sanitary setback requirements can be met. Twice in the 1990's, this lot was also approved for a setback variance from the Mississippi River of 100'. Zebulon Shores is a residential neighborhood with multiple homes within 100' from the Mississippi River.

2. Is the variance request proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes, we are proposing to build a residential home in this existing neighborhood. Despite the setbacks and ordinances, most, if not all of the homes in this development have been given variances to the Mississippi setback.

3. Will the requested variance maintain the character of the neighborhood?

Yes, our request of a 120' setback will allow our home to be in a similar lot location as existing homes in this neighborhood. I would like to know how many of the homes in this neighborhood were given variances and are within 150' of the river. It appears most are within 100'. The setback from the road also creates a challenge and limits the amount of buildable space on the lot. We would not remove any trees from the main lot.

4. Is the practical difficulty due to circumstances unique to the property?

Yes, This development was plotted out prior to the existence of headwaters as a residential neighborhood. The county and headwaters approved the lot we are requesting to build on as a buildable lot. Setbacks from the river as well as sanitary setbacks have been approved in the past.

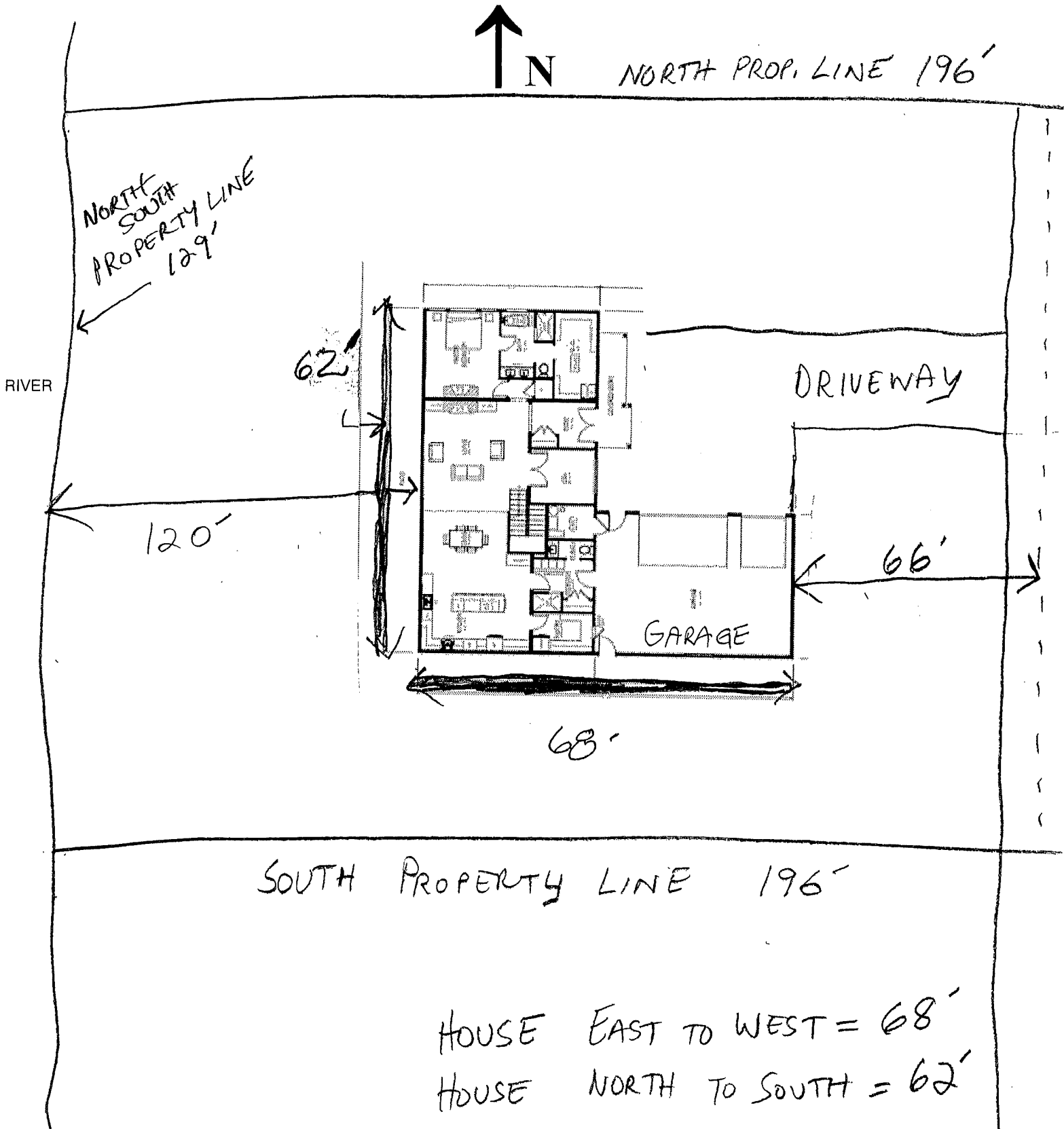
5. How did the need for the variance arise? Is the need for the variance created by actions other than the current owner or prior landowners?

Yes, the need for the variance is due to the restrictions on this property by the county and headwaters. It has significantly reduced the amount of buildable space on this property. I believe these lots were plotted prior to the existence of the Headwater Board.

6. Does the practical difficulty involve more than just economic considerations?

Yes, the restrictions on this property have significantly limited the buildability of the lot and will make it difficult for the current lot owner to sell the property for the purpose of constructing a home that maintains the character of the current neighborhood.

A sketch form is considered part of your application for a Variance. Please show all buildings on your property, all impervious surfaces, and the road from which you have access, all wells (including abandoned wells), and sanitary systems including their setbacks from structures, the work or structure you are proposing, including eaves. (Structure roof eaves must meet all yard setback standards.) Then, give distances from the proposed building(s) to the road right of way, left, right and the rear property lines and lake or river setbacks.



X

Signature

*Kevin C. Sunderland*  
Site Inspected By P & Z Staff:

Today's Date

08/02/2022

Date Site Will Be Staked

# Impervious Surface Calculation

This calculation sheet is a necessary attachment for all land use permit applications and variance applications in the shoreland zoning district. Because of the impact of storm water runoff, the Morrison County Zoning Ordinance limits the amount of impervious surface coverage. Impervious surfaces include constructed or other hard surface that either prevents or retards the entry of water into the soil and causes the water to run off the surface in greater quantities at an increased rate of flow. Examples include gravel, concrete, or asphalt rooftops, sidewalks, patios, driveways, parking areas, storage areas, or areas of hardscaping.

Lot Dimensions: \_\_\_\_\_ X \_\_\_\_\_ Lot Sq.Ft. \_\_\_\_\_

Use the following Table to Calculate Total Impervious Surface Area:  
**\*\* All structure dimensions must be measured from roof eaves\*\***

Impervious Surface Item	Structure Dimensions	Total Area (ft <sup>2</sup> )
Proposed or Existing House		2,920
Proposed House Addition		
Existing Garage(s) or Accessory Buildings		
Proposed Garage or Accessory Buildings		
Boat House and/or Ramp		
Sidewalk(s)		
Patio(s)		310
Deck(s)		
Driveway and Parking Area Including Gravel Surfaced Areas		900
Other		
Other		
Other		
<b>Total Impervious Surface</b>		<b>4130</b>

$$\frac{4130}{25,155} \times 100 = 16.41\%$$

Total impervious surface                      total lot sq. ft.                      percent impervious surface

*I certify that the above information is true and accurate to the best of my knowledge and that I have included all existing or proposed impervious surfaces on my property. I understand that if the percentage of total impervious surface is greater than the allowance, a variance will be required as part of my application.*


8/1/22  
 Signature of Applicant Date

Attach additional sheet as necessary


08/02/2022

**Board of Adjustment Findings  
(PID 16.0810.000)**

**Applicant:** Khris Sundvahl/Greg and Keri Johnson

**Variance Request:** Variance to encroach on setback to the river with a dwelling

**Date of Hearing:** August 30, 2022

The property is in Section 30 of Little Falls Township. It is on the Mississippi River and within the Zebulon Shores subdivision which was established in 1977. It is a non-conforming single lot (less than five acres and 330 feet wide). The property is 120 feet wide and 25,155 square feet.

The applicant (Johnson) would like to purchase the property (from Sundvahl).

The first Mississippi Headwaters Board standards went into effect in 1981. The required setback from the river is 150 feet. The shore impact zone is the first 100 feet from the river.

Zoning history on the property includes:

- 1993: Variance to *separate a contiguous lot which does not meet the minimum dimensional standards, and to erect a home at 102' from the Ordinary High Water Mark of the Mississippi River*
- 1995: MN Legislative change regarding undersized contiguous lots to be conveyed together – letter to property owner (Sundvahl) with legal opinion that variance still valid to separate lots – Lots were separated – date unknown
- 1995: Morrison County Land Use Control amendment language: *If, within two (2) years after the date the variance was granted, a land use permit was not obtained, the variance shall become null and void*
- 2022: Inquiry into developing the lot utilizing the variance granted in 1993 to encroach on setback from river – County Attorney opinion requested

The applicant is requesting to construct a dwelling 120 feet from the Mississippi River, which is a 30-foot encroachment into the required setback. The location of the septic system was not identified within the variance application, so it is assumed that it will meet all setbacks.

An approximate 4,260 square foot building envelope exists on the property

The impervious surface is 16.41 %; 25% impervious surface is allowed.

The applicant attended a DRT meeting

The neighborhood consists of many nonconforming structures – many have been granted variances in the past.

The current owner (Sundvahl) submitted comments with the application



Applicable Comprehensive Land Use Plan Goals:

### **Natural Resources and Open Spaces**

Goal C2: Preserve natural resources identified as critical and sensitive including wildlife habitats, wetlands, forest lands, etc., within Morrison County.

### **Shoreland Development**

Goal D1: Work to ensure that development occurring within the County's watersheds is done in a thoughtful and deliberate manner so as to balance environmental, social and economic goals to the greatest extent possible.

Applicable Morrison County Comprehensive Water Plan Goals and Objectives:

**Surface Water Goal:** To protect, enhance and maintain the quality of all surface waters in Morrison County (lakes, rivers, streams and wetlands)

**Objective B:** Ensure that land use decisions for shoreland development take environmental impacts and climate change into consideration

**Land Use and Development Goal:** To ensure that land use decisions are compatible with natural resource protection

**Objective B:** Ensure that land use decisions for shoreland development and plat development take environmental impacts into consideration

**Objective D:** Reduce the loss of natural habitat and enhance natural habitat communities when possible  
A plat map, aerial photographs, figures, and site photographs were presented to the board.

104 notices were mailed; three comments against the request were received prior to the hearing from the Director of the Mississippi Headwaters Board, the MN DNR Area Hydrologist and the Director of the Morrison County Soil and Water Conservation District. One citizen comment in support of the request was received prior to the public hearing.

Six individuals commented at the public hearing. Comments included the following:

- Adjacent property owners are in favor of the request
- Alignment of the homes in the neighborhood should be taken into consideration
- A dwelling closer to the road would disturb the neighborhood
- Township open to finding a middle ground for encroachment on the setback from the right-of-way

Five members of the Board of Adjustment viewed the property prior to the hearing and were present at the hearing.

The Board of Adjustment discussed the following at the public hearing:

- Applicant recognizes there is a building envelope on the property, but it is not adequate for building
- The riverbank is in excellent condition – plans for minimal disturbance to get access to the river
- Applicant open to reducing the requested 120-foot setback to 130 feet – would still meet setback from the road
- Township amenable to encroachment on the setback from the road right-of-way; applicant feels a dwelling close to the road would disrupt the neighborhood
- Decisions by the past Board of Adjustment (allowance for the parcel to move separately and to be developed) places a burden on today's Board of Adjustment
- Conditions to keep in mind while voting on the criteria questions

The following factors for consideration of a practical difficulty were:

1. Is the request in harmony with the general purpose and intent of the Morrison County Land Use Ordinance and Comprehensive Plan.
2. Is the applicant proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance.
3. Will the issuance of the variance maintain the essential character of the locality.
4. Is the alleged practical difficulty due to circumstances unique to the property.
5. Is the need for the variance created by actions other than the landowner or prior landowners.
6. Does the alleged practical difficulty involve more than just economic considerations

### **Conclusion**

1. The Morrison County Board of Adjustment found the request is in harmony with the intent of the Comprehensive Plan and Land Use Ordinance. With conditions to protect the riverbank and vegetative screening, the request is in harmony. A variance was granted in the past for a closer encroachment, but the variance has since expired. (5) yes (0) no
2. The Board of Adjustment found the applicant is proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance. Although a building envelope exists it is quite narrow, which would result in an oddly shaped home. It is reasonable to request a variance to build a dwelling that is more conforming with the neighborhood. (5) yes (0) no
3. The Board of Adjustment found the issuance of the variance will maintain the essential character of the locality. Adjacent neighbors have commented in support of the request. Even with this variance, the proposed dwelling will be the farthest from the river compared to other dwellings in the neighborhood. (5) yes (0) no
4. The Board of Adjustment found the alleged practical difficulty is due to circumstances unique to the property. This lot was allowed by variance to be sold separately. The compression of everything (dwelling, septic system) into the available building envelope would result in a property that does not fit in the neighborhood. (5) yes (0) no
5. The Board of Adjustment found the need for the variance is created by actions other than the landowner or prior landowners. The design of the neighborhood and its essential character drives the need for this variance. (5) yes (0) no
6. The Board of Adjustment found the alleged practical difficulty does involve more than just economic considerations. The applicant is not saving money with this proposal. (5) yes (0) no

Based on the findings and the criteria as stated in Minnesota Statutes 394.27, a motion was made by Marvin Trettel, and seconded by Dave Brutscher to approve the variance request to construct a dwelling within setback to the Mississippi River. The variance is granted with four (4) conditions:

1. The property owner shall submit a stormwater plan acceptable to the Land Services Department at the time of permitting the dwelling
2. No development of the bank/shoreline shall occur except for that allowed by ordinance to have access to the river
3. No removal of mature trees from the lot shall occur
4. The dwelling shall be no closer than 130 feet from the Mississippi River

---

Chair  
Morrison County Board of Adjustment

---

Date

## Amy Kowalzek

---

**From:** Anderson, Mark W (DNR) <mark.anderson@state.mn.us>  
**Sent:** Monday, August 29, 2022 4:18 PM  
**To:** Sharon Peterson; Amy Kowalzek  
**Cc:** Shannon Wettstein; Crocker, Tim L (DNR)  
**Subject:** RE: August 30th Packet

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**Caution:** This message has originated from outside from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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Good Morning Sharon and Amy,

I would also like to submit comment in regards to the Sundvahl/Johnson variance application.

During the DRT meeting I was quite clear that the house should be located as far from the Mississippi River as possible, and if a variance were to be requested that it be focused on the road ROW setback requirement instead of the Mississippi River. This application does not address MN DNR concerns/comments.

In the practical difficulty the applicant states the practical difficulty is that variance were approved in the past. The Board of Adjustment it required to review and make decisions on variance applications with a different process than what was required back in the 1990's. Simply put, a home can be constructed with meeting setbacks (or a reduction on the road side) and should be held to that standard.

Additionally, the applicant states they are not able to fit their current plans on this lot. Personal design choice is not part of the practical difficulty consideration. If the lot does not meet the applicants desire for building without a variance then this lot does not meet their needs and to create a non-conformity is contrary to the Morrison County Land Use Control Ordinance.

Regards,  
Mark

---

**From:** Shannon Wettstein <shannon.wettstein@morrisonswcd.org>  
**Sent:** Friday, August 26, 2022 4:09 PM  
**To:** Sharon Peterson <SharonP@co.morrison.mn.us>; Amy Kowalzek <AmyK@co.morrison.mn.us>  
**Cc:** Anderson, Mark W (DNR) <mark.anderson@state.mn.us>  
**Subject:** RE: August 30th Packet

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Sharon/Amy,

I would like to submit a comment in regards to the public hearing being held on August 30<sup>th</sup> regarding Khris Sundvahl/Greg and Keri Johnson.

Having attended the DRT meeting where this project was proposed my comments have not change. The recommendation at that meeting was for the landowners to request a variance from the road right of way instead of the setback from the Mississippi as increased development within the first 150' of a water way puts avoidable pressure on the slope of the bank as well as decreases the space available for water infiltration before overland runoff reaches the river. We have witnessed countless shorelines on shorelines with soils identical to this one which have erosion issues or in extreme cases, sloughed into the river when impervious surfaces are concentrated within this sensitive area are allowed to exist.

As the applicant has chosen to still pursue the variance despite the recommendation from this office I have to strongly recommend that the variance be denied as alternative options do exist on the property.

Sincerely,  
Shannon

**Shannon Wettstein**

District Manager  
Morrison SWCD  
office: 320-631-3553  
cell: 320-547-1651  
16776 Heron Road  
Little Falls, MN 56345

Please stop in. Our doors are no longer locked and we miss having visitors!

---

**From:** Sharon Peterson <[SharonP@co.morrison.mn.us](mailto:SharonP@co.morrison.mn.us)>

**Sent:** Friday, August 19, 2022 9:38 AM

**To:** County Commissioners <[commissioners@co.morrison.mn.us](mailto:commissioners@co.morrison.mn.us)>; Anderson, Mark W (DNR <[mark.anderson@state.mn.us](mailto:mark.anderson@state.mn.us)>; Matt LeBlanc <[MattL@co.morrison.mn.us](mailto:MattL@co.morrison.mn.us)>; Shannon Wettstein <[shannon.wettstein@morrisonswcd.org](mailto:shannon.wettstein@morrisonswcd.org)>; Brian Middendorf <[BrianM@co.morrison.mn.us](mailto:BrianM@co.morrison.mn.us)>; Tony Hennen <[TonyH@co.morrison.mn.us](mailto:TonyH@co.morrison.mn.us)>; Brent Lindgren <[brentlindgren@millelacssheriff.com](mailto:brentlindgren@millelacssheriff.com)>; Clint Kathrein <[kathreink@gmail.com](mailto:kathreink@gmail.com)>; Dave Brutcher <[Dave@daystardairy.com](mailto:Dave@daystardairy.com)>; Dave Stish <[triples@fallsnet.com](mailto:triples@fallsnet.com)>; Marvin Trettel <[rmtrettel@gmail.com](mailto:rmtrettel@gmail.com)>

**Subject:** August 30th Packet

*Attached is your packet for our August 30<sup>th</sup>, PC/BOA Meeting.*

**Sharon Peterson**  
**Planning & Zoning Specialist**  
[sharonp@co.morrison.mn.us](mailto:sharonp@co.morrison.mn.us)  
320-632-0173

## Amy Kowalzek

---

**From:** Tim Terrill <Timt@mississippiheadwaters.org>  
**Sent:** Tuesday, August 16, 2022 11:38 AM  
**To:** Amy Kowalzek  
**Subject:** Khris Sundvahl/Greg & Keri Johnson

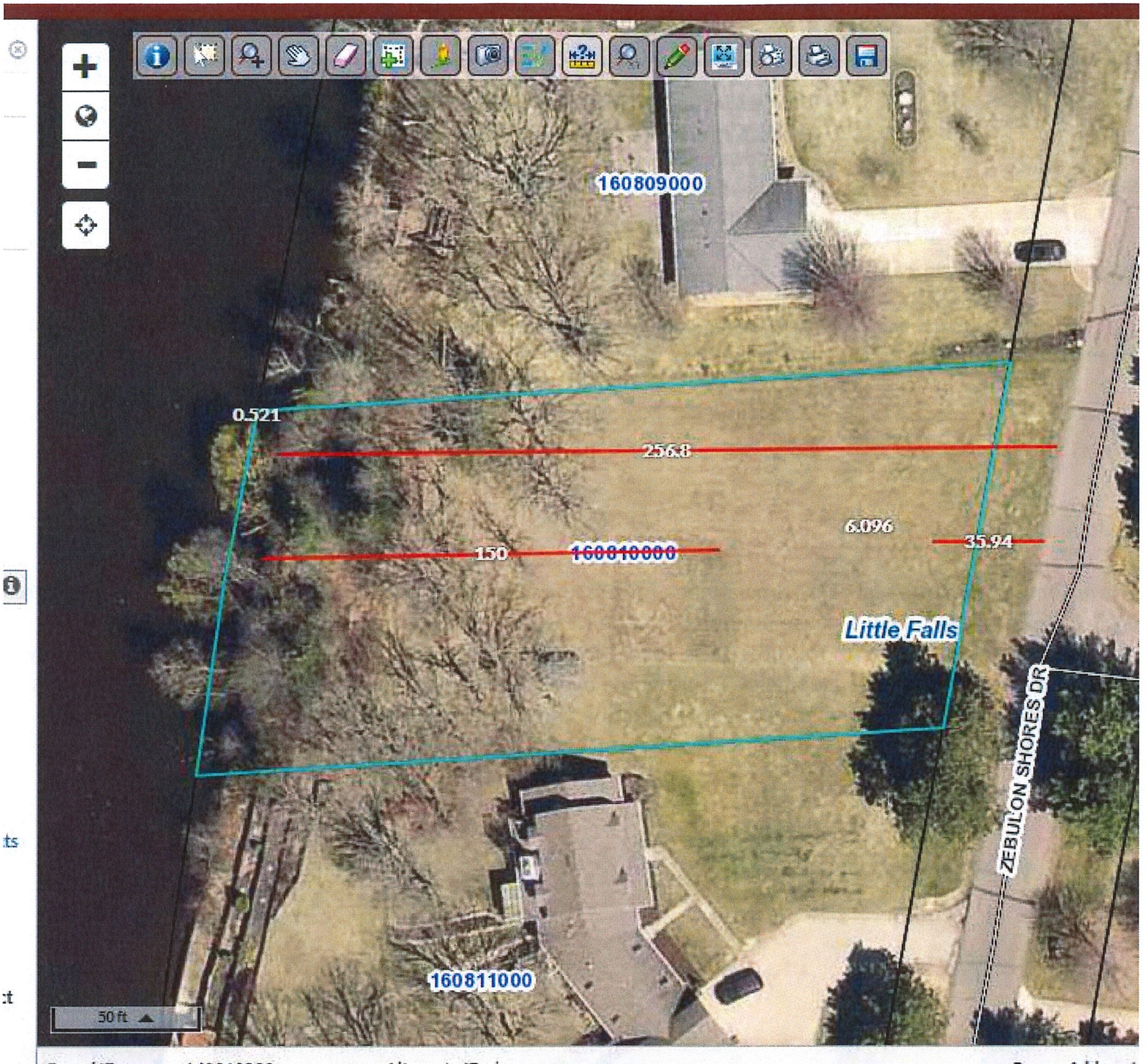
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Hello Amy,

I have some comments regarding the variance for the Khris Sundvahl/Greg & Keri Johnson variance. Since this is a lot which doesn't have a house built on it, I hope to set a precedence with my comments. I suggest the BOA require a setback of 150' from the Miss. River. In doing some rough measuring on the Morrison county interactive mapping website (see below), this would allow the home to meet a 36' setback from the road as well and still allow 71' building envelope for the home and garage to be built within. (256' lot length – 150' setback – 36' road setback= 71' building envelope). These are my comments.



Best,

*Tim Terrill*

Mississippi Headwaters Board

218.824.1189

[www.mississippiheadwaters.org](http://www.mississippiheadwaters.org)

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Khris Sundvahl  
31779 Thoroughfare Dr  
Cushing, MN 56443  
320.493.9068

August 05, 2022

Morrison County Land Services  
Board of Adjustment  
213 1<sup>st</sup> Avenue SE  
Little Falls, MN 56345

RE: Variance Zebulon Shores

Dear Committee Members;

I am the owner of a variance granted upon Lot 5, Block 3 of the Zebulon Shores zoning area. I was granted an order of variance without expiration on or about August 20, 1993. This order granted me the variance in perpetuity, as there was no expiration dictated within the order at issue. This finding was affirmed in a letter to me by Roger Kuklok, then Planning and Zoning Administrator for Morrison County on August 23, 1995. I am including the Order of Variance and letter from Mr. Kuklok along with this correspondence.

It has come to my attention that your department is refusing to recognize this Variance and to permit it to be granted to the purchasers of my property, Greg and Keri Johnson. This delay has significantly deferred the sale of my property, as the sale as supposed to close over a month ago as of the date of this letter, and I would formally request that your department issue the appropriate Variance so that the property sale may be closed without further delays and construction may commence.

I would respectfully request your prompt attention to this matter and a response to affirm your agreement to cease obstruction of issuing the appropriate order to Mr. and Mrs. Johnson.

Sincerely,



Khris Sundvahl

Enclosures

RECEIVED

AUG 11 2022

MORRISON COUNTY  
LAND SERVICES





## Planning and Zoning

ROGER KUKLOK  
*Zoning Administrator*

Administration Building  
Little Falls, Minnesota 56345-3196

612/632-2941

August 23, 1995

TO: Khris E. Sundvahl  
110 Zebulon Shores  
Little Falls, MN 56345

FROM: Roger Kuklok  
Zoning Administrator

RE: Variance to split contiguous lots

In consulting with Mr. Conrad Freeberg, Morrison County Attorney, it is his opinion that the variance granted August 20, 1993 is not subject to the recent legislative window recently granted by the Minnesota Legislature. This allows you an indefinite time frame to dispose of the lot.



# MISSISSIPPI HEADWATERS BOARD

CASS COUNTY COURTHOUSE  
WALKER, MINNESOTA 56484

218/547-3300 EXT. 263  
FAX 218/547-2440

August 30, 1993

Khris Sundvahl  
110 Zebulon Shores  
Little Falls, MN 56345

Dear Ms. Sundvahl:

Enclosed are the Notices of Approval for your recent Variance applications. A copy of the Notices have also been sent to your county zoning office. Please sign the attached Notices of Agreement and return them in the envelope provided.

At the end of the building season I will send you a Construction Compliance Certification which you also need to fill out and return to the Mississippi Headwaters Board.

The Mississippi Headwaters Board may request an audit of compliance with your variance approval after construction is completed. I will call to arrange an appointment with you at that time.

Please call if you have any questions.

Sincerely,

Theresa Eclov  
Office Manager

Enc.

121



# MISSISSIPPI HEADWATERS BOARD

CASS COUNTY COURTHOUSE  
WALKER, MINNESOTA 56484

218/547-3300 EXT. 263  
FAX 218/547-2440

## MISSISSIPPI HEADWATERS BOARD

### NOTICE OF

### APPROVAL AND NONAPPROVAL

On the 20th day of August, 1993, a meeting of the Mississippi Headwaters Board was duly convened, during which consideration was given to the decision of the Morrison County Board of Adjustment granting the application of Khris Sundvahl for the following proposed action:

Requests a variance to separate a lot not meeting current dimensions described as Lot 5, Block 3, Zebulon Shores, Little Falls Township, Morrison County.

Upon a motion by Board Member Pat Alberg, seconded by Board Member Bill Block, a resolution was adopted recommending the following action:

To certify the action of Morrison County granting the variance to separate Lot 5 from Lot 6 and part of Lot 7, Block 3, Zebulon Shores, based on the findings of the county that the lot was a lot of record on October 27, 1981; that the proposed use is allowed within the zoning district; that the lot would have been in separate and single ownership except for a court order; that there are no adjacent undeveloped lots with which the lot could be combined; that the lot meets land suitability requirements of the ordinance; and that the sanitary setback requirements can be met.

6 Ayes, 0 Nays

Virgil Foster, CHAIRMAN  
MISSISSIPPI HEADWATERS BOARD

Dated this 27th day  
of August, 1993

STATE OF MINNESOTA  
COUNTY OF MORRISON

MORRISON COUNTY BOARD OF ADJUSTMENTS  
VARIANCE PROCEEDINGS

In the matter of

REQUEST:

Khrris E. Sundvahl, Owner  
~~XXXXXXXXXXXXXXXXXXXX~~

ORDER OF VARIANCE  
OR

The above entitled matter came on to be heard before the Board of Adjustments on the 3rd day of August, 1993, on a petition for a variance pursuant to the Morrison County Zoning Ordinance, for the following described property:  
(Approved by Mississippi Headwaters Board on August 20, 1993)

Lot 5, Block 3, Zebulon Shores

IT IS ORDERED that a variance ~~XXXXX~~ be granted upon the following conditions or reasons:

To separate a contiguous lot which does not meet the minimum dimensional standards, and to erect a home at 102' from the Ordinary High Water Mark of the Mississippi River.

DATED this 20th day of August, 1993.

Richard L. Collier  
Chairman of Board of Adjustments

STATE OF MINNESOTA )  
COUNTY OF MORRISON ) ss.  
MORRISON COUNTY OFFICE  
OF PLANNING AND ZONING

I, Roger Kuklok, Planning and Zoning Administrator for the County of Morrison, with and in for said County, do hereby certify that I have compared the foregoing copy and Order (granting) ~~XXXXXXXXXX~~ a variance with the original record thereof preserved in my office, and have found the same to be a correct and true transcript of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed by hand at Little Falls, Minnesota, in the County of Morrison on the 20th day of August, 1993.

Roger Kuklok  
Morrison County Planning & Zoning  
Administrator

Office of County Recorder  
County of Morrison, Minn. } ss.

I hereby certify that the within instrument was filed in this office for record on the 20 day of August A.D. 1993 at 2 o'clock PM and was duly recorded as Doc. No. 347528  
ELDA MAE JOHNSTON

~~Missie Beckwith-Ferguson~~, County Recorder  
Jean M. Johnson Deputy

2 P48 19.30 ad



**APPLICANT:** Greg and Keri Johnson / Khris Sundvahl

**LOCATION:** Lot 5 Block 3 of Zebulon Shores

**EXISTING ZONING:** Mississippi Headwaters Board

**DATE OF HEARING:** August 30, 2022

**APPLICATION SUBMITTED:** Variance to construct a dwelling within setback to the river

**COUNTY ZONING ORDINANCE REQUIREMENT:** MHB F1

**STAFF REPORT:**

The property is in Section 30 of Little Falls Township. It is on the Mississippi River and within the Zebulon Shores subdivision which was established in 1977. It is a non-conforming single lot (less than five acres and 330 feet wide). The property is 120 feet wide and 25,155 square feet.

The applicant (Johnson) would like to purchase the property (from Sundvahl).

The first Mississippi Headwaters Board standards went into effect in 1981. The required setback from the river is 150 feet. The shore impact zone is the first 100 feet from the river.

Zoning history on the property includes:

- 1993: Variance to *separate a contiguous lot which does not meet the minimum dimensional standards, and to erect a home at 102' from the Ordinary High Water Mark of the Mississippi River*
- 1995: MN Legislative change regarding undersized contiguous lots to be conveyed together – letter to property owner (Sundvahl) with legal opinion that variance still valid to separate lots – **See Figure 1** Lots were separated – date unknown
- 1995: Morrison County Land Use Control amendment language: *If, within two (2) years after the date the variance was granted, a land use permit was not obtained, the variance shall become null and void*
- 2022: Inquiry into developing the lot utilizing the variance granted in 1993 to encroach on setback from river – County Attorney opinion requested – **See Figure 2**

The applicant is requesting to construct a dwelling 120 feet from the Mississippi River, which is a 30-foot encroachment into the required setback. The location of the septic system was not identified within the variance application, so it is assumed that it will meet all setbacks.

An approximate 4,260 square foot building envelope exists on the property – **See Figure 3**

The impervious surface is 16.41 %; 25% impervious surface is allowed.

The applicant attended a DRT meeting – **See Figure 4**



The neighborhood consists of many nonconforming structures – many have been granted variances in the past. – **See Figure 5**

The current owner (Sundvahl) submitted comments with the application – **See Figure 6**

Applicable Comprehensive Land Use Plan Goals:

**Natural Resources and Open Spaces**

Goal C2: Preserve natural resources identified as critical and sensitive including wildlife habitats, wetlands, forest lands, etc., within Morrison County.

**Shoreland Development**

Goal D1: Work to ensure that development occurring within the County’s watersheds is done in a thoughtful and deliberate manner so as to balance environmental, social and economic goals to the greatest extent possible.

Applicable Morrison County Comprehensive Water Plan Goals and Objectives:

**Surface Water Goal:** To protect, enhance and maintain the quality of all surface waters in Morrison County (lakes, rivers, streams and wetlands)

**Objective B:** Ensure that land use decisions for shoreland development take environmental impacts and climate change into consideration

**Land Use and Development Goal:** To ensure that land use decisions are compatible with natural resource protection

**Objective B:** Ensure that land use decisions for shoreland development and plat development take environmental impacts into consideration

**Objective D:** Reduce the loss of natural habitat and enhance natural habitat communities when possible



MORRISON COUNTY

"HOME OF LINDBERGH"

Planning and Zoning

ROGER KUKLOK  
*Zoning Administrator*

Administration Building  
Little Falls, Minnesota 56345-3196

612/632-2941

Figure 1

August 23, 1995

TO: Khris E. Sundvahl  
110 Zebulon Shores  
Little Falls, MN 56345

FROM: Roger Kuklok  
Zoning Administrator

RE: Variance to split contiguous lots

In consulting with Mr. Conrad Freeberg, Morrison County Attorney, it is his opinion that the variance granted August 20, 1993 is not subject to the recent legislative window recently granted by the Minnesota Legislature. This allows you an indefinite time frame to dispose of the lot.

## Amy Kowalzek

---

**From:** Brian Middendorf  
**Sent:** Friday, July 15, 2022 4:27 PM  
**To:** Darrin Welle  
**Cc:** Amy Kowalzek  
**Subject:** RE: Variance Question

Figure 2

Darrin,

Your question, as I understand it, is the effect the 1995 ordinance amendment has upon the Sundvahl property variance that was granted in August 1993--and more generally upon any variances granted prior to 1995 that have not yet been acted upon.

In August 1993, Kris Sundvahl was granted two variances: 1) to separate a contiguous lot which does not meet the minimum dimensional standards; and 2) to erect a home at 102 feet from the OHW mark of the Mississippi.

Sometime in 1995 the County amended the ordinance by adding language that "if within two years after the date the variance was granted, a land use permit was not obtained, the variance shall become null and void." (section 505.8)

By its specific language, the 1995 amendment only effects variances in which a land use permit needs to be obtained. Thus, in my opinion, any variance that does not require a land use permit, would not be effected by this ordinance requirement. Therefore, I think we need to look at the two Sundvahl variances separately. Even though they were granted at the same time, they are very different. Since the first variance relating to the contiguous lot requirement does not need a permit to be pulled, I don't believe that the 1995 amendment would effect this variance. Therefore, I agree with Mr. Freeberg's opinion that this variance runs with the land forever. Therefore, this variance remains in effect.

Regarding the second variance, involving construction of the home, I think the analysis is different because it requires the pulling of the permit. And that means, if the 1995 ordinance amendment is retroactive, then this variance will be null and void, since the landowner never applied for a permit.

I believe that the ordinance amendment is retroactive. Section 304 of our ordinance states: "Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested right in the continuation of any particular use, district zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment change or modifications as may be necessary to the preservation or protection of the public health, safety and general welfare."

In addition, the Minnesota Court of Appeals has stated in *Karmmeuller v. City of St. Paul* (2009 WL 5091276) "...the law is well established in Minnesota that zoning statutes are an exercise of police power such that retroactive application of zoning provisions does not violate constitutional restrictions against the retroactive application of legislation or the impairment of vested rights."

Because I believe the ordinance change is retroactive, I believe that any variance granted prior to 1995 that requires the pulling of a permit is now null and void, if a permit has never been pulled.

Regards,

Brian



# Figure 3



Applicant Name Greg & Keri Johson

Figure 4

Date 07/25/2022

Item Number

1

Parcel Number (s)

16.0810.000

## DRT (Development Review Team) Checklist

- Surrounding Land Uses
- Site Plan
- Wetlands if Applicable
- Conditional Use Packet
- Variance Packet
- Rezone Packet
- Interim Packet
- Subdivision Packet
- Public Hearing Dates
- Public Hearing Process
- Other

### Attended By:

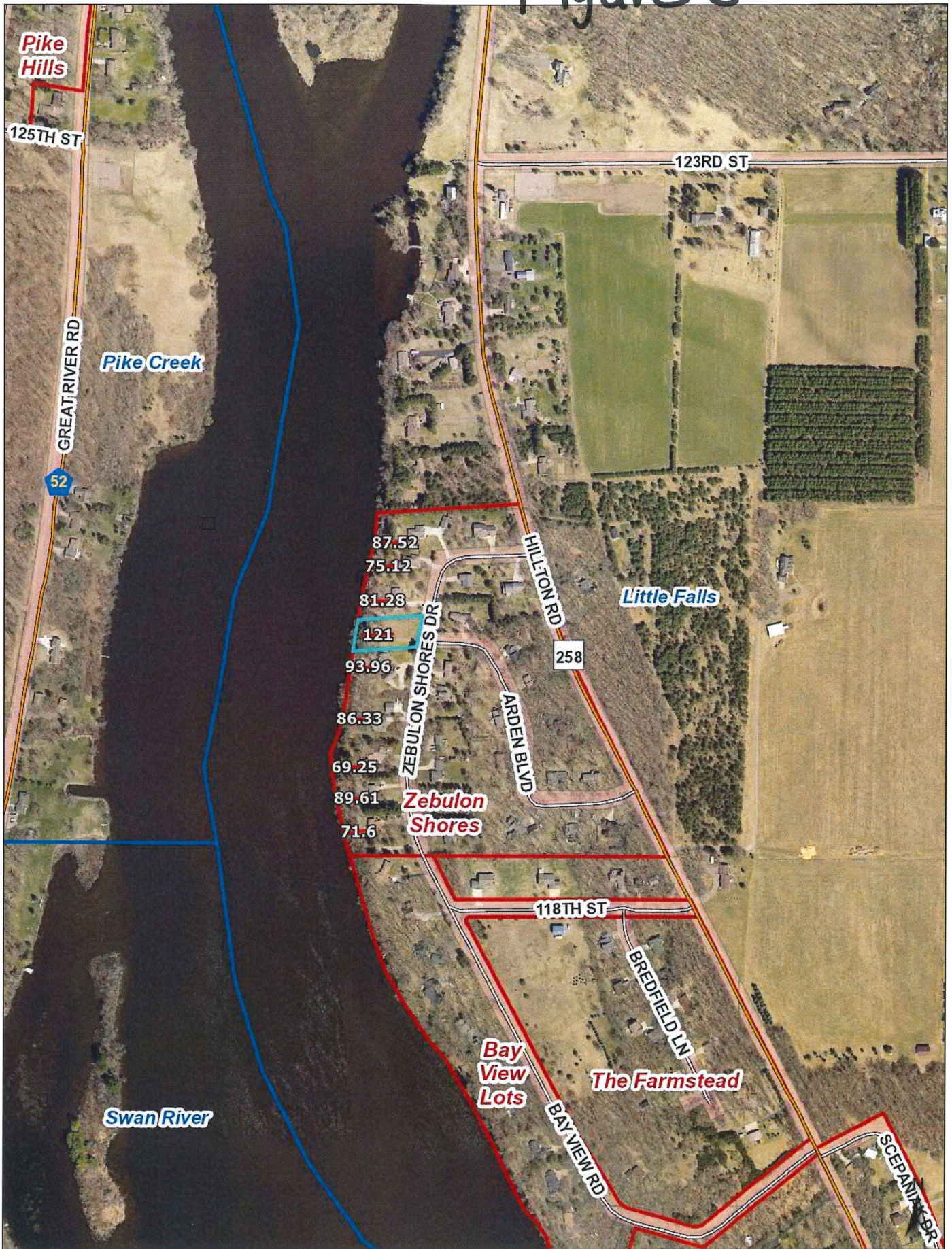
1. Sharon Peterson
2. Mark Anderson - DNR
3. Shannon Wettstein - SWCD
4. Greg Johnson
5. Keri Johnson
- 6.
- 7.
- 8.

**Request:** Place a dwelling within the setback to the Mississippi River

### Items of Discussion

The property is within the floodplain and this would require a survey or LOMA to show the home would be above the BFE. The property would need to show to sites for a septic system and to meet setbacks for a well. The bank of the property appears to be a steep slope, probably does not reach the level of a bluff. There is a small building envelope available on the property. The setback to the river is 150', the road setback is 30' from the right of way and the side yard setbacks are 10'. The over all height cannot exceed 25' from ground level to the peak. In 1993 there was a variance granted to split the lots and to allow for a home to be built at 102' from the river. The lot variance was acted on but the house setback was not so this portion of the variance was void (clarified through County Attorney). The Board may asked why buy the property if it does not meet your needs. Why not build within the building envelope. Mark Anderson stated the DNR would suggest that the home start at the setback to the road so this would lessen the setback from the river. Shannon Wettstein SWCD stated her office feels the same way. Greg Johnson stated this option does not follow with our building plans. Shannon Wettstein - SWCD - this is something the Soil & Water would agree with, would recommend the thought process of moving closer to the road. Greg asked if this recommendation would go to the BOA. Sharon stated that Land Services does not recommend approval or denial. Shannon and Mark stated their agency's would. Greg asked if this is something the DNR typically does. Mark stated he cannot comment on the past. Shannon stated this is a sandy area and river bank could slough.

Figure 5



To whom it may concern,

# Figure 6

I the undersigned owner, Khris Sundvahl hereby state that I support the variance and any work needed to accomplish the moving forward of this project for Greg and Keri Johnson to purchase and build on the lot at TBD Zebulon Shores Drive, Little Falls, MN. As everyone knows the county will benefit it from the tax space of a \$300,000 to \$400,000 home versus the tax on a \$90,000 lot.

Sincerely,

*Khris Sundvahl* 08/02/2022  
Khris Sundvahl



# MISSISSIPPI HEADWATERS BOARD

CASS COUNTY COURTHOUSE  
WALKER, MINNESOTA 56484

218/547-3300 EXT. 263  
FAX 218/547-2440

## Mississippi Headwaters Board Meeting Minutes Friday, August 20, 1993

**Members Present:** Virgil Foster, Pat Alberg, Brad Nord, Margaret Sherman, Barb Uppgaard, Bill Block

**Members Absent:** Jay Braford, Allen Paulson

**Others Present:** John Powers, June Varner, Roger Kuklok, Chuck Kauppi, Doug Hagenson, Khris Sundvahl, Todd Halls, Lynn Halls, Mike Perry, Steven Johnson, Molly MacGregor

Chairman Foster called to order the monthly meeting of the Mississippi Headwaters Board at 10:30 a.m., Friday, August 20, 1993, in Public Meeting Room 1, Morrison County Courthouse, Little Falls, MN.

Commissioner Sherman moved approval of the agenda, with the zoning agenda changed to allow the property owners present to be heard first and a presentation on the draft Timber Generic Environmental Impact Statement Study (GEIS) to be added; Commissioner Alberg seconded; motion passed.

Commissioner Block moved approval of the minutes of the July 16 meeting as mailed to members; Commissioner Alberg seconded; motion passed.

Expenses in the amount of \$14,066.56 were listed, itemized and distributed to members in advance of the meeting. Commissioner Uppgaard moved approval of payment of Cass County Auditor's Warrants Numbers 212614 through 212659(not numbered consecutively); Commissioner Sherman seconded; motion passed.

Morrison County Zoning Director Roger Kuklok presented the request of Khris Sundvahl for a variance to separate a lot not meeting current dimensions described as Lot 5, Block 3, Zebulon Shores, Little Falls Township, Morrison County. The variance was granted by the Morrison County Board of Adjustment at its meeting July 6, and reviewed for certification by the Mississippi Headwaters Board on July 16. Then, the MHB remanded the action to the Morrison County Board of Adjustment for further information on the Findings of Fact.

At its meeting, August 2, the Morrison County Board of Adjustment reviewed specific questions posed by MHB Attorney John Valen and answered each question in the affirmative, and supported its original action in granting the variance. The applicant owned parts of three lots, which were combined through a divorce proceeding. Previously, the only undeveloped lot, Lot 5, was held solely by the applicant.



**MHB Meeting Minutes**

**August 20, 1993**

**Page 2**

Commissioner Alberg moved to certify action of the Morrison County Board of Adjustment granting the variance to separate Lot 5 from Lot 6 and part of Lot 7, Block 3, Zebulon Shores, based on the findings of the county that the lot was a lot of record on October 27, 1981; that the proposed use is allowed within the zoning district; that the lot would have been in separate and single ownership except for a court order; that there are no adjacent undeveloped lots with which the lot could be combined; that the lot meets land suitability requirements of the ordinance and that the sanitary setback requirements can be met; Commissioner Block seconded; motion passed.

Khris Sundvahl requested a variance to build 102 feet from the ordinary high water mark of the Mississippi River on a lot not meeting current zoning standards, described as Lot 5, Block 3, Zebulon Shores, Little Falls Township, Morrison County, based on the hardship that the lot is not deep enough to accommodate a septic system and conforming setback.

Ms. Sundvahl was present at the meeting. Mr. Todd Halls, a realtor, spoke on behalf of the application.

Commissioner Block moved to certify action of the Morrison County Board of Adjustment to grant the variance based on the finding of the county that the lot, as platted, is not deep enough to accommodate a conforming septic system and a conforming setback; Commissioner Sherman seconded; motion passed.

Crow Wing County Assistant Zoning Officer Chuck Kauppi presented the request of Douglas and Margaret Hagenson for a variance from the setback to place a sealed septic tank 63 feet from the ordinary high water mark of the Mississippi River with the stated hardship being the placement of the house, and an existing deep well, and the topography and size of the lot, which is 100 feet by 200 feet in area and described as Lot 5, Block 2, Riverview Terrace, Section 7, Township 45, Range 30, Oak Lawn, Crow Wing County.

Mr. Kauppi reported that the applicants have a deep well in their house and the proposed location of the septic tank is the only place where the tank can be located and maintain required separation from the well. Members discussed the implication of the deep well, especially in regard to Minnesota statutes. Mr. Kauppi reported that elevation on the lot drops substantially towards the river.

Mr. Hagenson was present and spoke on behalf of the application.

Following discussion, Commissioner Uppgaard moved to certify the action of the Crow Wing County Board of Adjustment to grant the variance based on the findings of the county that the current septic system is not conforming and that the topography of the lot and the location of the deep well dictate the placement of the septic tank, on the condition the property owner provide a written assurance that it is a deep well; Commissioner Block seconded; motion passed.

Mr. Kauppi reported that the request of Rudy Luther for a variance from the setback to place a sealed septic tank 40 feet from the ordinary high water mark of the Mississippi River with the stated hardship being the topography of the lot and the placement of an existing house and boathouse with living quarters, on property described as Lots 16 and 17, except that portion sold, Pine Shores Subdivision, Section 17, Township 45, Range 30, Oak Lawn Township, Crow Wing County, was remanded to the

## **Action/Discussion**

DNR Conservation Focus area presentation- James Wanstall  
Recreation Webpage Update and Display Update  
Executive Directors report- Discussion

# Executive Director Report

July – September 2022

## Personnel, Budget, Administration, Information & Education, Correspondence

1. Reviewed monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Sent press release to newspapers.
5. Sent press release to papers.
6. Booked biennial conference at Breezy Point for October 2023
7. Dropped off signs at Bemidji and Grand Rapids for replacement.

## Meetings & Networking

1. In the process of updating the MHB website so that the user can know what parts of the Miss. river is signed and have a more detailed map.
2. Held meeting with Stauber's office in Washington DC to discuss strategy moving forward. The administrative process has begun locally with Stansbury in full approval, and a bill is introduced to the House and will be sent to the Natural resource sub-committee.
3. Sent out MHB quote for Stauber's office press release.
4. Talked with Dick Moore, Beltrami Land Commissioner about another possible site to help with restoration.
5. Sent a follow up email to Sarah Strommen to inform me about the decision she made about the Sheep Ranch parcels.
6. Talked with Kate from the Leech Lake Band of Ojibwe about participating with MN Traditions funding and helping produce content. She is also looking into getting me in contact with the right official to talk about recreational signage at one of their accesses.
7. Smiles on the 'Sippi was held. Around 300 people attended the event with about 25 race applicants.
8. Kayli utilized our MHB table, new tablecloth, and waterproof cell phone protectors at the CW county fair. This helped promote awareness about our easement and acquisition program to interested individuals.
9. A letter from DNR Commissioner Sarah Strommen arrived saying that they were in favor of removing the sheep ranch parcels from the statewide process. The next step is for DNR to verify that we have the money and funding available.
10. Updated recreational webpage on MHB website so that user can click and view maps of what portions of the Miss. river are signed. I am also working with the DNR to look at options to put a links on their website that will drive them to a PDF of the signed stretch of the Miss. river.
11. Held discussion with Baxter administrator, Brad Chapulis and LCCMR staff about the use of funds for environmental cleanup of mercury. LCCMR funds cannot be used in that



matter, and the most viable opportunity is for the owner to pay for the cleanup and have Baxter buy it with a clean bill of sale. This is all contingent on MPCA allowing a variance to bring contaminated soil to the Becker landfill.

12. Provided Variance comments to Morrison county on new home construction for a lot on the Miss. river. Recommended 150' setback.
13. Held Wrap up meeting with YMCA and Smiles for Jake to look at options to improve in the future.
14. Sent email to Avenza maps exploring ways they could calculate time of arrival in real time on their app.
15. Participated in Miss Brainerd 1W1P advisory committee meeting.
16. Provided input on zoning in Morrison county regarding the Sundvahl property.
17. Provided input on potential land sale in Beltrami county regarding 0.2 acres of public land.
18. Talked with Laura Kirchner from Enbridge and she is looking at opportunities for Enbridge to fund another public/private project that protects a resource or environmental stewardship.