



**Mississippi Headwaters Board
Meeting Agenda
Breezy Point Resort, Breezy Point MN
Lakeside Ballroom
October 27, 2023
8:00 am**

8:00 AM

- **Call to Order/Pledge of Allegiance**

8:05 AM Approve/Amend

- Agenda
- Consent Agenda – September '23 Minutes & Expenses

Correspondence

- October Press Release

Planning and Zoning (Actions)

- H10a23- Capouch Variance
- CW10a23- Eugene Foote Plat Certification

Action / Discussion Items:

- DNR Grant Contract
- November meeting Date?

MHB Biennial Conference

1:00 Meeting Adjourned - Thank you

Mtgs:

November 24, 2023 10:00 AM- MHB Monthly Meeting, Walker, MN

Attachment

Draft Minutes

Monthly Expenses

Mississippi Headwaters Board
September 22, 2023
Cass County Board Room
322 Laurel St.
Brainerd, MN

Optional interactive technology: <https://us02web.zoom.us/j/82376644615>

MEETING
MINUTES

Members present by Roll Call: Ted VanKempen (Hubbard), Dean Newland (Clearwater), Steve Barrows (Crow Wing), Scott Bruns (Cass), Craig Gaasvig (Beltrami), Michael Kearney (Aitkin), Bobby Kasper (Morrison), and Tim Terrill (Executive Director).

Others Present: Steve Keranen (Hubbard County Commissioner alternate), Marcel Noyes (Hubbard County Supervisor).

Pledge of Allegiance

Chair Van Kempen asked if there were any additions to the agenda.

M/S (Gaasvig/Bruns) to approve of the agenda. Motion carried unanimously.

Chair Van Kempen asked for approval to the consent agenda. **M/S (Kearney/Barrows) to approve of the Consent agenda. Motion carried unanimously.**

Correspondence

1. Tim presented the board with a flyer regarding the Whiskey Creek groundbreaking ceremony held September 19th at 3:30 pm. He said Rep. Heintzman and Comm. Kearney attended along with the Baxter Mayor to hold the groundbreaking ceremony. Tim said the acquisition is complete, and all that is needed to be done a few minor paperwork details.
2. Tim showed the board an award he submitted on behalf of the MHB for the Aitkin/MHB resourcetainment program. The award needed to show significant economic development in the project, and Tim had the numbers to estimate the dollars generated from different events in Aitkin county.
3. Tim provided the board with the August press release which highlighted the variance certification that protected Lake Bemidji.
4. The MHB board was shown pictures of Itasca County Commissioner Cory Smith testifying before the sub-committee on Federal Lands. Rep. Pete Stauber and Comm. Smith discussed HR 1657 which is the bill that would allow an exchange between the Chippewa National Forest and Bowen lodge.

Planning and Zoning

H9a23- Hubbard County shoreland ordinance update. Tim provided the board with the language change to the Hubbard shoreland ordinance. He stated that the previous ordinance didn't allow for a professional

service business (PSB) to operate on a natural environment lake, but the change in the ordinance would allow a PSB to operate, but any structure would need to be 400 feet away from the lake's ordinary high water mark. Discussion ensued and Comm. Van Kempen went into detail about what started this conversation and opportunity for change. Comm. Kearney brought up the conversation about holding tanks and what other counties do in that respect, and Comm. Van Kempen said that they allow them to use holding tanks, but with special or unique situations. **M/S (Van Kempen/Kasper) to approve of the Hubbard County ordinance revision. Motion carried unanimously.**

Action/Discussion:

1. MHB Biennial Conference- Tim presented the board with the agenda and a short two to three sentence speech that each commissioner can give once the presentation is given. The purpose of this action is to get the Comm. more involved at the conference level, and apply leadership and influence after every presentation.
2. 2024 High School List- Tim reminded the board that last month the board asked him to come up with a list of high schools in each county so he could hold an awareness and career development talk with them next year. Tim provided a list of 18 schools that he got from using Google, and noted that he is not sure on how to proceed with the large number of schools on the list. Discussion ensued and Comm. Barrows stated that since it is such a big list, Tim should be directed to look for efficiencies. Comm. Gaasvig commented that there are career academy days in Bemidji, and Comm. Kasper noted that Morrison had a water academy day as well. Marcel Noyes also noted that Hubbard holds a freshwater festival, and Comm. Keranen suggested that one option is to send out a notifying letter to all the schools about the possibility of visiting with them. After much discussion, Tim was directed to find out what existing counties are doing regarding high school education, and how he could either be a part of that program, or create opportunity to work with creating a comprehensive county high school education program.

Executive Director's Report

1. Tim attended the LSOHC hearing and testified with partners to request \$9.270M from the council. The meeting went well and a decision to approve of funding will be held in October 2023. After that, recommendations will be made to the legislature.
2. Tim re-sent letters of support for the land exchange to the Western Land Alliance which will be included in a briefing heard in mid-September. Tim informed the board that the sub-committee met and laid out a pathway for a bill to be formally developed.
3. DNR regional director Theresa Ebbenga is working to set up a meeting between Comm. Gaasvig, Comm. Carlson, myself, and Arron VandeLinde to discuss school trust lands and the potential opportunity to develop an 80 acre pond on a school trust land in Bemidji. Tim said that DNR Commissioner Strommen is aware of the potential use of land.
4. Tim attended the Miss. river Grand Rapids 1W1P and provide comment on prioritization of issues within the watershed. Comm. Kearney attended as well.
5. Tim attended the Miss. River Cities and Towns Initiative conference in Bemidji and gave a speech about the formation of the Miss. Headwaters Board to around 140 Mayors. He also talked about design thinking and getting the best out of every decision.
6. Tim attended the Camp Ripley Open house to raise awareness about the MHB. He said that over 100 people stopped by his display and he was able to talk with many of them about the MHB and their programs.

County & Legislative Updates

Comm. Gassvig noted that the October and November MHB board meeting may be a conflict due to the biennial conference and Thanksgiving holiday. Further discussion followed and Tim said that there will be a plat approval needed at the October meeting, but that the board should be prepared to meet earlier than the biennial conference so that the business can be taken care of first. It was thought that 8:30 am might be a good October meeting time which is half an hour before the biennial conference. Regarding the November meeting, the board will need to wait and see if there are any regulatory decisions that need to be made at that time, but informally decided that November 17th might be a potential date if needed to be held. The Chair would be the final decision maker on both counts.

M/S (Barrows/Kasper) to adjourn. Motion carried unanimously.

Ted Van Kempen, Chairman of the Board

Executive Director Tim Terrill

September SFY'24 Budget Summary

		YTD spending/rei mbursement	Projected Budget	% of budget spent	
Revenues:	Monthly Amount				Notes
Governor's DNR grant (53290)		\$33,191.70	\$124,000.00	26.77%	non competitive quarterly reimbursement
LSOHC grant (53290)		\$1,683.55	\$8,000.00	21.04%	LSOHC reimbursement
Guidebook sales (58400)		\$100.00	\$200.00	50.00%	reimbursement for Guidebook sales
Enbridge program (58300)			\$11,000.00	0.00%	enbridge reimbursement
Miscell. Other revenue (58300)	\$780.00		\$9,000.00	0.00%	LCCMR acquisition
MCIT Dividend (58300)			\$42.00	0.00%	MCIT refund
County Support (52990)			\$12,000.00	0.00%	8 county support
LCCMR acquisition			\$1,780.00	0.00%	competitive reimbursement
Total	\$780.00	\$1,783.55	\$40,242.00		
Expenses:	Monthly Amount				Notes
Salaries/Benefits FICA/Med/PERA/LIFE/LTD/Hlth/ WC(61000)	\$ 10,016.57	\$ 16,783.15	\$ 116,691.00	14.38%	reimbursed by Gov. DNR grant
MCIT insurance/work comp/liability (61500)			\$ 2,563.00	0.00%	reimbursed by Gov. DNR grant
MHB board Per Diem (62680)	\$ 300.00	\$ 500.00	\$ 2,300.00	21.74%	reimbursed by Gov. DNR grant
Hotel/Meals/travel exp. (63340)	\$ 190.66	\$ 114.15	\$ 1,000.00	11.42%	reimbursed by Gov. DNR grant
Commissioner Mileage (62720)	\$ 353.70	\$ 436.92	\$ 2,500.00	17.48%	reimbursed by Gov. DNR grant
Employee Mileage (63320)	\$ 658.74	\$ 1,012.63	\$ 3,500.00	28.93%	reimbursed by Gov. DNR grant
Professional Services (62990)	\$ 525.00	\$ 1,138.26	\$ 35,000.00	3.25%	CW financial + parking
Office supplies/operations (64090)	\$ 61.69	\$ 1,659.87	\$ 2,500.00	66.39%	
Training & Registration Fees (63380)			\$ 800.00	0.00%	conferences
Total	\$ 12,106.36	\$ 21,644.98	\$ 166,854.00		

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 2023 09 TO 2023 09

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							
										REVISIED BUDGET .00
										PER 02 -27,627.91 -27,627.91
										PER 05 -29,787.47 -57,415.38
										PER 06 -12,634.15 -70,049.53
										PER 08 -48,172.50 -118,222.03
23/09	756	09/14/23	GNI							-64,080.00 -182,302.03
	ST OF MN		DNR OMB INV 2							
23/09	762	09/14/23	GEN					64,080.00	-118,222.03	
	ST OF MN		DNR OMB INV 2							
			LEDGER BALANCES --- DEBITS:		64,080.00		CREDITS:	-182,302.03	NET:	-118,222.03
74830	58300		Miscellaneous Other Revenue							
										REVISIED BUDGET .00
										PER 01 -22,750.00 -22,750.00
										PER 02 -187,700.00 -210,450.00
										PER 03 61,725.00 -148,725.00
										PER 04 -1,000.00 -149,725.00
										PER 05 -100.00 -149,825.00
										PER 08 -433,300.00 -583,125.00
23/09	762	09/14/23	GEN							-64,080.00 -647,205.00
	ST OF MN		DNR OMB INV 2							
			LEDGER BALANCES --- DEBITS:		61,725.00		CREDITS:	-708,930.00	NET:	-647,205.00
74830	61000		Salaries & Wages - Regular							
										REVISIED BUDGET .00
										PER 01 5,802.46 5,802.46
										PER 02 6,107.35 11,909.81
										PER 03 5,976.54 17,886.35
										PER 04 5,976.54 23,862.89
										PER 05 5,976.55 29,839.44
										PER 06 8,964.81 38,804.25
										PER 07 5,976.54 44,780.79
										PER 08 5,976.55 50,757.34
23/09	405	09/08/23	PRJ PR0908 123908	123908	1239			2,988.27	53,745.61	
	PAY090823		WARRANT=23908							
			RUN=1 BI-WEEKL							
23/09	1123	09/22/23	PRJ pr0922 1230922	1230922	1230			2,988.27	56,733.88	
	pay092223		WARRANT=230922							
			RUN=1 BI-WEEKL							
			LEDGER BALANCES --- DEBITS:		56,733.88		CREDITS:	.00	NET:	56,733.88

ACCOUNT DETAIL HISTORY FOR 2023 09 TO 2023 09

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	61200		Active Insurance							
										REVISED BUDGET .00
										PER 01 1,792.38 1,792.38
										PER 02 1,793.46 3,585.84
										PER 03 1,668.46 5,254.30
										PER 04 1,543.46 6,797.76
										PER 05 1,544.54 8,342.30
										PER 06 1,543.46 9,885.76
										PER 07 1,543.46 11,429.22
										PER 08 1,543.46 12,972.68
23/09	405	09/08/23	PRJ PR0908	123908	123908	1239		760.71		13,733.39
			PAY090823	WARRANT=23908	RUN=1 BI-WEEKL					
23/09	1123	09/22/23	PRJ pr0922	1230922	1230922	1230		2,407.75		16,141.14
			pay092223	WARRANT=230922	RUN=1 BI-WEEKL					
			LEDGER BALANCES --- DEBITS:		16,141.14					
						CREDITS:		.00	NET:	16,141.14
74830	61300		Employee Pension & FICA							
										REVISED BUDGET .00
										PER 01 837.54 837.54
										PER 02 883.74 1,721.28
										PER 03 867.74 2,589.02
										PER 04 871.56 3,460.58
										PER 05 871.57 4,332.15
										PER 06 1,324.30 5,656.45
										PER 07 871.57 6,528.02
										PER 08 871.57 7,399.59
23/09	405	09/08/23	PRJ PR0908	123908	123908	1239		435.78		7,835.37
			PAY090823	WARRANT=23908	RUN=1 BI-WEEKL					
23/09	1123	09/22/23	PRJ pr0922	1230922	1230922	1230		435.79		8,271.16
			pay092223	WARRANT=230922	RUN=1 BI-WEEKL					
			LEDGER BALANCES --- DEBITS:		8,271.16					
						CREDITS:		.00	NET:	8,271.16
74830	62100		Telephone							
										REVISED BUDGET .00
										PER 01 61.73 61.73
										PER 02 61.97 123.70
										PER 03 61.72 185.42
										PER 04 61.75 247.17
										PER 05 61.77 308.94
										PER 06 61.84 370.78
										PER 07 61.71 432.49
										PER 08 61.63 494.12
23/09	729	09/12/23	API 006205		201718	35524		6.69		500.81

ACCOUNT DETAIL HISTORY FOR 2023 09 TO 2023 09

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
	W	C091923	COUNTY WIDE PHONE BILL		CONSOLIDATED TELECOM					
23/09	1123	09/22/23	PRJ pr0922	1230922	1230922	1230		55.00	555.81	
	pay092223	WARRANT=230922	RUN=1	BI-WEEKL						
	LEDGER BALANCES --- DEBITS:			555.81	CREDITS:	.00	NET:	555.81		
74830	62680	Non-Employee Per Diems			REVISED BUDGET					.00
					PER 01		100.00	100.00		
					PER 02		200.00	300.00		
					PER 03		213.97	513.97		
					PER 04		-113.97	400.00		
					PER 05		550.00	950.00		
					PER 08		500.00	1,450.00		
23/09	1347	09/26/23	API 003257		202366	35640	50.00	1,500.00		
	W	A092623	MHB MEETING PER DIEM AND MILEA GAASVIG, CRAIG							
23/09	1347	09/26/23	API 100532		202368	1950905	50.00	1,550.00		
	W	A092623	MHB MEETING 9/22/2023		MORRISON COUNTY AUDI					
23/09	1347	09/26/23	API 006952		202369	35642	50.00	1,600.00		
	W	A092623	MHB MEETING PER DIEM AND MILE MICHAEL KEARNEY							
23/09	1347	09/26/23	API 002534		202370	35643	50.00	1,650.00		
	W	A092623	MHB MEETING 9/22/2023		NEWLAND, DEAN					
23/09	1347	09/26/23	API 003356		202371	35641	50.00	1,700.00		
	W	A092623	MHB MEETING & MILEAGE 7/10 & 9 HUBBARD COUNTY TREAS							
23/09	1347	09/26/23	API 003356		202371	35641	50.00	1,750.00		
	W	A092623	MHB MEETING & MILEAGE 7/10 & 9 HUBBARD COUNTY TREAS							
	LEDGER BALANCES --- DEBITS:			1,863.97	CREDITS:	-113.97	NET:	1,750.00		
74830	62720	Non-Employee Mileage			REVISED BUDGET					.00
					PER 01		104.80	104.80		
					PER 02		203.05	307.85		
					PER 03		229.69	537.54		
					PER 04		113.97	651.51		
					PER 05		572.47	1,223.98		
					PER 08		434.92	1,658.90		
23/09	1347	09/26/23	API 003257		202366	35640	66.81	1,725.71		
	W	A092623	MHB MEETING PER DIEM AND MILEA GAASVIG, CRAIG							
23/09	1347	09/26/23	API 006980		202367	35651	113.97	1,839.68		
	W	A092623	MHB MEETING MILEAGE		ROBERT F. KASPER					

ACCOUNT DETAIL HISTORY FOR 2023 09 TO 2023 09

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
23/09	1122	09/21/23	GNI					42.31	3,625.75		
	WF OOP										
TIM TERRILL - OOP - Northern Township planning meeting											
23/09	1122	09/21/23	GNI					15.72	3,641.47		
	WF OOP										
Mill Park advisory committee											
23/09	1122	09/21/23	GNI					72.05	3,713.52		
	WF OOP										
TIM TERRILL - OOP - Mill Park advisory committee											
23/09	1122	09/21/23	GNI					69.43	3,782.95		
	WF OOP										
m1g to Riverton and back											
23/09	1122	09/21/23	GNI					39.37	3,822.32		
	WF OOP										
TIM TERRILL - OOP - mileage to Riverton and back for calculating time											
23/09	1122	09/21/23	GNI					81.88	3,904.20		
	WF OOP										
August board mtg											
23/09	1122	09/21/23	GNI								
	WF OOP										
TIM TERRILL - OOP - kabekona watershed celebration											
23/09	1122	09/21/23	GNI								
	WF OOP										
Aitkin Rivers and Trails mtg											
23/09	1122	09/21/23	GNI								
	WF OOP										
TIM TERRILL - OOP - August board meeting											
23/09	1122	09/21/23	GNI								
	WF OOP										
Aitkin Rivers and Trails meeting											
23/09	1122	09/21/23	GNI								
	WF OOP										
ACOE ribbon cutting ceremony											
TIM TERRILL - OOP - ACOE ribbon cutting ceremony											
LEDGER BALANCES --- DEBITS:				3,904.20		CREDITS:	.00	NET:	3,904.20		
74830	63340	Hotel & Meals Travel Expense									
						REVISED BUDGET				.00	
						PER 01	7.95	7.95			
						PER 02	10.89	18.84			
						PER 03	9.03	27.87			
						PER 04	20.35	48.22			
						PER 05	36.75	84.97			
						PER 06	12.50	97.47			
						PER 07	68.88	166.35			
						PER 08	45.67	212.02			
23/09	1125	09/21/23	GNI					163.20	375.22		
	BREMPCARD										
LSOHC hotel											
23/09	1125	09/21/23	GNI					20.89	396.11		
	BREMPCARD										
TIM TERRILL - RADISSON HOTEL ST. PAU - LSOHC hotel											
23/09	1125	09/21/23	GNI					6.57	402.68		
	BREMPCARD										
TIM TERRILL - PEDDLERS PUB/CR EVENT CT - LSOHC meal											
23/09	1125	09/21/23	GNI								
	BREMPCARD										
Northern Township meal											
TIM TERRILL - SUBWAY 6912 - Northern Township meal											
LEDGER BALANCES --- DEBITS:				402.68		CREDITS:	.00	NET:	402.68		
GRAND TOTAL --- DEBITS:				906,430.19		CREDITS:	-891,346.00	NET:	15,084.19		

36 Records printed

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



PROTECTING THE FIRST 400 MILES

IMMEDIATE PRESS RELEASE 10/2/23

Media Contact

Tim Terrill

218-824-1189

timt@mississippiheadwaters.org

www.mississippiheadwaters.org

322 Laurel St.

Brainerd, MN 56401

Mississippi Headwaters Board Partners with DNR to Help Direct Funding Toward Rehabilitation of Boat Landings on the Mississippi River

In the summer of 2023, DNR Commissioner Sarah Strommen requested help from the MHB to provide local input on DNR boat landings that need rehabilitation. The purpose for the request was so the DNR could prioritize funding to help update or repair dilapidated boat landings. The board informed Tim to send an email to MHB Commissioners about what accesses are eligible for consideration, and they would forward it on to staff to evaluate the boat landings. Discussion ensued and Commissioners thought it best to keep the scope contained to MHB DNR administered accesses on the Miss. river and Headwaters Lakes rather than go county wide. Comm. Barrows said that keeping the scope narrow will help reduce workload and keep MHB focused on our mission. They also set a due date of September 15th for it to be completed and sent to Tim so he could forward it on to the DNR. This is one way that the MHB board is working to help bring state funding to the local area.

Planning and Zoning

H10a23- Capouch Variance

CW10a23- Eugene Foote Plat Certification



Variance Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

This form must be legibly completed in INK.

Applicant name(s): Timothy and Marilyn Capouch Date: 7-21-2023

Owner name(s) (if different from applicant): _____

Mailing address (PO Box/Street, City, State, Zip): 714 6th Ave W, West Fargo, ND 58078

E911 property address: 32550 Wolf Lake Rd, Cass Lake MN 56633

Phone: 218-790-5583 Alt. phone: _____ Email: tim.capouch@rollaramp.com

Tax parcel number(s): 07.39.00400, 07.01, 01900

Legal description: Lots 7, 8, and northeasterly on-half of Crescent Beach; AND

Part of Government Lot 4, Section 6, T.145 N., R. 32 (See attached deed for completed description)

Sect: 1 Twp: 145 Rng: 32 Lake/river name: Wolf Is this request after-the-fact? Yes No

Place an "X" by the ordinance(s) and provide the section(s) of said ordinance(s) from which you are requesting a variance.

- Shoreland Management Ordinance
- Subdivision Ordinance
- Sign Ordinance
- Subsurface Sewage Treatment System
- Other _____

Section(s): 502, 2, 702
 Section(s): _____
 Section(s): _____
 Section(s): _____
 Section(s): _____

Explain your requested variance need(s): Give details of the type, size, and purpose of proposed changes. Explain why you cannot complete the project by permit as the burden is on the applicant to show a practical difficulty. Attach additional sheets labeled "Variance Request", if necessary.

Please see attached "Variance Request"

Applicant Statement

I have read and fully understand the above instructions. I hereby make application for a variance, agreeing to do all such work in accordance with all Hubbard County Ordinances. In making this application, I hereby affirm that I am the fee title owner of the above-described property or the authorized agent thereof, and I agree to this application and warrant and assert that I am authorized by ownership and/or law to apply for the variance in question. By signing this application, I hereby certify that the information contained in this application is a true, accurate and complete representation of facts and conditions concerning the proposed variance application. I hereby state and affirm that any and all applications, sketches, surveys, and all other attachments and documents submitted herewith are true and accurate. I understand that if any of the information provided by me in this application is later found or determined by the County to be inaccurate, the County may revoke the variance and/or any accompanying permit based upon the supplying of inaccurate information. I understand and agree that in making application for a variance, I am granting permission to Hubbard County, at reasonable times and in a reasonable manner, to enter the land and premises that are the subject of this application to determine compliance of that application with any applicable county, state, or federal laws, statutes, or ordinances. I certify and agree that I will comply with any and all conditions imposed in connection with the approval of the application. I understand that I may be required to submit additional property descriptions, property surveys, site plans, building plans, or other information as deemed necessary by the County for proper consideration of the request before the application is deemed complete or acted upon.

Signature of applicant(s): [Signature] Marilyn Capouch
For Office Use:

Application date: 7/31/2023 Filing acknowledged by: SEL Receipt #: 34836 App. #: 23-V-23



ROBERT W. MURRAY • MATTHEW R. MURRAY
LICENSED LAND SURVEYORS
P.O. BOX 1038
304 THIRD STREET NW
BEMIDJI, MINNESOTA 56601
BUSINESS (218) 751-5898
FAX (218) 444-9611

August 27, 2023

Eric Buitenwerf
Environmental Services Director
Hubbard County Government Center
301 Court Ave
Park Rapids, MN 56470

Sent Via Email: eric.buitenwerf@co.hubbard.mn.us

Re: Capouch Variance Application - 32550 Wolf Lake Rd

Dear Eric:

I am writing to submit new information regarding the Timothy and Marilyn Capouch Variance Application for property located at 32440 Wolf Lake Rd. We are hoping this information will be sufficient to have their case considered by the Hubbard County Board of Adjustment during the September meeting.

Subsequent to the request to extend the time limit for the consideration of the Capouch Variance Application, Jeff Mellema has been able to prepare an updated septic plan, which proposes moving one of the existing holding tanks to ensure compliance with the required 10 foot setback from the proposed garage.

The proposed Site Plan has been slightly modified to incorporate a 10 x 6 breezeway connecting the existing structure to the garage. The purpose of the breezeway is to gain additional separation from the proposed garage without having to relocate both existing septic tanks. We are requesting to update and the variance application with the following items intended to replace the original application materials: (1) Site Plan, (2) Site Photos, (3) Variance Narrative. The new septic system design has also been included.

Please let me know if you have any questions or if you need any additional information.

Thank you,

A handwritten signature in black ink, appearing to read "Matt Murray", is written over a thin horizontal line.

Matt Murray



Authorized Agent Form

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

Note:

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage land use permit" or "valid only on permit applications submitted between 06/01/2017 and 08/01/2017"). If you want your agent to represent you on a conditional use or variance application and also be authorized to obtain the related permit(s), be sure to check and complete the "permit application" item as well. If an item's box is checked and the accompanying space is left blank, the authorization granted on that item is valid for a period of one year from the date of signature on this form until Hubbard County Environmental Services receives signed, written notification from the property owner(s) stating otherwise or the property's ownership changes.

I (we), Timothy and Marilyn Capouch hereby authorize Murray Surveying, Inc to act
 (landowner) (agent)

as my (our) agent on the following item(s): check the appropriate item(s)

- permit application (write in permit "type" – e.g. land use, septic, etc.): _____
- plat application: _____
- conditional use application: _____
- variance application: _____
- other: _____

on my (our) property located at:

Tax Parcel Number(s): 07.39.00400 and 07.01.01900

Legal Description: Lots 7, 8, and northeasterly one-half of Lot 9, Crescent Beach, and part of Government Lot 4, Section 1, T. 145 N., R. 32 W.

Section: 1 Township: 145 Range: 32

Lot: 7, 8, 1/2 9 Block: _____ Plat Name: Crescent Beach

Physical Site Address: 32550 Wolf Lake Rd

Agent Contact Information

Agent address: 304 Third St NW Bemidji MN 56601
 Street City State Zip Code

Agent phone #(s): 218-751-5898 (office) Agent fax #: _____
218-368-4647 (cell)

Agent email address: _____

Timothy Capouch

 Property Owner(s) Signature(s)

Date: 7-21-23

Submit Form

Click the button to the left to submit the authorized agent form and a new e-mail message will open with the completed form attached. Please attach any other necessary paperwork to this e-mail before submitting.



Variance Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

Note: Place an "X" by each item below that applies to your request. Then, fill out **only** the applicable following section(s) that apply, as directed. **If a section does not apply to your request, leave it blank.**

What is the reason(s) for applying for the variance? Place an "X" by each applicable item.

- Setback issues: complete Section 1
- Land or vegetative alteration: complete Section 2
- Lot size not in compliance with minimum Ordinance standards: complete Section 3
- Alteration to nonconforming structure: complete Section 4
- Other: attach separate sheet explaining variance request

Section 1

Check the item(s) from which you are requesting a variance and fill in the proposed setback distance.

Setbacks are measured to the nearest point on a structure which can be the eave overhang or an attached deck/platform.

- Ordinary High Water Mark (OHWM) Proposed Setback 59 ft
- Lot line Proposed Setback _____ ft
- Road Right of Way Twp Co. State Proposed Setback 15 ft (from edge of driving surface)
- Crest of bluff Proposed Setback _____ ft amended to 14.2' on 8/28/2023
- Septic system components (new SSTS site design must accompany variance application) 2023 ZB, ESD

Section 2

What is your land alteration? Check all categories that apply.

- Vegetative alteration
- Grading/filling
- Other (Attach separate sheet explaining the land alteration)

Note: An additional cross-section sketch showing L, W, and H dimensions and an itemized list showing volume (cubic yds.) of all proposed grading/filling must accompany application.

Section 3

When was your lot created (month/day/year)? 2/20/1918 (This information can be found in your abstract of title. A copy of either this first deed or page in the abstract must be included in your application.)

Note: An ISTS site design showing your proposed building site, well location, a primary drainfield site, and an alternate drainfield site must be included in your application for a lot size variance.

Section 4

Note: A sketch showing L, W, and H dimensions of all portions of the existing and proposed structure(s) and addition(s) must be included in your application.

Circle all that apply and fill in requested information:

Existing structure

Foundation: basement, crawlspace, slab on grade

Stories above ground: ground level, 1 1/2, two

Existing structure height: 21.5 ft

Existing # bedrooms 2 - cabin

Overall change in roof height when project is completed: 0 ft

Proposed addition(s)

Foundation: basement, crawlspace, slab on grade

Stories above ground: ground level, 1 1/2, two

Proposed addition(s) height: 21.5 ft

Final # bedrooms after remodel No change

VARIANCE REQUEST

CAPOUCH APPLICATION FOR VARIANCE

Parcel Tax ID No: 07.39.00500 & 07.01.01900

Address: 32550 Wolf Lake Rd

Background and Purpose of Variance

The subject property has been in the applicant's family for three generations. The applicants have recently acquired sole ownership of the property and are preparing for retirement when they will be able to have greater enjoyment of their property. In preparation for this, they would like to construct a 28 x 28 garage, connected by a 10 x 6 breezeway, which would be attached to the current structure. The garage would be the same height as the current structure with the portion above the garage being used for storage. There is no proposed increase to the number of bedrooms on the property.

The applicants are seeking a variance from Section 502.2 of Hubbard County Shoreland Management Ordinance, which governs the minimum structure setback from the ordinary high-water line of Wolf Lake, the minimum setback from public roads, and governing impervious surface coverage. The applications are also seeking a variance from Section 702 of the Ordinance, which governs the expansion of nonconforming structures.

502.2: Setback from wolf Lake

The minimum setback from Wolf Lake is 100 feet. The proposed garage setback from Wolf Lake is 59 feet. This is necessary because of the location of the existing structure, which the garage is to be attached to, as well as the limitations in the depth of the property because of the location of Wolf Lake Rd, which limits the options for placing the garage.

502.2: Setback from Wolf Lake Rd

The minimum setback from Wolf Lake Rd (a township road) is 20 feet. Unfortunately, there is not a defined right-of-way for Wolf Lake Rd. The garage addition is proposed to be 14 feet from the edge of the driving surface of Wolf Lake Rd. This compares with the garage setbacks of approximately 13 feet and approximately 7 feet for the garages on adjacent/nearby structures to the west. The depth of the lot (from ordinary high-water line to Wolf Lake Rd) does not provide any options to locate the proposed garage in a more conforming manner.

502.2: Impervious Surface Coverage

The maximum impervious surface coverage is 25%. The proposed impervious surface is 27.0%. The property is currently near 25% impervious surface coverage. There are portions of existing impervious surface closer to the lake that will be removed if the variance is granted. Approximately 631 SF of the impervious surface coverage is comprised of wood walkways with 3/4 inch spacing between the boards, which allows runoff to pass through. Approximately 3,068 SF (11 %) of impervious surface coverage consists of the driving surface of Wolf Lake Rd. If the township road surface and corresponding area were deducted from the calculations, the impervious surface coverage would be 18%.

702: Nonconforming Structure

The exact date that the existing structure was constructed is not known, but tax records indicate that it may have been constructed around 1962, which pre-dates any shoreland zoning. The ordinance requires a variance for the expansion of a nonconforming structure when all other standards are not able to be met. Due to the depth of the lot, it is not possible to construct a garage in accordance with all applicable setback requirements.

Is variance in harmony with the general purposes and intent of the official controls?

The variance in harmony with the general purposes and intent of the Hubbard County Shoreland Management Ordinance. The general purpose of the ordinance is to regulate the use of shoreland so that land uses do not have an adverse effect on the public health, safety and general welfare by contributing to pollution of public waters or by impairing the local tax base. The addition of the proposed garage to the existing structure to make it more suitable for year-around use will not have any negative impact on the public health, safety, or general welfare of people or of the neighborhood. While the proposed addition results in a slight increase in impervious surface, any new runoff drains away from Wolf Lake and can be mitigated so that it will not have any negative impact on public waters. The addition of the garage will make the structure more in harmony with the structures surrounding the property thereby preserving the tax base on adjacent parcels and improving the tax base on the applicant's parcel.

Is the property owner is proposing to use the property in a reasonable manner not permitted by an official control?

The property owner is proposing to use the property in a reasonable manner not permitted by an official control. The addition of a garage to the existing structure is a reasonable use of the property and is consistent with other structures in the neighborhood. Due to the unique circumstance associated with the lot, the garage cannot be built in compliance with each element of the official controls. The structures adjoining the property to the east and the west have attached garages, some in a closer proximity to Wolf Lake Rd than what is proposed with this application.

Is the need for a variance is due to circumstances unique to the property?

The need for a variance is due to circumstances unique to the property. The property was created in 1918. The depth of the platted lots was approximately 80 feet. Additional land was attached to the lots; however, Wolf Lake Rd was already in place limiting the usable depth of the lot to what exists today. The creation date of the property, with limited depth, combined with the location of Wolf Lake Rd creates a unique circumstance requiring variances for setback from the ordinary high water and road, with the road surface greatly contributing to the lots impervious surface coverage.

Will the issuances of the variance will maintain the essential character of the locality?

The issuances of the variance will maintain the essential character of the locality because it is consistent within the locality to have an attached garage, as evidence by the three closest structures adjoining the east and west sides of the property. Additionally, the depth of the lots and proximity of Wolf Lake Rd create similar circumstances with respect to setbacks and impervious surface coverage.

Does the stated practical difficulty involve more than just economic considerations?

The practical difficulty involves more than just economic considerations.

Site Plan

Required for ALL permit applications

Map

See Site Plan

You **must** include all structures and additions, well(s), and septic system(s) existing and proposed, on your property and label them. You **must** also include all dimensions (including height) of the structures as well as all setbacks to property lines, lakes or rivers, roads, and any other pertinent setbacks. See reverse side of "Site Plan" for example sketch.

Submit Form

Click the "Submit Form" button to the left to submit the application and a new e-mail message will open with the completed application attached. Please attach the site drawing, the ground-level color photographs, and any other necessary paperwork to this e-mail before submitting.

Reset Form

Click the "Reset Form" button to the left to clear all information from the form.

CERTIFICATE OF SURVEY

Parcel Tax ID No: 07.39.00500 & 07.01.01900

Address: 32550 Wolf Lake Rd

PROPERTY DESCRIPTION

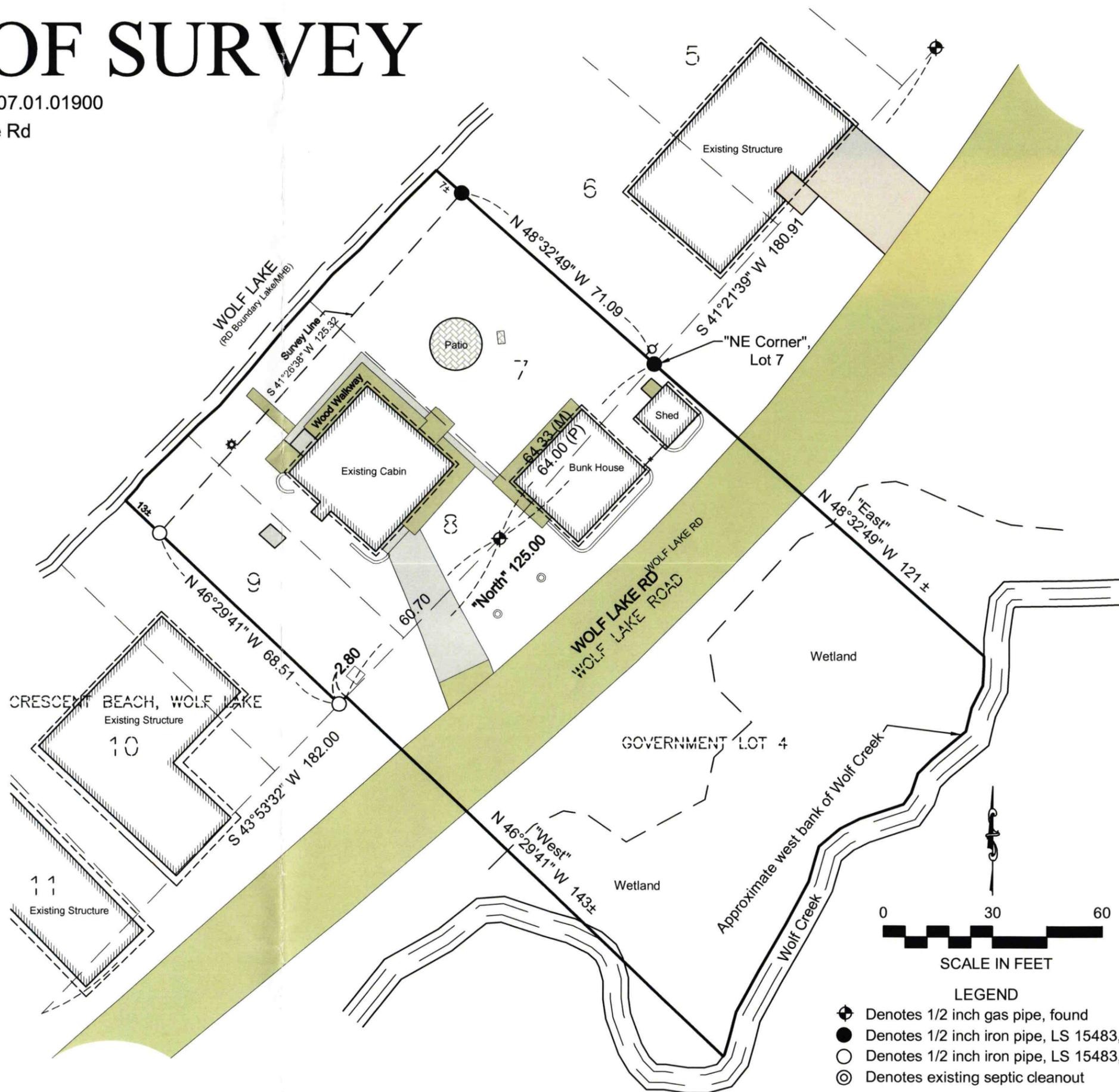
Lots 7, 8, and the northeasterly one-half of Lot 9, of Crescent Beach, Wolf Lake, Hubbard County, in accordance with the plat thereof now of record in the office of the Register of Deeds of Hubbard County, Minnesota;

AND,

A portion of Government Lot 4, Section 1, Township 145, Range 32, more specifically described as follows: Beginning at the northeast corner of Lot 7, Plat of Crescent Beach, running thence east a distance of 53 feet to the west bank of Wolf Creek, running thence south along the west bank of Wolf Creek a distance of 125 feet, thence west a distance of 40 feet to the east line of Lot 9, of Crescent Beach and thence North a distance of 125 feet to the point of beginning.

NOTES TO SURVEY

- Bearing system based on the Hubbard County Coordinate System.
- This survey has not been prepared with the benefit of a title search.
- The plat of Crescent Beach, Wolf Lake designates Wolf Lake Road adjoining the easterly boundary of Lots 1-29 and dedicates to public use "all the roads designated thereon to which we may have title." At the time of recording the plat, the owner/developer (Carl H. Phillips) did not have title to any portion of Wolf Lake Road as platted (See WD Doc. No. 41535, recorded in Book No. 44 on page 102).
- The extent of the road right of way for Wolf Lake Rd is unclear.
- This survey represents Murray Surveying, Inc.'s opinion on the location of the surveyed property located within Government Lot 4 based on our interpretation of the terms in the description in light of the overall description and in light of the descriptions of the adjacent parcels. Adjacent parcels describe the respective portion of Government Lot 4 with reference to the extension of the platted lot lines within Crescent Beach. When the description of the subject property is viewed in light of all the terms, the southeasterly line of Crescent Beach being "North", then the projection of the common boundary line between lots six and seven is "east." This interpretation ensures consistency with adjacent descriptions with no overlaps in the property description. It is advisable that the description of the subject property is reformed to eliminate the potential for discrepancies in the future.



I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

ROBERT W. MURRAY LICENSE NO. 15483
 DATE: 07-23-2022 FILE NO. 23-74

MURRAY
 SURVEYING, INC.
 P.O. BOX 1038 BEMIDJI, MN 56601

218-751-5898
 MURRAYSURVEYING.COM
 MMURRAY@PAULBUNAYAN.NET

SITE PLAN

CAPOUCH APPLICATION FOR VARIANCE

Parcel Tax ID No: 07.39.00500 & 07.01.01900

Address: 32550 Wolf Lake Rd

RECEIVED AUG 28 2023

SITE INFORMATION

	Required	Existing	Proposed	Variance
Lot Size (S.F.)		*26,900 ±		
Setback (OHW)	100		59 (proposed)	41
Setback (Rear - Road)	20		14.2 (proposed from driving surface)	6± (Extent of claimed road R/W is unclear)
Setback (Side - Northeasterly)	10		77 (proposed)	
Setback (Side - Southwesterly)	10		13.1 (proposed)	
Existing Impervious Surface (S.F.)	6,725 (25%)	6,690 (24.9%)		
Proposed Impervious Surface (S.F.)			**/**7,278 (27.0%)	**553 (2.0%)
Sewage Treatment Setback: OHW			89	

*Note: Area based on approximate location of the west bank of Wolf Creek.

**Note: Of the proposed 7,278 SF of impervious surface, 631 SF is comprised of wood decking with 3/4 inch spacing between each board.

***Note: Of the proposed 7,278 SF of impervious surface, 3,068 SF is comprised of the driving surface of Wolf Lake Rd.

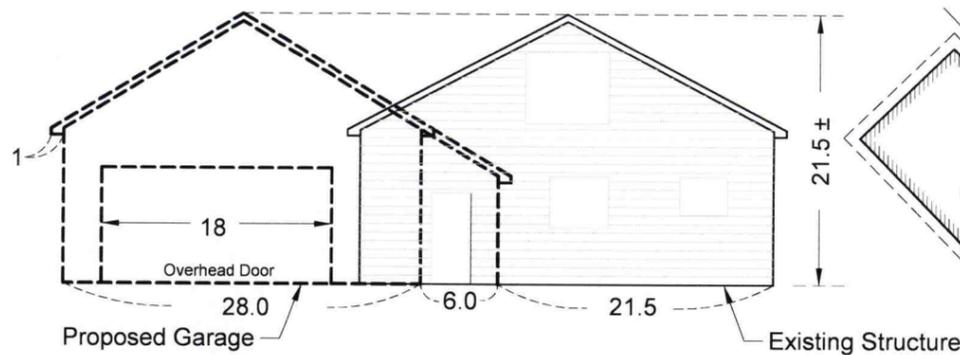
PROPERTY DESCRIPTION

Lots 7, 8, and the northeasterly one-half of Lot 9, of Crescent Beach, Wolf Lake, Hubbard County, Minnesota;
AND,

A portion of Government Lot 4, Section 1, Township 145, Range 32.
(See Certificate of Survey for complete description)

PROPOSED SIDE PROFILE

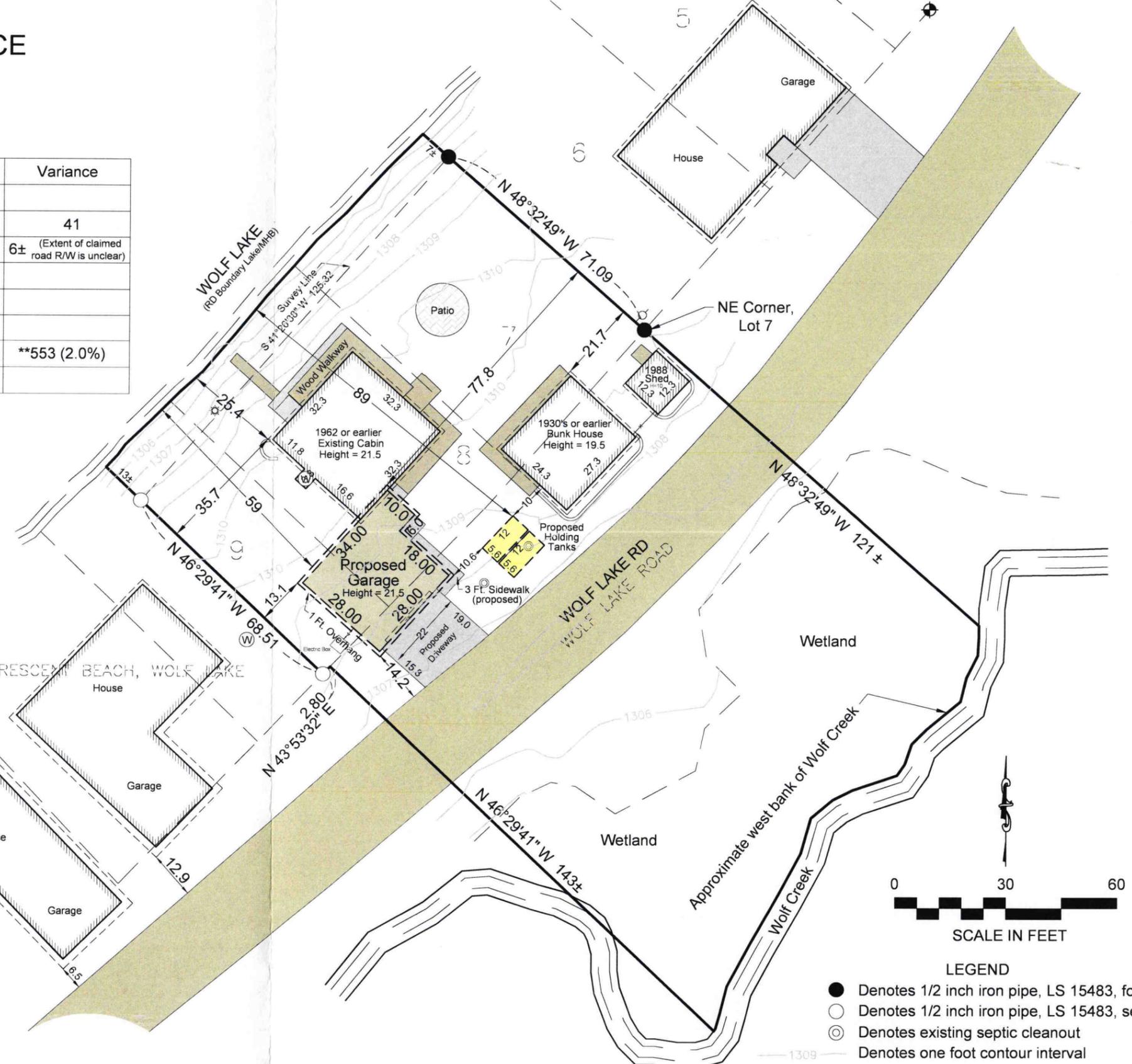
(Not to Scale)
(As viewed from Wolf Lake Rd)



I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Murray
ROBERT W. MURRAY LICENSE NO. 15483
DATE: 08-24-2022 FILE NO. 23-74

MURRAY
SURVEYING, INC.
P.O. BOX 1038 BEMIDJI, MN 56601
218-751-5898
MURRAYSURVEYING.COM
MMURRAY@PAULBUNAYAN.NET



LEGEND

- Denotes 1/2 inch iron pipe, LS 15483, found
- Denotes 1/2 inch iron pipe, LS 15483, set
- ⊙ Denotes existing septic cleanout
- 1309 — Denotes one foot contour interval

SITE PHOTOS

RECEIVED AUG 28 2023

CAPOUCH APPLICATION FOR VARIANCE

Parcel Tax ID No: 07.39.00500 & 07.01.01900

Address: 32550 Wolf Lake Rd



Proposed Garage Footprint

Proposed garage footprint in red.



Proposed Garage Footprint

Proposed garage footprint in red.



Septic Permit Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

This form must be legibly completed in INK.

Applicant name(s): Jeff Melkman / Cass Lake Sewer Service Date: 8-26-23

Owner name(s) (if different from applicant): Timothy Capouch

Mailing address: 714 6th Ave West West Fargo ND 58078

E911 property address: 32550 Wolf Lake RD, Cass Lake MN

Phone: 218-790-5583 Alt. phone: _____ Email: tim.capouch@rollaramp.com

Tax parcel number(s): 07-39-00400, 07-01-01900

Legal description: Lots 7+8 and Northurst on-half of Crescent Beach and part of Golt Lot 4

Sect: 1 Twp: 145 Rng: 32 Lake/river name: Wolf Is this request after-the-fact? Yes No

- Check applicable boxes and answer items in "bold" **Moving Existing tank to meet 10'**
- | | | | |
|--|--|---|---|
| <input checked="" type="radio"/> Residential | <input type="radio"/> new septic on bare lot | <input type="radio"/> in ground | <input type="radio"/> rock Setback from |
| <input type="radio"/> Commercial | <input type="radio"/> new septic replacing an old septic | <input type="radio"/> pressure bed | <input type="radio"/> chambers Structure |
| <u>2</u> # existing tanks | <input type="radio"/> enlarge existing septic (undersized) | <input type="radio"/> mound | <input type="radio"/> EZ Flow |
| <u>0</u> # new tanks | <input type="radio"/> repair/replace failing septic | <input type="radio"/> at grade | <input type="radio"/> Other _____ |
| <u>4</u> # bedrooms | <input type="radio"/> new additional septic on lot | <input type="radio"/> privy | |
| _____ maximum occupancy | | <input checked="" type="radio"/> holding tank | |

2 # of water-using appliances (installed or anticipated: e.g. automatic washer, dishwasher, water conditioning unit, whirlpool bath, garbage disposal, or self-cleaning humidifier in furnace. **Note:** A dishwasher with a built-in garbage disposal counts as two (2) water-use appliances.)

Applicant Statement

I have read and fully understand the above instructions. I hereby make application for an SSTS permit, agreeing to do all such work in accordance with all Hubbard County Ordinances. In making this application, I hereby affirm that I am the fee title owner of the above-described property or the authorized agent thereof, and I agree to this application and warrant and assert that I am authorized by ownership and/or law to apply for the SSTS permit in question. By signing this application, I hereby certify that the information contained in this application is a true, accurate and complete representation of facts and conditions concerning the proposed SSTS permit application. I hereby state and affirm that any and all applications, sketches, surveys, and all other attachments and documents submitted herewith are true and accurate. I understand that if any of the information provided by me in this application is later found or determined by the County to be inaccurate, the County may revoke the SSTS permit and/or any accompanying permit based upon the supplying of inaccurate information. I understand and agree that in making application for an SSTS permit, I am granting permission to Hubbard County, at reasonable times and in a reasonable manner, to enter the land and premises that are the subject of this application to determine compliance of that application with any applicable county, state, or federal laws, statutes, or ordinances. I certify and agree that I will comply with any and all conditions imposed in connection with the approval of the application. I understand that I may be required to submit additional property descriptions, property surveys, site plans, building plans, or other information as deemed necessary by the County for proper consideration of the request before the application is deemed complete or acted upon.

The following statement only applies to holding tank permit applications: I affirm I have entered into a contract with a licensed maintainer for the proper disposal of holding tank contents and will maintain a disposal contract during the life of my septic system as required by Minnesota law.

Signature of applicant(s): [Signature]

Application Checklist (be sure to include all of the following):

1. complete, signed application form.
2. authorized agent form, if applicant is not owner.
3. copy of the septic system design.
4. payment for the application fee.
5. written directions to the property (if it is difficult to find.)

Note: Any change in project plans must be reported to and approved by the ESD.

The applicant is responsible for securing any other local, state, or federal permits that may be required. Click the "Submit Form" button to the left to submit the application and a new e-mail message will open with the completed application attached. Please attach any other paperwork to this e-mail before submitting.

Submit Form **Reset Form** Click the "Reset Form" button to the left to clear all information from the form. Updated: 01/01/2022



Authorized Agent Form

RECEIVED AUG 28 2023

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

Note:

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage land use permit" or "valid only on permit applications submitted between 06/01/2017 and 08/01/2017"). If you want your agent to represent you on a conditional use or variance application and also be authorized to obtain the related permit(s), be sure to check and complete the "permit application" item as well. If an item's box is checked and the accompanying space is left blank, the authorization granted on that item is valid for a period of one year from the date of signature on this form until Hubbard County Environmental Services receives signed, written notification from the property owner(s) stating otherwise or the property's ownership changes.

I (we), Tim Capouch hereby authorize Jeff Mellevik to act
 (landowner) (agent)

as my (our) agent on the following item(s): check the appropriate item(s)

- permit application (write in permit "type" -- e.g. land use, septic, etc.): Holding tank
- plat application: _____
- conditional use application: _____
- variance application: _____
- other: _____

on my (our) property located at:

Tax Parcel Number(s): 07.39.00400, 07.01.01900

Legal Description: lots 7 & 8 on half crescent Beach and Port Court lot 4

Section: 1 Township: 145 Range: 32

Lot: _____ Block: _____ Plat Name: _____

Physical Site Address: 32550 Wolf Lake RD Cass Lake MN 56433

Agent Contact Information

Agent address: 29315 470th St Capote MN 56464

Agent phone #(s): 218-556-5229 Agent fax #: _____

Agent email address: Cl55Jeff@gmail.com

[Signature]
 Property Owner(s) Signature(s)

Date: 8-25-23

Submit Form

Click the button to the left to submit the authorized agent form and a new e-mail message will open with the completed form attached. Please attach any other necessary paperwork to this e-mail before submitting.

Hubbard County Holding Tank Design

Property Owner: Timothy Capouch Date: 8-26-23
 Mailing Address: 714 6th Ave West
 City: West Fargo State: ND Zip: 58078
 Phone Number: 218-790-5583
 Site Address: 32550 Wolf Lake RD
 City: Cass Lake State: MN Zip: 56633
 Driving directions if no address issued:

Legal Description: See

Sec: 1 Twp: 145 Range: 32 Twp Name: Farden

Parcel Number: 07.39.00400, 07.01.01900

Lake/River: Wolf

Lake/River Classification: RD

Flow Data

Number of Bedrooms: 4

GPD: 600

Tank Information

Number of Tanks: 2-existing

Tank Sizes: 2-1000 gal LP

Alarm Type: Tank Alert indoor

Wells:

Deep Well: None

Shallow Well: Yes

Wells to be sealed (if applicable)?

* Moving tank to meet setback
for proposed Garage

Setbacks

Tank(s) to: Well 50

House 50

Property Line 10

Sewer Line to Well: 50'

Air test: NO

Designer Name: Jeff Mellama
 Address: 29315 470th St
 Laporte MN 56461

License Number: 267

Phone Number: 218-556-5229

E-mail: C155Jeff@gmail.com

A SITE PLAN IS REQUIRED WITH THIS DESIGN

A MANAGEMENT PLAN IS REQUIRED WITH THIS DESIGN

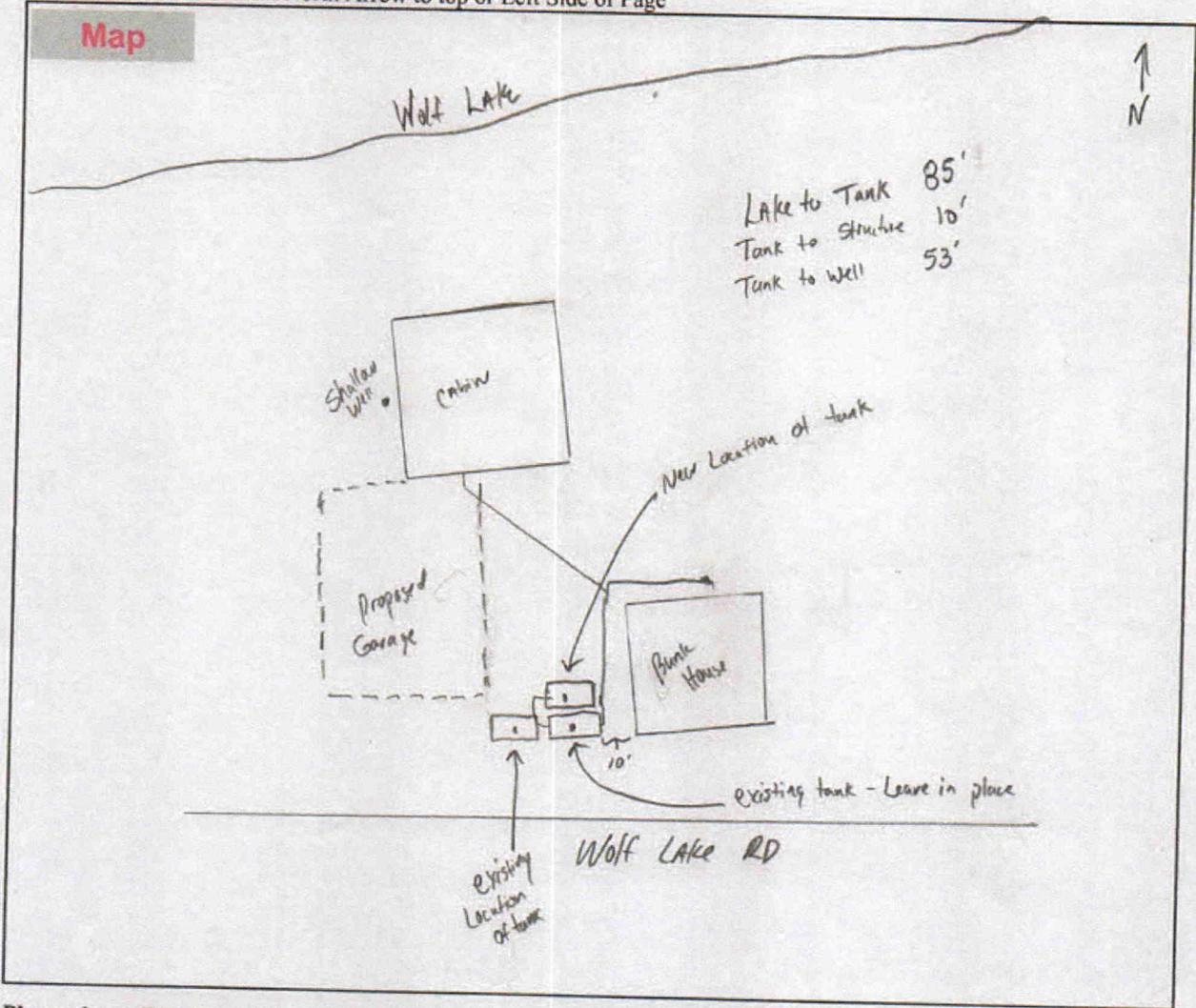
**THE OWNER SHALL MAINTAIN A VALID CONTRACT WITH A LICENSED MAINTAINER TO
 PUMP AND DISPOSE OF THE SEWAGE**

Hubbard County Holding Tank Design

Property Owner: Tim Capouch

Date: 8-26-23

Please Draw to Scale with North Arrow to top or Left Side of Page



Please show all that apply (Existing or Proposed):

- Wells within 100 ft. of a Drainfield
- Water lines within 10 ft. of a Drainfield
- Drainfield Areas
- Boring Locations
- Disturbed/Compacted Areas
- Component Location
- OHW
- Lot Easements
- Access Route for Tank Maintenance
- Property Lines
- Structures
- Setbacks

Elevations:

- Benchmark Elevation:
- Elevation of Sewer Line at House:
- Tank Inlet Elevation:
- Drainfield Elevation:
- Pump Elevation:
- Pump Discharge Elevation:
- Restricting Layer Elevation:

Designer Signature: [Signature] License Number: 267 Date: 8-26-23

Submit Form Click the "Submit Form" button to the left to submit the design sheet and an new e-mail message will open with the completed design sheet attached. Please attach the site drawing if applicable and any other necessary paperwork to this e-mail before sending.

Reset Form Click the "Reset Form" button to the left to clear the form and start again.



Septic System Management Plan for Holding Tank Systems

The goal of a septic system is to protect human health and the environment by properly treating wastewater before returning it to the environment. Your holding tank system is designed to store your used water before it is recycled back into our lakes, streams and groundwater.

This **management plan** will identify the operation and maintenance activities necessary to ensure compliance with applicable rules and regulations. Some of these activities must be performed by you, the homeowner. Other tasks must be performed by a licensed septic maintainer. However, it is YOUR responsibility to make sure all tasks get accomplished in a timely manner.

The University of Minnesota's *Septic System Owner's Guide* contains additional tips and recommendations designed to extend the effective life of your system and save you money over time.

Proper septic system design, installation, operation and maintenance means safe and clean water!

Property Owner:	<u>Timothy Capouch</u>	
Property Address:	<u>32550 Wolf Lake RD</u>	Property ID: <u>07.39.00400 /</u> <u>07.01.01400 /</u>
System Designer:	<u>Jeff Mellema</u>	License #: <u>267</u>
System Installer:	<u>Cass Lake Sewer Service</u>	License #: <u>217</u>
Service Provider/Maintainer:	<u>Dales Septic Pumping</u>	Phone: <u>218-224-2369</u>
Permitting Authority:	<u>Hubbard County ESD</u>	Phone: <u>218-732-3890</u>
Permit #:		Date Inspected:

Keep this Management Plan with your Septic System Owner's Guide. The Septic System Owner's Guide includes a folder to hold maintenance records including pumping, inspection and evaluation reports. Ask your septic professional to also:

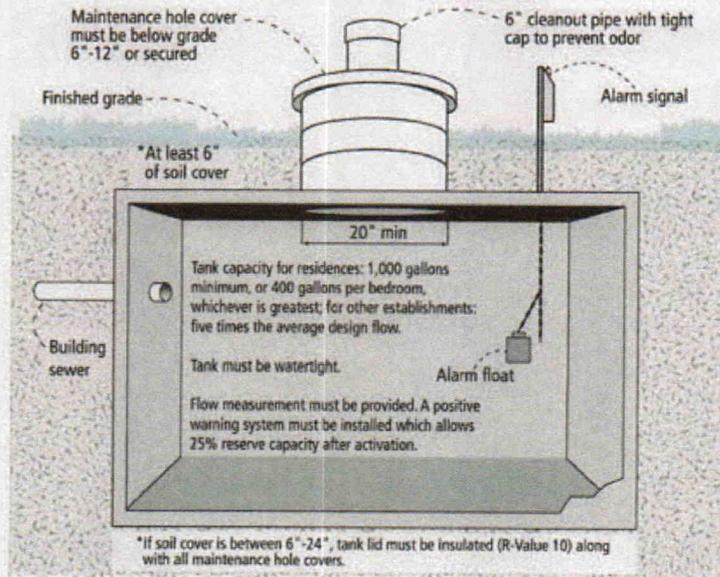
- Attach permit information, designer drawings and as-builts of your system, if they are available.
- Keep copies of all pumping records and other maintenance and repair invoices with this document.
- Review this document with your maintenance professional at each visit; discuss any changes in product use, activities, or water-use appliances.

For a copy of the *Septic System Owner's Guide*, call 1-800-876-8636 or go to <http://shop.extension.umn.edu/>

<http://septic.umn.edu>



Your Holding Tank



Dwelling Type	Well Construction
Number of bedrooms: <u>4</u>	Well depth (ft): <u>Shallow</u>
System capacity/ design flow (gpd): <u>600</u>	<input type="checkbox"/> Cased well Casing depth: <u>50'</u>
Anticipated average daily flow (gpd): <u>150</u>	<input type="checkbox"/> Other (specify): _____
Comments <u>2 bedrooms are in bunk house rarely used</u>	Distance from septic (ft): <u>50'</u>
In-home business? <u>No</u> What type? _____	Is the well on the design drawing? <input checked="" type="radio"/> Y <input type="radio"/> N
Number of occupants <u>2</u>	

Holding Tank	
<input type="radio"/> One tank: Tank volume: _____ gallons	<input type="checkbox"/> Flow measurement device: <u>Water meter to be installed in house</u>
<input checked="" type="radio"/> Two tanks: Tank volume: <u>1000 each</u> gallons	<input type="checkbox"/> Location: _____
<input type="checkbox"/> Tank is constructed of <u>Cement</u>	<input type="checkbox"/> Alarm <input checked="" type="checkbox"/> visual <input checked="" type="checkbox"/> audible
	<input type="checkbox"/> Reserve %: <u>25%</u>
<input type="checkbox"/> Service contract held by: <u>Dales Septic</u>	
<input type="checkbox"/> Service contract is attached to this management plan	



Homeowner Management Tasks

These operation and maintenance activities are your responsibility. Use the chart on page 6 to track your activities.

Identify the service intervals recommended by your system designer and your local government. The tank assessment for your system will be the **shortest interval of these three intervals**. Your pumper/maintainer will determine if your tank needs to be pumped.

$$\text{Tank capacity} \div (\# \text{ of occupants} \times 50 \text{ Gallons/day}) = \# \text{ of days between cleaning}$$

OR

Within 24 hours of alarm signal

System Designer: check every 20 days

Local Government: check every _____ days

My tank needs to be emptied
every 20 days

Seasonally

- Monitor alarm daily – make sure the alarm has not signaled. Alarms signal when your holding tank is nearly full; contact your maintainer.
- Measure and note your average daily water usage on page 5. Conserving water saves you money!
- Leaks. Check (listen, look) for leaks in toilets and dripping faucets. Repair leaks promptly.

Annually

- Establish a contract for tank cleaning services with a state licensed maintenance business.
- Caps. Make sure that all caps and lids are intact and in place. Inspect for damaged caps at least every fall. Fix or replace damaged caps before winter to help prevent freezing issues.
- Water conditioning devices. See Page 5 for a list of devices. When possible, discharge clear water sources to another location. Program the recharge frequency based on water demand (gallons) rather than time (days). Recharging too frequently will result in increased pumping costs.
- Review your water usage rate. Review the Water Use Appliance chart on Page 5. Discuss any major changes with your pumper/maintainer.

During each visit by a pumper/maintainer

- Ask if your pumper/maintainer is licensed in Minnesota.
- Make sure that your pumper/maintainer has clear access to the holding tank and completely empties the tank
- Ask your pumper/maintainer to accomplish the tasks listed on the Professional Tasks on Page 4.



Professional Management Tasks

These are the operation and maintenance activities that a pumper/maintainer performs to help ensure long-term performance of your system. Professionals should refer to the O/M Manual for detailed checklists for tanks, pumps, alarms and other components. Call 800-322-8642 for more details.

- Written record provided to homeowner after each visit.

Plumbing/Source of Wastewater

- Review the Water Use Appliance Chart on Page 5 with homeowner. Discuss any changes in water use and the impact those changes may have on the frequency of maintenance.
- Review and document water usage rates with homeowner.

Holding Tanks

- Maintenance hole lid.* A riser is recommended if the lid is not accessible from the ground surface. Insulate the riser cover for frost protection.
- Liquid level.* Check to make sure the tank is not leaking.
- Inspection pipes.* Replace damaged caps.
- Alarm.* Verify that the alarm works and that there is at least 25% reserve capacity.
- End of year seasonal property pumping.* Remind homeowner of most frequent causes of tank and building sewer freeze-ups. Ensure that there are no "micro-sources" of water such as a high efficiency furnace or other dripping devices. Determine a logical winter water use plan that will not result in need for emergency visit(s).

All other components – inspect as listed here:



Water-Use Appliances and Equipment in the Home

Appliance	Impacts on Holding Tank	Management Tips
Garbage disposal	<ul style="list-style-type: none"> • Uses water and increases pumping frequency and expense. 	<ul style="list-style-type: none"> • Use of a garbage disposal is not recommended. • Minimize garbage disposal use. Compost instead.
Washing machine	<ul style="list-style-type: none"> • Uses water and increases pumping frequency and expense. 	<ul style="list-style-type: none"> • Choose a front-loader or water-saving top-loader, these units use less water than older models. • Wash only full loads. • Do laundry off site.
Dishwasher	<ul style="list-style-type: none"> • Uses water and increases pumping frequency and expense. 	<ul style="list-style-type: none"> • Wash only full loads.
Large bathtub (whirlpool)	<ul style="list-style-type: none"> • Uses water and increases pumping frequency and expense. 	<ul style="list-style-type: none"> • Take short showers to conserve water.
Clear Water Uses	Impacts on Holding Tank	Management Tips
High-efficiency furnace	<ul style="list-style-type: none"> • Drip may result in frozen pipes during cold weather. 	<ul style="list-style-type: none"> • Re-route water into a sump pump or directly out of the house. Do not route furnace recharge to your holding tank.
Water softener Iron filter Reverse osmosis	<ul style="list-style-type: none"> • Uses water and increases pumping frequency and expense. 	<ul style="list-style-type: none"> • These sources produce water that is not sewage and should not go into your holding tank. • Reroute water from these sources to another outlet, such as a dry well, drain tile or old drainfield.
Surface drainage Footing drains	<ul style="list-style-type: none"> • Uses water and increases pumping frequency and expense. 	<ul style="list-style-type: none"> • When replacing, consider using a demand-based recharge vs. a time-based recharge. • Check valves to ensure proper operation; have unit serviced per manufacturer directions

Maintenance Log

Track maintenance activities here for easy reference. See list of management tasks on pages 3 and 4.

Activity	Date accomplished/measured water usage											
Check daily for a period of time and weekly once average use is determined:												
Water usage rate (gallons per day)												
Leaks: check for plumbing leaks												
Annually:												
Establish and maintain contract for holding tank pumping services												
Water use appliances – review use												

Compliance inspection report form

Existing Subsurface Sewage Treatment System (SSTS)

Doc Type: Compliance and Enforcement

Instructions: Inspector must submit completed form to Local Governmental Unit (LGU) and system owner within 15 days of final determination of compliance or noncompliance. Instructions for filling out this form are located on the Minnesota Pollution Control Agency (MPCA) website at <https://www.pca.state.mn.us/sites/default/files/wq-wwists4-31a.pdf>.

Property information

Local tracking number: _____

Parcel ID# or Sec/Twp/Range: 07.39.00400 Reason for inspection: permit
Local regulatory authority info: Hubbard County ESD
Property address: 32550 Wolf Lake Rd Cass Lake Mn 56633
Owner/representative: Timothy Capouch Owner's phone: 218-790-5583
Brief system description: 2- 1000 gallon Low profile holding tanks

System status

System status on date (mm/dd/yyyy): 7/26/2023

Compliant – Certificate of compliance*

Noncompliant – Notice of noncompliance

(Valid for 3 years from report date unless evidence of an imminent threat to public health or safety requiring removal and abatement under section 145A.04, subdivision 8 is discovered or a shorter time frame exists in Local Ordinance.)

Systems failing to protect ground water must be upgraded, replaced, or use discontinued within the time required by local ordinance.

***Note: Compliance indicates conformance with Minn. R. 7080.1500 as of system status date above and does not guarantee future performance.**

An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance or under section 145A.04 subdivision 8.

Reason(s) for noncompliance (check all applicable)

- Impact on public health (Compliance component #1) – *Imminent threat to public health and safety*
- Tank integrity (Compliance component #2) – *Failing to protect groundwater*
- Other Compliance Conditions (Compliance component #3) – *Imminent threat to public health and safety*
- Other Compliance Conditions (Compliance component #3) – *Failing to protect groundwater*
- System not abandoned according to Minn. R. 7080.2500 (Compliance component #3) – *Failing to protect groundwater*
- Soil separation (Compliance component #5) – *Failing to protect groundwater*
- Operating permit/monitoring plan requirements (Compliance component #4) – *Noncompliant - local ordinance applies*

Comments or recommendations

Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

By typing my name below, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing this form.

Business name: Cass Lake Sewer Service Certification number: 4581
Inspector signature: [Signature] License number: 267
(This document has been electronically signed) Phone: 218-556-5229

Necessary or locally required supporting documentation (must be attached)

- Soil observation logs
- System/As-Built
- Locally required forms
- Tank Integrity Assessment
- Operating Permit
- Other information (list): _____

1. Impact on public health – Compliance component #1 of 5

Compliance criteria:

System discharges sewage to the ground surface	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
System discharges sewage to drain tile or surface waters.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
System causes sewage backup into dwelling or establishment.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No

Any "yes" answer above indicates the system is an imminent threat to public health and safety.

Describe verification methods and results:

Home owner statement and visual inspection

Attached supporting documentation:

- Other: _____
- Not applicable

2. Tank integrity – Compliance component #2 of 5

Compliance criteria:

System consists of a seepage pit, cesspool, drywell, leaching pit, or other pit?	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
Sewage tank(s) leak below their designed operating depth?	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
If yes, which sewage tank(s) leaks:	

Any "yes" answer above indicates the system is failing to protect groundwater.

Describe verification methods and results:

pumpers integrity form

Attached supporting documentation:

- Empty tank(s) viewed by inspector
 - Name of maintenance business: _____
 - License number of maintenance business: _____
 - Date of maintenance: _____
- Existing tank integrity assessment (Attach)
 - Date of maintenance 7/26/2023
(mm/dd/yyyy): (must be within three years)
 - (See form instructions to ensure assessment complies with Minn. R. 7082.0700 subp. 4 B (1))
- Tank is Noncompliant (pumping not necessary – explain below)
- Other: _____

3. Other compliance conditions – Compliance component #3 of 5

3a. Maintenance hole covers appear to be structurally unsound (damaged, cracked, etc.), or unsecured?

Yes* No Unknown

3b. Other issues (electrical hazards, etc.) to immediately and adversely impact public health or safety? Yes* No Unknown

**Yes to 3a or 3b - System is an imminent threat to public health and safety.*

3c. System is non-protective of ground water for other conditions as determined by inspector? Yes* No

3d. System not abandoned in accordance with Minn. R. 7080.2500? Yes* No

**Yes to 3c or 3d - System is failing to protect groundwater.*

Describe verification methods and results:

Attached supporting documentation: Not applicable

4. Operating permit and nitrogen BMP* – Compliance component #4 of 5 Not applicable

Is the system operated under an Operating Permit? Yes No If "yes", A below is required

Is the system required to employ a Nitrogen BMP specified in the system design? Yes No If "yes", B below is required

BMP = Best Management Practice(s) specified in the system design

If the answer to both questions is "no", this section does not need to be completed.

Compliance criteria:

a. Have the operating permit requirements been met? Yes No

b. Is the required nitrogen BMP in place and properly functioning? Yes No

Any "no" answer indicates noncompliance.

Describe verification methods and results:

Attached supporting documentation: Operating permit (Attach)

5. Soil separation – Compliance component #5 of 5

Date of installation 10/31/2003 Unknown
(mm/dd/yyyy)

Shoreland/Wellhead protection/Food beverage lodging? Yes No

Attached supporting documentation:

- Soil observation logs completed for the report
- Two previous verifications of required vertical separation
- Not applicable (No soil treatment area)
- Holding tanks only

Compliance criteria (select one):

5a. For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment: Yes No*

Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.

5b. Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment: Yes No*

Drainfield has a three-foot vertical separation distance from periodically saturated soil or bedrock.*

Indicate depths or elevations

A. Bottom of distribution media	
B. Periodically saturated soil/bedrock	
C. System separation	
D. Required compliance separation*	

*May be reduced up to 15 percent if allowed by Local Ordinance.

5c. "Experimental", "Other", or "Performance" systems built under pre-2008 Rules; Type IV or V systems built under 2008 Rules 7080.2350 or 7080.2400 (Intermediate Inspector License required ≤ 2,500 gallons per day; Advanced Inspector License required > 2,500 gallons per day) Yes No*

Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.

***Any "no" answer above indicates the system is failing to protect groundwater.**

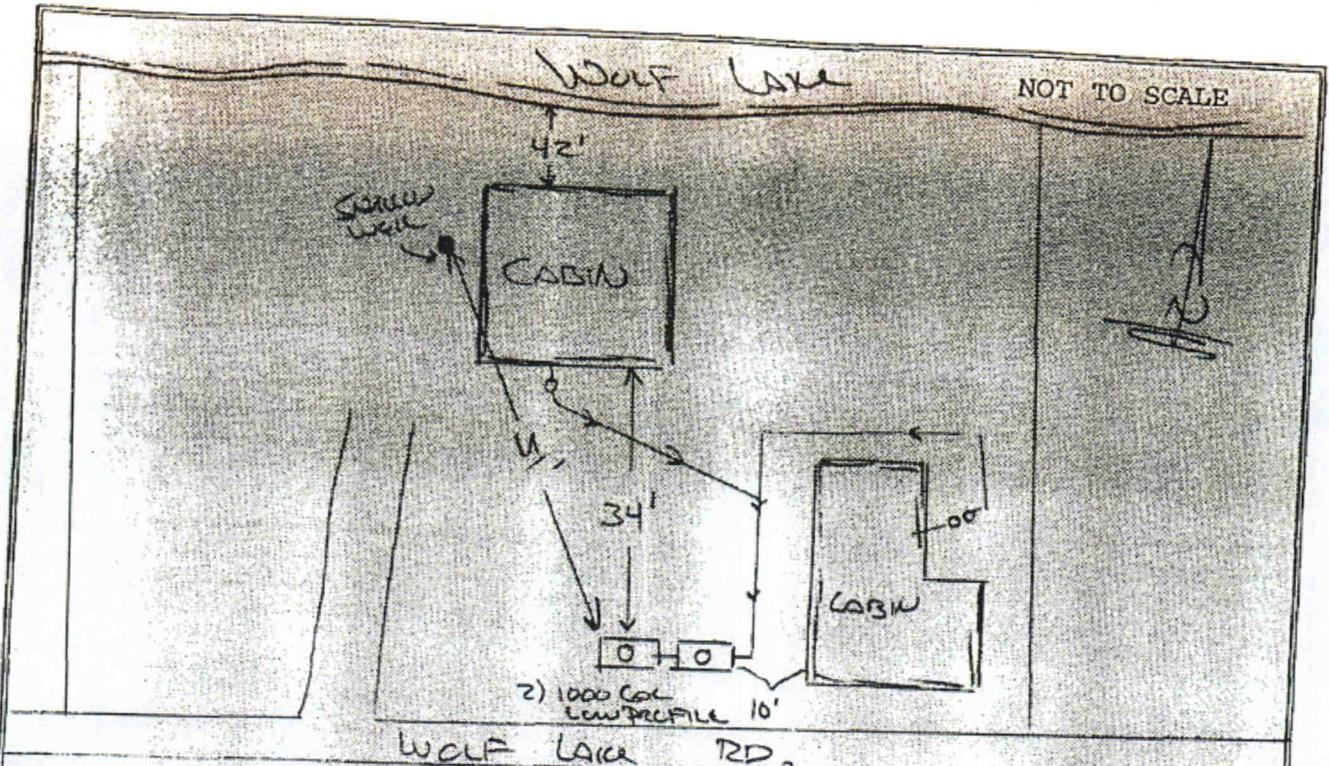
Describe verification methods and results:

no soil boring was performed system is holding tanks only

Upgrade requirements: (Minn. Stat. § 115.55) An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.

Distance to Neighbors Well 50' + 150' +

- Septic Tank-Head
- Drain Holes Sealed
- Outlet-Sch. 40 (sealed)
- Inlet-Sch. 40 (sealed)
- 6" Insp. Pipes (sealed)
- Risers on Manhole (if needed)
- Pump Tank
- Manhole at Grade
- Alarm System
- Neighbors Wells Drawn
- Pump Curve
- Pressure Test-Bldg Sewer
- Pressure Test-Pump Line
- Drainfield
- 4" insp. pipes on laterals
- Combo Tank
- Manhole in each compartment



GPS

WELL " 268
" 523

CABIN " 267
" 532

Tanks " 282
" 519

DATE	NONCOMPLIANCE ITEM AND DESCRIPTION	ORDERS ISSUED TO OPERATOR	INSPECTOR MPCA NO.	FOLLOW-UP INSPECTION		INSPECTOR MPCA NO.
				COMPLIANCE CHECK	DATE	

INSPECTOR: _____

SIGNATURE: _____

MPCA NO. 150 OTHER INSP. NO. 222

SYSTEM: APPROVED NOT APPROVED ()



MINNESOTA POLLUTION CONTROL AGENCY

520 Lafayette Road North
St. Paul, MN 55155-4194

Sewage tank integrity assessment form

Subsurface Sewage Treatment Systems (SSTS) Program

Doc Type: Compliance and Enforcement

Purpose: This form may be used to certify the compliance status of the sewage tank components of the SSTS. This form is not a complete SSTS inspection report, only a tank integrity assessment, and may only certify sewage tank compliance status when entirely completed and signed by a qualified professional. SSTS compliance inspection report forms can be found at: <https://www.pca.state.mn.us/water/inspection>.

Instructions: This form may be completed, and signed, by a Designated Certified Individual (DCI) of a licensed SSTS inspection, maintenance, installation, or service provider business who personally conducts the necessary procedures to assess the compliance status of each sewage tank in the system. Only a licensed maintenance business is authorized to pump the tank for assessment. A copy of this information should be submitted to the system owner and be maintained by the licensed SSTS business for a period of five (5) years from the assessment date.

When this form is signed by a qualified certified professional, it becomes necessary supporting documentation to an Existing System Compliance Inspection Report: [compliance inspection form - Existing system \(wq-wwst4-31b\)](https://www.pca.state.mn.us/water/inspection). This form can be found on the MPCA website at <https://www.pca.state.mn.us/water/inspection>.

The information and certified statement on this form is required when existing septic tank compliance status is determined by an individual other than the SSTS Inspector that submits an inspection report. This form represents a third party assessment of SSTS component compliance and is allowable under Minn. R. 7082.0700, subp. 4(B)(1). This form is valid for a period of three years beyond the signature date on this form unless a new evaluation is requested by the owner or owner's agent or is required according to local regulations. Additional Administrative Rule references for this activity can be found at Minn. R. 7082.0700, subp. 4(B),(C), and (D) and; Minn. R. 7083.0730(C).

Owner information

Owner/Representative: Tim Copenh
Property address: 32550 Wolf Lake Rd, Cass Lake MN 56633
Local Regulatory Authority: Hubb Cty. Parcel ID: _____

System status

System status on date (mm/dd/yyyy): 7-26-23

Certificate of sewage tank compliance Notice of sewage tank non-compliance

Compliance criteria:

The SSTS has a seepage pit, cesspool, drywell, leaching pit, or other pit - "Failure to Protect Groundwater."	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The SSTS has a sewage tank that leaks below the designed operating depth - "Failure to Protect Groundwater."	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The SSTS presents a threat to public safety by reason of structurally unsound (damaged, cracked, or weak) maintenance hole cover(s) or lids or any other unsafe condition - "Imminent Threat to Public Health or Safety."	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Any "yes" answer above indicates sewage tank non-compliance.

Company information

Company name: Dale's septic
Business license number: 12279

Designated Certified Individual (DCI) information

Print name: Mitchel Silverthorn
Certification number: C6402

I personally conducted the work described above as a Designated Certified Individual of a Minnesota-licensed SSTS inspection, maintenance, installation, or service provider Business. I personally conducted the necessary procedures to assess the compliance status of each sewage tank in this SSTS.

By typing/signing my name below, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing this form.

Designated Certified Individual's signature: [Signature] Date (mm/dd/yyyy): 7-26-23
(This document has been electronically signed.)



A000430062

HUBBARD COUNTY, MINNESOTA
CERTIFIED, FILED, AND/OR
RECORDED ON
6/9/2023 11:28:03 AM

LAUREN ANDERSON
HUBBARD COUNTY RECORDER
BY TK Dep PAGES: 3
WELL CERT RCVD
MTG REG TAX PD \$
DEED TAX PD \$ 1.65
TAX EXEMPT

Prepared By and Send Tax
Statements
Name: Tim Capouch
Address: 714 6th Ave. West
West Fargo
State: ND Zip Code: 58078

mail →

After Recording Return To
Name: _____
Address: _____
State: _____ Zip Code: _____

Space Above This Line for Recorder's Use

MINNESOTA QUIT CLAIM DEED

STATE OF MINNESOTA
COUNTY OF Hubbard

Deed Tax Due
\$1.65

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of
_____ (\$ _____) in hand paid to
Mark Capouch ~~Married to~~ Debra a ~~Individual~~, residing at 1025 Old Englewood Rd
County of Sarasota, City of Englewood, State of Florida
(hereinafter known as the "Grantor(s)") hereby conveys and quitclaims to
Timothy Capouch, a Individual, residing at 714 6th Ave. West,
County of Cass, City of West Fargo, State of North Dakota
(hereinafter known as the "Grantees(s)") all the rights, title, interest, and claim in or to
the following described real estate, situated in the County of Hubbard, Minnesota
to-wit:

See attached page for legal description

To have and to hold, the same together with all and singular the appurtenances
thereunto belonging or in anywise appertaining, and all the estate, right, title, interest,
lien, equity and claim whatsoever for the said first party, either in law or equity, to the
only proper use, benefit and behoof of the said second party forever.



Check Applicable Box:

- The Seller certifies that the Seller does not know of any wells on the described property.

- A well disclosure certificate accompanies this document or has been electronically filed (if electronically filed, insert WDC Number: _____)

- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Mark S. Capouch
Grantor's Signature

Mark S. Capouch
Grantor's Name

Debra J. Capouch
Grantor's Signature

Debra J. Capouch
Grantor's Name

Address

Address

City, State & Zip

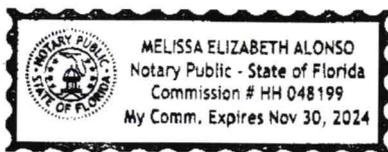
City, State & Zip

Florida me
STATE OF MINNESOTA
COUNTY OF Sawwater

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Mark S. Capouch and Debra J. Capouch whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 25th day of Nov, 2023.

[Signature]
Notary Public



My Commission Expires: Nov. 30, 2024

Transfer Entered On 6-9-2023

() eCRV () N/A
(X) No Delinquent Taxes () N/A
() Current Taxes Paid in Full () N/A

Lauren Anderson, Hubbard County Recorder

By [Signature], Deputy

07.01.01900
07.39.00400



A portion of Government Lot 4, Section 1, Township 145, Range 32, more specifically described as follows: Beginning at the Northeast corner of Lot 7, Plat of Crescent Beach, running thence east a distance of 53 feet to the west bank of Wolf Creek, running thence south along the west bank of Wolf Creek a distance of 125 feet, thence west a distance of 40 feet to the east line of Lot 9, of Crescent Beach and thence North a distance of 125 feet to the point of beginning.

AND

Lots 7, 8 and the northeasterly one-half of Lot 9, of Crescent Beach, Wolf Lake, Hubbard County, in accordance with the plat thereof now of record in the office of the Register of Deeds of Hubbard County, Minnesota.



Environmental Services

301 Court Avenue, Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

Notice of Hubbard County Board of Adjustment Public Hearing/Meeting for Variance Application 23-V-23

Applicant: Timothy and Marilyn Capouch

Property Address: 32550 Wolf Lake Road, Cass Lake, MN 56633

Legal Description: Part of Gov't Lot 4, and Lots 7, 8, and part of Lot 9, Crescent Beach, Section 1, Township 145, Range 32

Parcel ID #: 07.39.00400 and 07.01.01900

Lot Viewal Date: Thursday, August 24, 2023 at approximately 11:25 a.m. ***(Please allow at least ± 30 minutes of scheduled time.)***

Hearing/Meeting Date: **Monday, August 28, 2023 at 6:00 p.m.**

Place: Hubbard County Government Center, 3rd Floor Board Room # 324.

Purpose: Applicants are requesting a variance from Sections 502.2, 702, and 904.6 of the Shoreland Management Ordinance for a proposed addition to a nonconforming dwelling located in the shore impact zone. The proposed addition will not comply with the 20' road right-of-way setback or the 25% of lot area impervious surface area threshold.

Above please find a Public Hearing Notice for your information. An effort has been made to notify all the property owners within 500 feet of the premises concerned. To ensure that everyone has been notified, please share this notice with any interested property owners that may have not been notified by mail. Should you have any further questions, please contact the Environmental Services Office at 218-732-3890.

Planning Commission/Board of Adjustment (PC/BOA) hearing/meeting agenda items (i.e. applications and related documents), composition and duties, meeting procedure, and findings of fact may be viewed on the Hubbard County website (www.co.hubbard.mn.us) by clicking on the homepage "Agendas, Summaries & Minutes" link and then on the "Meetings" link on the subsequent webpage that opens.

Written comments/materials on any agenda items must be submitted to Hubbard County Environmental Services, 301 Court Ave., Park Rapids, MN 56470 by 3:30 p.m. on Wednesday, August 23, 2023 and include the submitter's complete name and address of residence.

Eric Buitenwerf, Env. Services Director • Bryan Haugen, Asst. Env. Services Director • Staci Lee, Admin. Asst.
Env. Specialists: Aaron Anderson, Demey DeJong, Kal Larson • GIS Supervisor: Jack Bovee

Hubbard County is an equal opportunity employer

**Staff Report
Hubbard County Planning Commission/Board of Adjustment
Monday, September 25, 2023 Hearing/Meeting**

BOARD OF ADJUSTMENT:

OLD BUSINESS

Variance Application 23-V-23 by Timothy and Marilyn Capouch: Part of Gov't Lot 4, and Lots 7, 8, and part of Lot 9, Crescent Beach, Section 1, Township 145, Range 32, Farden Township on Wolf Lake, a recreational development lake. Parcels 07.39.00400 and 07.01.01900. Applicants are requesting a variance from Sections 502.2, 702, and 904.6 of the Shoreland Management Ordinance for a proposed addition to a nonconforming dwelling located in the shore impact zone. The proposed addition will not comply with the 20' road right-of-way setback or the 25% of lot area impervious surface area threshold.

Enclosed Document(s):

- 23-V-23 amended application
- Provided in August 2023 mtg packet: 2020 aerial imagery w/2' elevation contours overlain

This application was initially placed on the August 2023 meeting agenda and then voluntarily tabled by the applicants (indefinite time extension waiver form was submitted) and asked to be placed on the September meeting agenda instead to allow for some setback issues identified during staff review concerning the setback from the proposed garage addition to the existing holding tanks to be addressed. The proposed garage addition was thus modified somewhat so that it would meet the 10' setback from the holding tanks and a new SSTS design and permit application were submitted to move the west holding tank to just north of the east holding tank so setbacks can be achieved. As the property is in the Mississippi Headwaters Corridor, certification of any variance approval will be required by the Mississippi Headwaters Board.

Variances are requested to add onto the existing cabin that sits in the shore impact zone at a 25.4' OHW setback, to be at a 15' road ROW setback (20' required), and to exceed the 25% impervious surface area threshold by 2.3%.

The existing cabin is 32' x 32' x 21.5' high. The proposed attached garage is 28' x 28' x 21.5' high with a 6' x 10' breezeway proposed as a means of connecting it internally to the cabin.

Mr. Murray, the authorized agent, is a licensed MN surveyor who researched and found for previous variance applications along this portion of Wolf Lake Road that the road ROW width is unknown – so the graveled, maintained road surface is the operative ROW from which setbacks are measured.

In 2009, a variance was granted on the property that allowed an addition to the existing guest cottage which filled in the northeast corner to make the structure rectangular. That variance also allowed the accompanying impervious surface area increase to be made. No mitigation for the proposed garage and driveway impervious surface area increase is proposed in the current variance application.

Wolf Lake Road is a township road with a lowered average vehicle speed along this property due to the dense dwelling unit density in the neighborhood and proximity of most of the structures. Thus, the requested ROW setback variance is less of a concern other than it will not provide enough room to park standard size vehicles in front of the garage and not have them extend into the road. The road also counts toward the lot's impervious surface area.

Re: the proposed garage, the application photos show that there is a few feet of elevation difference between the cabin and road. Asking questions of the applicant concerning the proposed garage floor elevation and

**Staff Report
Hubbard County Planning Commission/Board of Adjustment
Monday, September 25, 2023 Hearing/Meeting**

driveway apron percent slope thus might be useful when evaluating stormwater management aspects of the proposal.

There is a valid practical difficulty in being able to meet applicable setbacks given the lot's small size and usable space limitations caused by the road. Staff supports the request with proposed conditions that the garage be guttered to have downspout discharge directed away from the lake and the impervious surface area overage be addressed either by requiring a stormwater management plan to be prepared/implemented (which Mr. Murray is qualified to do) or that other existing impervious surface area be removed in offset. Staff also recommends that any motion to improve include a condition that the garage and breezeway must be constructed in the location and to the dimensions shown in the application site plan sketch.

Below are the findings of fact questions for your consideration:

1. Is the variance in harmony with the general purposes and intent of the official controls?
Yes (X) No ()
Why or why not? The proposed attached garage is average in size and strikes a good balance between locating it as far from the OHW as possible while also maintaining a safe road ROW setback. The lot is small at 29,944 sq. ft. and 125' in width and the location of Wolf Lake Road running through the middle of the lot makes it impossible to meet the OHW and road ROW setbacks. There is no permissible alternative.
2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?
Yes (X) No ()
Why or why not? Having an attached garage on a dwelling – especially in northern Minnesota for winter use – is a reasonable request. The proposal also strikes a good balance of maximizing the OHW and road ROW setbacks.
3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?
Yes (X) No ()
Why or why not? The lot is small at 29,944 sq. ft. and 125' wide per the County GIS tax parcel map and Wolf Lake Road runs through the middle of the lot. Therefore, there is no way that the OHW and road ROW setbacks can be met and the road being impervious surface area contributes to the lot exceeding the 25% impervious surface area threshold.
4. Will the issuance of the variance maintain the essential character of the locality?
Yes (X) No ()
Why or why not? The locality is made up of small, substandard lots that are all bisected by Wolf Lake Road. Ordinary high water mark setbacks to dwellings are thus similar to that of the subject dwelling. Many of the neighboring residential lots have either attached or detached garages and impervious surface area percentage overages exist on other lots as well. The proposed garage setback from the road ROW will be similar to the ROW structure setbacks on neighboring lots.
5. Does the stated practical difficulty involve more than just economic considerations?
Yes (X) No ()

Staff Report
Hubbard County Planning Commission/Board of Adjustment
Monday, September 25, 2023 Hearing/Meeting

Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty is the fact that the lot is very small at 29,944 sq. ft. and the location of Wolf Lake Road interferes with being able to meet OHW and road ROW setbacks.

**Applicant's Waiver of Rights under Minnesota Statutes
Section 15.99**

Date: 8/11/2023

Re: Capouch Varance Application

The undersigned hereby declares that he/she understands that pursuant to Minnesota Statutes Section 15.99, that the County must approve or deny requests relating to zoning within 60 days of the date of a completed application, and that the County is by law allowed to extend the time limit once, for up to an additional 60 days. The undersigned therefore understands that under Minnesota Statutes Section 15.99, he/she has a right to have a decision on his/her permit application made within the above timelines. Understanding the foregoing, the undersigned hereby knowingly and voluntarily waives his/her rights under Minnesota Statutes Section 15.99 to obtain a decision within the 60 day/120 day time frame on this matter. The applicant hereby grants the county an indefinite extension of time in which to make a decision on the permit application. The applicant agrees that it will give the County 60 days written notice before revoking this waiver.

Signed,

 Authorized Agent for Capouch

(signature - full legal name)

(signature - full legal name)



Environmental Services

301 Court Avenue, Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

September 26, 2023

Timothy and Marilyn Capouch
714 6th Ave. W
West Fargo, ND 58078

Re: Hubbard County Board of Adjustment decision for Variance Application 23-V-23

Dear Mr. and Mrs. Capouch,

The Hubbard County Board of Adjustment (BOA) met on Monday, September 25, 2023 to review and consider the following variance application:

Variance Application 23-V-23 by Timothy and Marilyn Capouch: Part of Gov't Lot 4, and Lots 7, 8, and part of Lot 9, Crescent Beach, Section 1, Township 145, Range 32, Farden Township on Wolf Lake, a recreational development lake. Parcels 07.39.00400 and 07.01.01900. Applicants are requesting a variance from Sections 502.2, 702, and 904.6 of the Shoreland Management Ordinance for a proposed addition to a nonconforming dwelling located in the shore impact zone. The proposed addition will not comply with the 20' road right-of-way setback or the 25% of lot area impervious surface area threshold.

The official decision of the Hubbard County Board of Adjustment is as follows:

Kovacovich made a motion to approve the variance application with the following conditions:

1. Gutters must be placed on the new garage addition that direct stormwater away from Wolf Lake.
2. The garage addition must be built per the site plan sketch submitted in this variance application.
3. Certification of this variance application by the Mississippi Headwaters Board (MHB) must be obtained.

Johnson seconded the motion that passed 5 – 0.

This is in accordance with Section 1103 of the Hubbard County Shoreland Management Ordinance and the findings of fact on file with the Environmental Services Department.

Your variance application itself does not constitute a permit. You will still need to obtain the necessary certification by the MHB and if certified, apply for and obtain a land use permit for the addition. If the MHB does not certify the variance application, the BOA's approval will be null and void. I will take care of submitting and presenting the variance application and BOA decision to the MHB for its review and action.

Please contact our department at (218) 732-3890 with any questions.

Most sincerely,

Eric Buitenwerf
Environmental Services Director



**Crow Wing County – Planning Commission
Summary of Record
September 21, 2023**

Property Owner/Applicant: Foote, Eugene L Rev Trust

Authorized Agent: Paul Herkenhoff – Lakes Area Surveying

Parcel Number(s): 95240553 & 95240567

Physical Address: XXX Crosby, MN 56441

Location: Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northerly of county state aid road #30 and that part of Gov Lot 3 which lies northerly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota

Request:

Preliminary Plat for:

1. **Preliminary Plat – “Mississippi East” with five (5) total lots consisting of:**
 - a. **Five (5) individual lots for the plat of “Mississippi East”**

Current Zoning: Shoreland District

Adjacent Land Use/Zoning:

North: Shoreland District

South: Shoreland District

East: Shoreland with Commercial and Rural Residential

West: Shoreland with Commercial and Rural Residential

Impervious Coverage: N/A

Chronology of events:

- July 24, 2023 – Development Review Team Meeting
- August 10, 2023 – Application submitted
- September 06, 2023 – PC/BOA Meeting published in local newspapers
- September 08, 2023 – Notices mailed
- September 21, 2023 – Board of Adjustment Meeting – Decision to recommend approval of the preliminary plat to the County Board of Commissioners

Packet Information:

- Public Hearing Notice
- Staff Report
- Certificate of Survey
- Aerial & LUMA Views
- Wetland Delineation
- Site Suitability's
- Title Opinion
- Comment from CWC Highway Department
- Preliminary Plat Application
- Preliminary Plat Findings of Fact Questions with County staff recommendations

Agencies Notified and Responses Received:

Wolford Township: No comment received as of 09/21/2023

MHB: No comment received as of 09/21/2023

MN DNR: No comment received as of 09/21/2023

CWC Highway Dept.: Comment received 09/12/2023

SWCD: No comment received as of 09/21/2023

County Recorder: No comment received as of 09/21/2023

Citizen Correspondence: No comments received as of 09/21/2023

September 21, 2023

FINDINGS OF FACT

SUPPORTING/DENYING A PRELIMINARY PLAT

Findings should be made in either recommending for or against a preliminary plat and should reference Article 9 of the County Subdivision Ordinance. The following questions are to be considered, but are not limited to:

1. Does the proposed plat conform to the County's Comprehensive Plan?
Yes X No (4-0 Vote, all agree)
Why?
 - **Encourage residential development that provides housing options for different socioeconomic groups – particularly the aging population – while protecting the characteristics that people value, a sense of community, as well as a plan to provide all citizens reasonable access to a diversity of recreational and open space opportunities. (pg. 42)**

2. Is the proposal consistent with the existing County Subdivision Ordinance? Specify applicable sections of the Ordinance.
Yes X No (4-0 Vote, all agree)
Why?
 - **This plat meets the requirements of Article 9 of the Land Use Ordinance.**

3. Are there any other standards, rules, or requirements that this plat must meet? Specify other required standards.
Yes **No X** (4-0 Vote, all agree)
Why?
 - **This plat meets the requirements of Article 9 of the Land Use Ordinance.**
 - **There is adequate room on all parcels for a type one (1) subsurface sewage treatment system.**
 - **This plat is meeting all the requirements set forth by the Mississippi Headwaters Board Comprehensive Plan, Section T.**

4. Is the proposed plat compatible with the present land uses in the area of the proposal? Zoning District: Shoreland
Yes X No (4-0 Vote, all agree)
Why?
 - **These properties are zoned shoreland district and is adjacent to other residential shoreland uses.**

5. Does the plat conform to all applicable performance standards in Article 9 of the Subdivision Ordinance?
Yes X No (4-0 Vote, all agree)
Why?
 - **This plat meets the requirements of Article 9 of the Land Use Ordinance.**

6. How are the potential environmental impacts being resolved? (Does the plat meet County Standards?)
Yes X No (4-0 Vote, all agree)
Why?

Stormwater: There will be no additional stormwater runoff generated by this plat.

Erosion /Sediment Control: There will be no construction associated with the approval of this plat.

Wetlands – No wetlands will be impacted in this plat. All wetlands have been delineated and the delineation report has been submitted and is on file at Land Services with this preliminary plat.

Floodplain – There are no structures or utilities located within the floodplain.

Shoreland – This plat is meeting all shoreland standards set in Articles 9 and 11 of the Land Use Ordinance. All the requirements set forth by the Mississippi Headwaters Board Comprehensive Plan, Section T have been met.

Septic Systems – There is adequate room on all parcels for a type one (1) subsurface sewage treatment system.

7. Have the potential public health, safety or traffic generation impacts been addressed?
Yes X No (4-0 Vote, all agree)
Why?

- According to a comment received from the County Highway Department 09/12/2023 states: "Access to the lots will be through shared entrances due to the location. Lot 1 having its own access onto CSAH 30 while Lots 2 & 3 share one access onto CSAH 30, and Lots 4 & 5 share one access onto CSAH 30."

8. Other issues pertinent to this matter: **None**
9. What is the Township recommendation? **None**

September 21, 2023, Action:

Decision: Motion by Maske; supported by Yliniemi, to make a recommendation to the County Board of Commissioners to APPROVE the Preliminary Plat for:

1. Preliminary Plat – "Mississippi East" with five (5) total lots consisting of:
 - a. Five (5) individual lots for the plat of "Mississippi East"

Approved Conditions: None

Roll call vote: Auge, Maske, Yliniemi, Hales - all voting "Aye"; Unanimous, Motion for recommendation of Approval, Carried.

Parcel Number(s): 95240553 & 95240567

Per findings of fact discussed 09/21/2023, and as shown on the Certificate of Survey received 08/15/2023 at the Land Services Department; Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northerly of county state aid road #30 and that part of Gov Lot 3 which lies northerly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota

Findings: As listed above

Date: 10-19-2023

Signature: _____
Chairman

Paul Herkenhoff, authorized agent was present in-person. Christiansen read the preliminary plat request, as well as the property information into the record citing Land Use Ordinance and staff comments. Reviewed the survey for the plat, setback requirements, standards for lot sizes and access from the road. Reviewed the standards of Mississippi River and additional step of being approved by the Mississippi Headwaters Board. Comment received from highway department. No additional comments received on this request.

Hales asked the authorized agent if he had any additional comments. Herkenhoff explained that this application completed an Administrative Subdivision over a year ago and did not record the deeds in time and nothing has changed with this request. Plat is meeting all standards required by Ordinance.

Hales called for public testimony for both in-person and virtual attendees. None presented. Hales then closed public testimony.

There was no onsite visit. Hales asked if there were any additional comments or discussion. None presented.

Hales asked Board Members if they have reviewed the preliminary Findings of Fact answers. All acknowledge they have. Hales asked if there were any changes or additions to the preliminary Findings of Fact answers. Maske added two Findings to question number six. All agreed with the Findings of Fact as modified.

September 21, 2023, Action:

Decision: Motion by Maske; supported by Yliniemi, to make a recommendation to the County Board of Commissioners to APPROVE the Preliminary Plat for:

- 1. Preliminary Plat – “Mississippi East” with five (5) total lots consisting of:
 - a. Five (5) individual lots for the plat of “Mississippi East”****

Approved Conditions: None

Roll call vote: Auge, Maske, Yliniemi, Hales - all voting "Aye"; Unanimous, Motion for recommendation of Approval, Carried.

Parcel Number(s): 95240553 & 95240567

Per findings of fact discussed 09/21/2023, and as shown on the Certificate of Survey received 08/15/2023 at the Land Services Department; Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northernly of county state aid road #30 and that part of Gov Lot 3 which lies northernly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota



NOTICE OF DECISION

****This letter is NOTICE to inform you of the results from the Public Hearing held on September 21, 2023, regarding the following application:**

Property Owner/Applicant: Foote, Eugene L Rev Trust

Authorized Agent: Paul Herkenhoff – Lakes Area Surveying

Parcel Numbers: 95240553, 95240567

Physical Address: XXX Crosby, MN 56441

Location: Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northerly of county state aid road #30 and that part of Gov Lot 3 which lies northerly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota

The following request has been recommended for approval by the Planning Commission to the County Board of Commissioners. This request will now be placed on the Agenda for the County Board of Commissioners' meeting scheduled for October 10, 2023, where they will render a final decision regarding the following requests:

Preliminary Plat for:

1. Preliminary Plat – “Mississippi East” with five (5) total lots consisting of:
 - a. Five (5) individual lots for the plat of “Mississippi East”

Approved Conditions: None

Please call Crow Wing County Land Services (218)-824-1010 with any questions you may have.

Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.

GENERAL NOTES

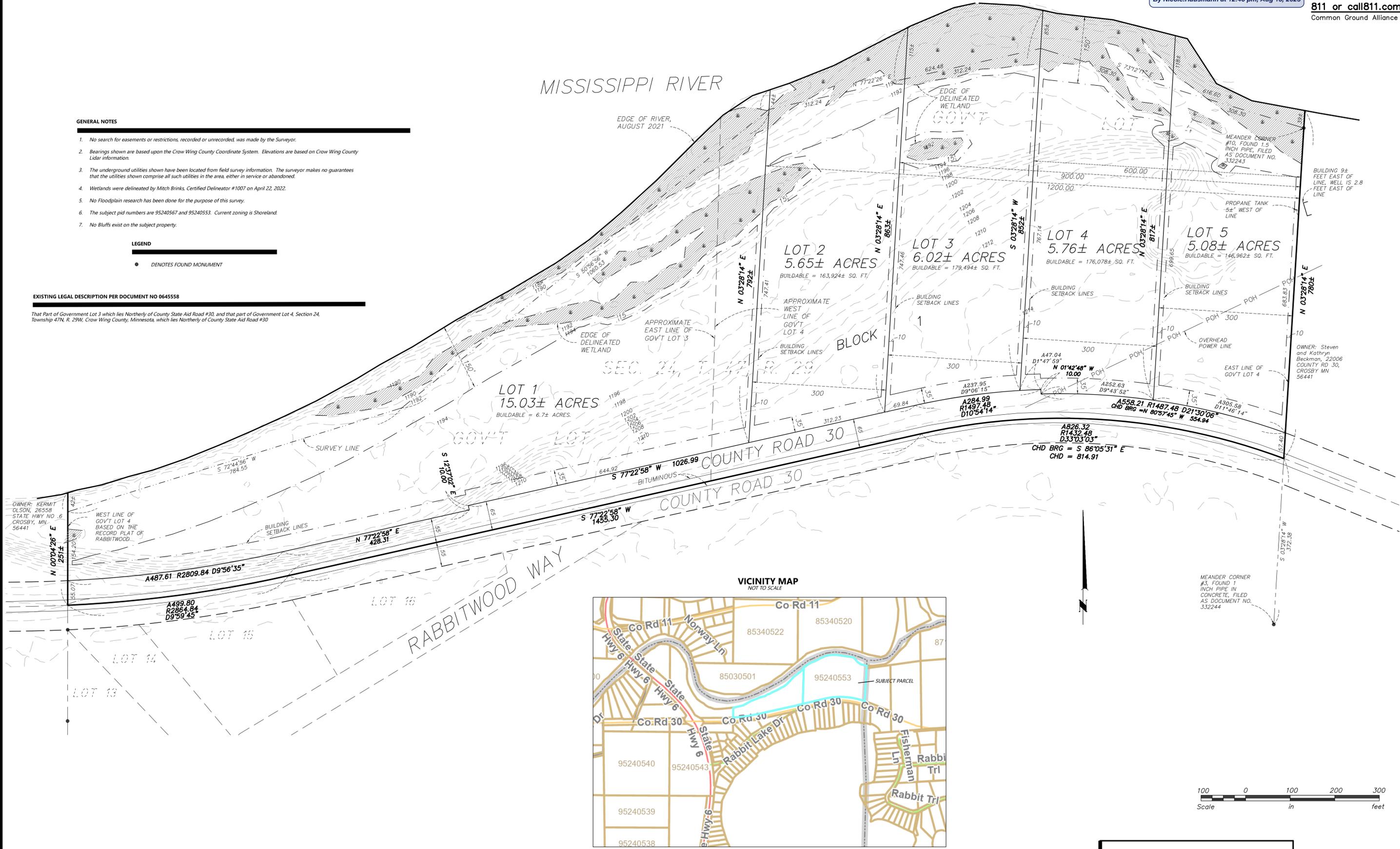
1. No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
2. Bearings shown are based upon the Crow Wing County Coordinate System. Elevations are based on Crow Wing County Lidar information.
3. The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
4. Wetlands were delineated by Mitch Brinks, Certified Delineator #1007 on April 22, 2022.
5. No Floodplain research has been done for the purpose of this survey.
6. The subject pid numbers are 95240567 and 95240553. Current zoning is Shoreland.
7. No Bluffs exist on the subject property.

LEGEND

- DENOTES FOUND MONUMENT

EXISTING LEGAL DESCRIPTION PER DOCUMENT NO 0645558

That Part of Government Lot 3 which lies Northerly of County State Aid Road #30, and that part of Government Lot 4, Section 24, Township 47N, R. 29W, Crow Wing County, Minnesota, which lies Northerly of County State Aid Road #30



OWNER: KERMIT OLSON, 26558 STATE HWY NO .6 CROSBY, MN 56441

WEST LINE OF GOV'T LOT 4 BASED ON THE RECORD PLAT OF RABBITWOOD

MEANDER CORNER #3, FOUND 1 INCH PIPE IN CONCRETE, FILED AS DOCUMENT NO. 332244

Revisions:

Crew:	EAN
Checked:	TTS
Drawn:	PDH
Record Drawing by/date:	

Prepared for:

EUGENE FOOTE TRUST
 11395 5th Ave N.
 Plymouth, MN 55441

Mississippi River
 Crow Wing County, Minnesota

Preliminary plat of
 Mississippi East



Staff Report

Property Owner/Applicant: Foote, Eugene L Rev Trust

Authorized Agent: Paul Herkenhoff – Lakes Area Surveying

Parcel Numbers: 95240553, 95240567

Physical Address: XXX Crosby, MN 56441

Location: Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northerly of county state aid road #30 and that part of Gov Lot 3 which lies northerly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota

Application Submitted: 08/10/2023

Action Deadline: 10/10/2023

60 Day Waiver: N/A

Wetland Delineation: 04/22/2022

Site Suitability's: 06/01/2022

Current Zoning: Shoreland District

Adjacent Land Use/Zoning:

North: Shoreland

South: Shoreland

East: Shoreland with Commercial and Rural Residential

West: Shoreland with Commercial and Rural Residential

Request:

Preliminary Plat for:

1. Preliminary Plat – “Mississippi East” with five (5) total lots consisting of:
 - a. Five (5) individual lots for the plat of “Mississippi East”

Impervious Coverage: N/A

No On-Site Visit

07/24/2023 Development Review Team Meeting Notes:

- Reviewed the proposal
 - This was an Administrative Subdivision that was approved last year before the Land Use Ordinances changed
 - Did not get recorded in time
 - Nothing is changing from the Administrative Subdivision
- Plat discussion
 - Road access
 - No concerns from Jim
 - Road will be dedicated
 - Paul is familiar with the plat process and items needed
- Highway discussion
 - There will be a common approach for access
 - Not individual access to each parcel from the county road
- Township comments
 - No concerns
- Tim from MHB

- Discussed the easement on the other side of the property
- Each tract will be meeting the lot size requirements
- MHB would make the final decision on the plat
 - Planning Commission will make recommendations
- Site Suitability's on file at the county already
- Title of Opinion will be required with preliminary plat
- Updated survey for plat
 - Preliminary plat will be reviewed by KLD
- Discussed the topography of the property
- FEMA review
- Preliminary plat and final plat heard at the same time
- Discussed timeline of submittal in order to be on the next Public Hearing
- Nicole reviewed next steps
 - COS updated
 - Fees involved
 - Plat App
 - Items needed to submit will be sent to Paul

Parcel #95240553 24.5 Acres Zoning: Shoreland; Mississippi River

This parcel is not platted.

This Parcel is Abstract Torrens – Recording fees will be: \$46.00

Permit History:

- **04/06/2022 – Administrative Subdivision approved**
- **06/01/2022 - Site Suitability's**

Agencies Notified and Responses Received:

Wolford Township: No comment received as of 09/21/2023
MHB: No comment received as of 09/21/2023
MN DNR: No comment received as of 09/21/2023
CWC Highway Dept.: Comment received 09/12/2023
SWCD: No comment received as of 09/21/2023
County Recorder: No comment received as of 09/21/2023
Citizen Correspondence: No comments received as of 09/21/2023

Potential Conditions: None

Request:

Preliminary Plat for:

1. **Preliminary Plat – “Mississippi East” with five (5) total lots consisting of:**
 - a. **Five (5) individual lots for the plat of “Mississippi East”**

Per findings of fact discussed 09/21/2023, and as shown on the Certificate of Survey received 08/15/2023 at the Land Services Department; Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northerly of county state aid road #30 and that part of Gov Lot 3 which lies northerly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota

Nicole Hausmann

Subject: FW: NOTICE - PRELIMINARY PLAT - Mississippi East

From: Matt Kallroos <Matt.Kallroos@crowwing.us>
Sent: Tuesday, September 12, 2023 3:22 PM
To: Nicole Hausmann <Nicole.Hausmann@crowwing.gov>
Subject: RE: NOTICE - PRELIMINARY PLAT - Mississippi East

Good afternoon,

The Highway comments are related to the access to the lots. Access to the lots will be through shared entrances due to the location. Lot 1 having its own access onto CSAH 30 while lots 2 and 3 share one access onto CSAH 30 and lots 4 and 5 share one access onto CSAH 30 would be the Highway Departments recommendation.

Matt Kallroos **Transportation Planner**

Office: (218)824-1110
Direct: (218)822-2694
www.crowwing.us

Crow Wing County Highway Department
16589 County Road 142
Brainerd, MN 56401

We value your opinion, please let us know how we are doing by taking our [Customer Service Survey](#).



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Our Mission: Serve well. Deliver value. Drive results.
Our Values: Be responsible. Treat people right. Build a better future.

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From: Nicole Hausmann <Nicole.Hausmann@crowwing.gov>
Sent: Friday, August 18, 2023 1:58 PM
To: Adam Maleski <adam@cswgcd.org>; Frie, Jacob (DNR) <Jacob.Frie@state.mn.us>; Tim Terrill <timt@mississippiheadwaters.org>; Matt Kallroos <Matt.Kallroos@crowwing.us>; Rob Hall <Rob.Hall@crowwing.us>; Tim Bray <Tim.Bray@crowwing.us>; wolfordclerk@castle-web.com; Doug Houge <Doug.Houge@crowwing.us>; Nichole Stotz <Nichole.Stotz@crowwing.gov>
Cc: Dilan Christiansen <Dilan.Christiansen@crowwing.gov>; Chris Pence <Chris.Pence@crowwing.gov>; Gary Griffin <Gary.Griffin@crowwing.gov>
Subject: NOTICE - PRELIMINARY PLAT - Mississippi East

Property Owner/Applicant: Foote, Eugene L Rev Trust

Authorized Agent: Paul Herkenhoff – Lakes Area Surveying

Parcel Numbers: 95240553

Physical Address: XXX Crosby, MN 56441

Location: Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northernly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota

- **The request is to review the proposal for a Preliminary Plat “Mississippi East” – five (5) total lots consisting of:**
 - **Five (5) individual lots for the plat of “Mississippi East”**

A hard copy of this information is available at the Land Service Office. If you would like to review a hard copy of this information, please let us know and a copy will be mailed to you.

Attached for your review is a copy of the preliminary plat information. This property is scheduled for consideration by the Planning Commission at the Meeting on Thursday, September 21, 2023. The Crow Wing County Land Use Ordinance allows a 30-day review process for all agencies involved. We would sincerely appreciate your prompt review of the proposal. If you do have any comments, please submit them by 5:00 pm Wednesday, September 13, 2023.

If you have any questions or if you need additional information, please feel free to contact Land Services.

Thank you and have a wonderful weekend.

~Nicole

Attached: Mississippi East Preliminary Plat Packet which has the following information:

- Preliminary Staff Report
- Certificate of Survey for plat
- Public Notification
- Wetland Delineation
- Site Suitability
- Title of Opinion
- Plat Application

To:

Crow Wing County Highway Engineer
Crow Wing County Recorder
Crow Wing County Auditor
Crow Wing County Soil and Water Conservation District
Mississippi Headwaters Board
Minnesota Department of Natural Resource (DNR)
Wolford Township
Commissioner Houge

Nicole Hausmann
Planning Coordinator

Office: (218) 824-1010

Direct: (218) 454-7481

www.crowwing.us

Land Services

322 Laurel Street Suite 15
Brainerd, MN 56401

Excellent customer service is our top priority. Please let me know if I was helpful!

[Customer Service Survey](#)



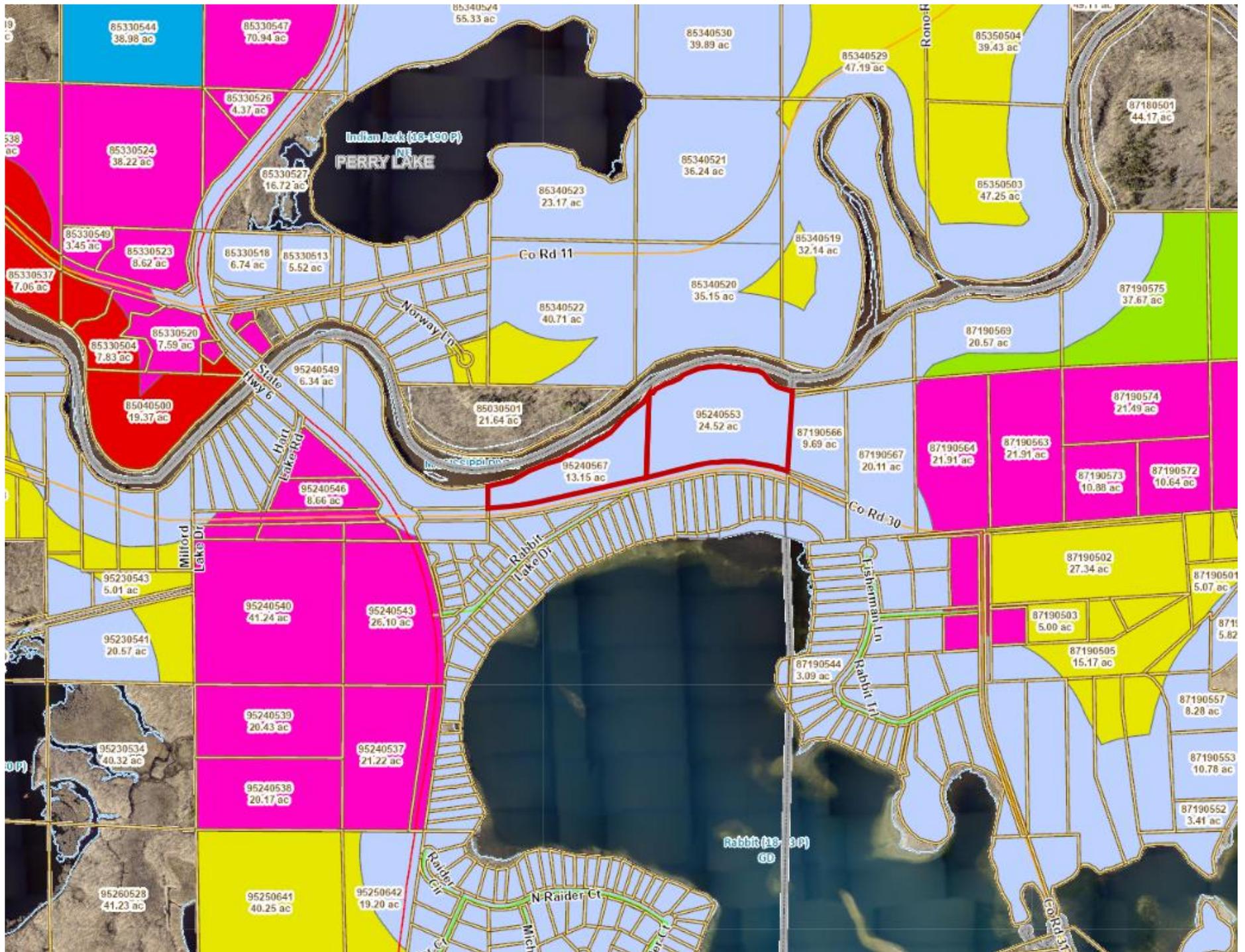
Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

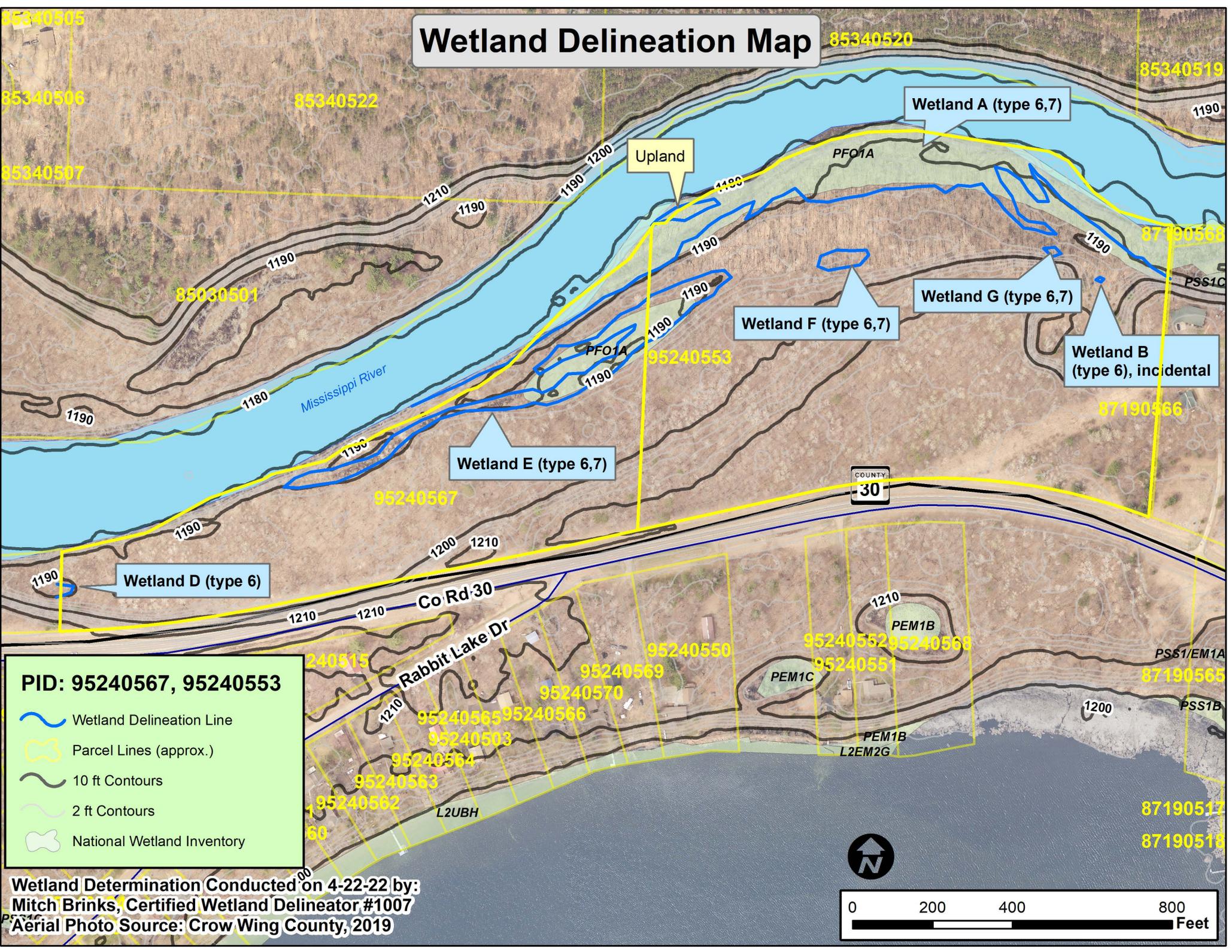
Our Values: Be responsible. Treat people right. Build a better future.

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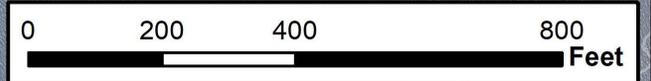
Wetland Delineation Map



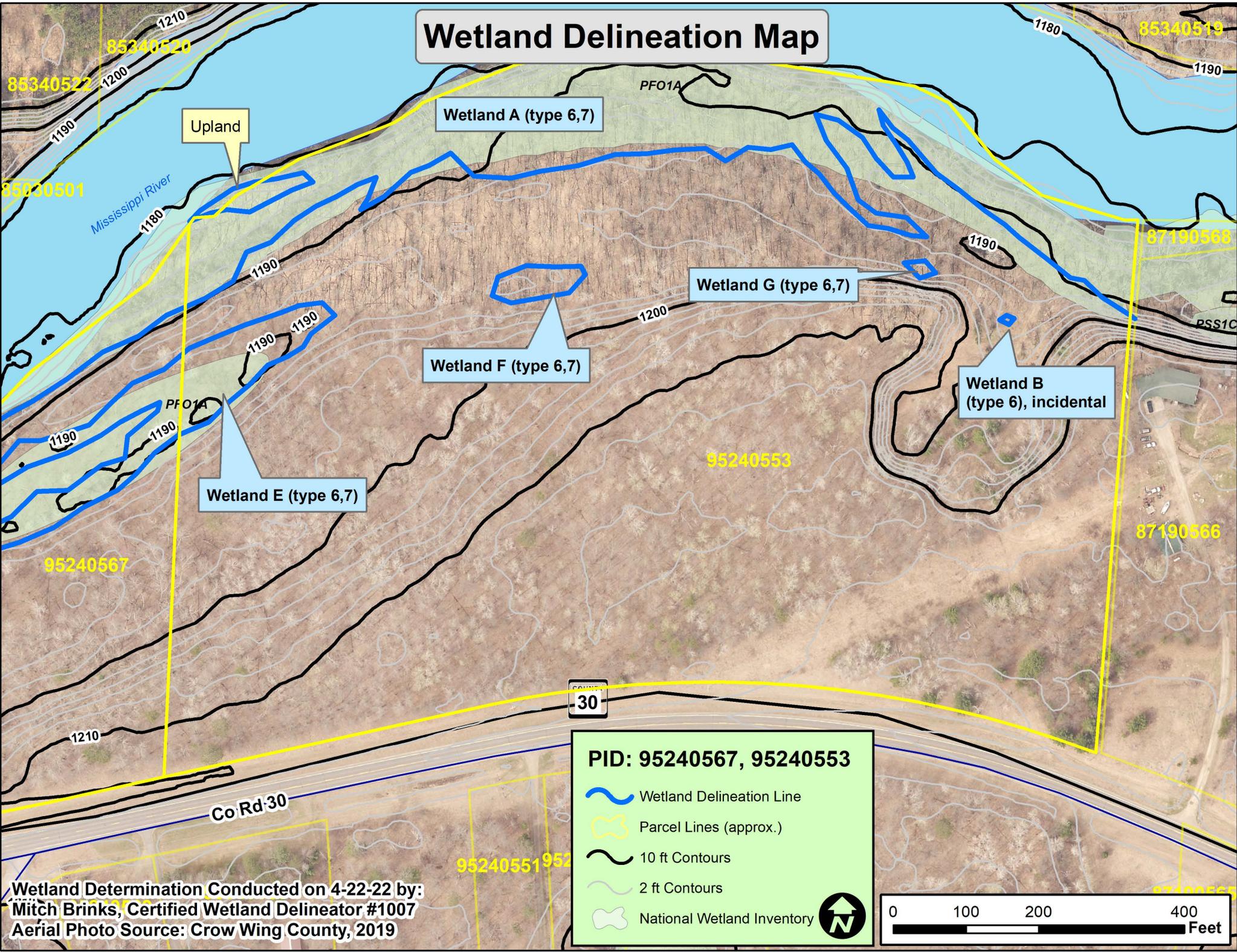
PID: 95240567, 95240553

- Wetland Delineation Line
- Parcel Lines (approx.)
- 10 ft Contours
- 2 ft Contours
- National Wetland Inventory

Wetland Determination Conducted on 4-22-22 by:
Mitch Brinks, Certified Wetland Delineator #1007
Aerial Photo Source: Crow Wing County, 2019



Wetland Delineation Map



Upland

Wetland A (type 6,7)

Wetland G (type 6,7)

Wetland F (type 6,7)

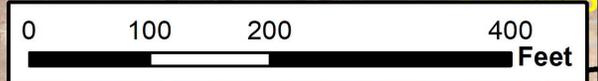
Wetland B (type 6), incidental

Wetland E (type 6,7)

COUNTY 30

PID: 95240567, 95240553

- Wetland Delineation Line
- Parcel Lines (approx.)
- 10 ft Contours
- 2 ft Contours
- National Wetland Inventory



Wetland Determination Conducted on 4-22-22 by:
Mitch Brinks, Certified Wetland Delineator #1007
Aerial Photo Source: Crow Wing County, 2019

85340506

85340520

Wetland Delineation Map

85030501

95240553

95240567

95240545

95240515

95248

95240503



Co Rd 30

Rabbit Lake Dr

Wetland D (type 6)

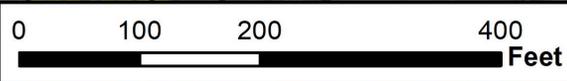
Wetland E (type 6,7)

PFO1A

PFO1A

PID: 95240567, 95240553

- Wetland Delineation Line
- Parcel Lines (approx.)
- 10 ft Contours
- 2 ft Contours
- National Wetland Inventory



Wetland Determination Conducted on 4-22-22 by:
 Mitch Brinks, Certified Wetland Delineator #1007
 Aerial Photo Source: Crow Wing County, 2019

MISSISSIPPI EAST

RECEIVED
By Nicole Hausmann at 12:49 pm, Aug 15, 2023

KNOW ALL PERSONS BY THESE PRESENTS: That Scott E Foote as Trustee of the Eugene L. Foote Revocable Trust, owner of the following described property situated in the County of Crow Wing, State of Minnesota:

Legal Description:

That Part of Government Lot 3 which lies Northerly of County State Aid Road #30, and that part of Government Lot 4, Section 24, Township 47N, R. 29W, Crow Wing County, Minnesota, which lies Northerly of County State Aid Road #30

Has caused the same to be surveyed and platted as Mississippi East and does hereby donate and dedicate to the public for public use forever the public ways.

IN WITNESS WHEREOF, said Scott E. Foote, Trustee of the Eugene L. Foote Revocable Trust, has hereunto set his hands this day of _____, 20__.

OWNER:

Scott E. Foote, Trustee of the Eugene L. Foote Revocable Trust

STATE OF MINNESOTA

COUNTY OF _____
the foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Scott E. Foote, Trustee of the Eugene L. Foote Revocable Trust.

NOTARY SIGNATURE _____ NOTARY PRINTED NAME _____

NOTARY PUBLIC _____ COUNTY, MINNESOTA

MY COMMISSION EXPIRES _____

I hereby certify that I have surveyed and platted the property described on this plat as Mississippi East, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown, or will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on the plat; and that there are no wetland as defined in MS 505.01 Subd 3, or public highways to be designated other than as shown.

PAUL HERKENHOFF, LICENSED LAND SURVEYOR
MINNESOTA LICENSE NUMBER 45875

STATE OF MINNESOTA

COUNTY OF _____
the foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Paul Herkenhoff

NOTARY SIGNATURE _____ NOTARY PRINTED NAME _____

NOTARY PUBLIC _____ COUNTY, MINNESOTA

MY COMMISSION EXPIRES _____

Pursuant to Minnesota Statutes, Chapter 272.12, that there are no delinquent taxes on the land hereinbefore described on the plat and transfer and pursuant to Chapter 505.021, Subd 9, taxes are payable for the year _____ on the land hereinbefore described have been paid this ____ day of _____, 20__.

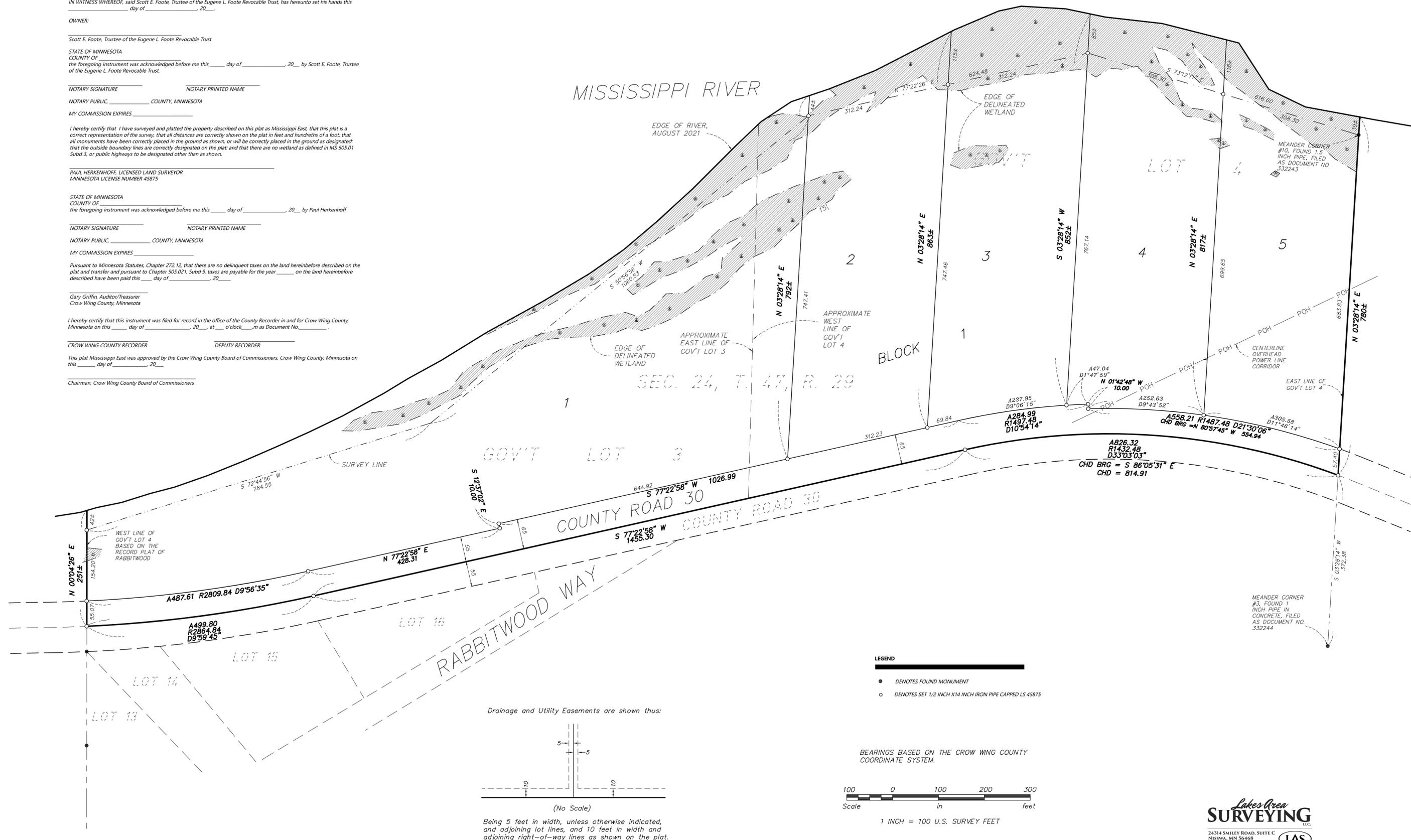
Gary Griffin, Auditor/Treasurer
Crow Wing County, Minnesota

I hereby certify that this instrument was filed for record in the office of the County Recorder in and for Crow Wing County, Minnesota on this ____ day of _____, 20__, at ____ o'clock ____ m as Document No. _____.

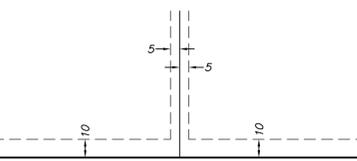
CROW WING COUNTY RECORDER _____ DEPUTY RECORDER _____

This plat Mississippi East was approved by the Crow Wing County Board of Commissioners, Crow Wing County, Minnesota on this ____ day of _____, 20__.

Chairman, Crow Wing County Board of Commissioners

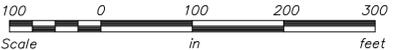


Drainage and Utility Easements are shown thus:



- LEGEND**
- DENOTES FOUND MONUMENT
 - DENOTES SET 1/2 INCH X 1/4 INCH IRON PIPE CAPPED LS 45875

BEARINGS BASED ON THE CROW WING COUNTY COORDINATE SYSTEM.



Lakes Area SURVEYING LLC.
24314 SMILEY ROAD, SUITE C
NISSWA, MN 56468
OFFICE (218) 961-0090



**Crow Wing County – Planning Commission
Summary of Record
September 21, 2023**

Property Owner/Applicant: Foote, Eugene L Rev Trust

Authorized Agent: Paul Herkenhoff – Lakes Area Surveying

Parcel Number(s): 95240553 & 95240567

Physical Address: XXX Crosby, MN 56441

Location: Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northerly of county state aid road #30 and that part of Gov Lot 3 which lies northerly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota

Request:

Preliminary Plat for:

1. **Preliminary Plat – “Mississippi East” with five (5) total lots consisting of:**
 - a. **Five (5) individual lots for the plat of “Mississippi East”**

Current Zoning: Shoreland District

Adjacent Land Use/Zoning:

North: Shoreland District

South: Shoreland District

East: Shoreland with Commercial and Rural Residential

West: Shoreland with Commercial and Rural Residential

Impervious Coverage: N/A

Chronology of events:

- July 24, 2023 – Development Review Team Meeting
- August 10, 2023 – Application submitted
- September 06, 2023 – PC/BOA Meeting published in local newspapers
- September 08, 2023 – Notices mailed
- September 21, 2023 – Board of Adjustment Meeting – Decision to recommend approval of the preliminary plat to the County Board of Commissioners

Packet Information:

- Public Hearing Notice
- Staff Report
- Certificate of Survey
- Aerial & LUMA Views
- Wetland Delineation
- Site Suitability's
- Title Opinion
- Comment from CWC Highway Department
- Preliminary Plat Application
- Preliminary Plat Findings of Fact Questions with County staff recommendations

Agencies Notified and Responses Received:

Wolford Township: No comment received as of 09/21/2023

MHB: No comment received as of 09/21/2023

MN DNR: No comment received as of 09/21/2023

CWC Highway Dept.: Comment received 09/12/2023

SWCD: No comment received as of 09/21/2023

County Recorder: No comment received as of 09/21/2023

Citizen Correspondence: No comments received as of 09/21/2023

September 21, 2023
FINDINGS OF FACT

SUPPORTING/DENYING A PRELIMINARY PLAT

Findings should be made in either recommending for or against a preliminary plat and should reference Article 9 of the County Subdivision Ordinance. The following questions are to be considered, but are not limited to:

1. Does the proposed plat conform to the County's Comprehensive Plan?
Yes X No (4-0 Vote, all agree)
Why?
 - **Encourage residential development that provides housing options for different socioeconomic groups – particularly the aging population – while protecting the characteristics that people value, a sense of community, as well as a plan to provide all citizens reasonable access to a diversity of recreational and open space opportunities. (pg. 42)**

2. Is the proposal consistent with the existing County Subdivision Ordinance? Specify applicable sections of the Ordinance.
Yes X No (4-0 Vote, all agree)
Why?
 - **This plat meets the requirements of Article 9 of the Land Use Ordinance.**

3. Are there any other standards, rules, or requirements that this plat must meet? Specify other required standards.
Yes **No X** (4-0 Vote, all agree)
Why?
 - **This plat meets the requirements of Article 9 of the Land Use Ordinance.**
 - **There is adequate room on all parcels for a type one (1) subsurface sewage treatment system.**
 - **This plat is meeting all the requirements set forth by the Mississippi Headwaters Board Comprehensive Plan, Section T.**

4. Is the proposed plat compatible with the present land uses in the area of the proposal? Zoning District: Shoreland
Yes X No (4-0 Vote, all agree)
Why?
 - **These properties are zoned shoreland district and is adjacent to other residential shoreland uses.**

5. Does the plat conform to all applicable performance standards in Article 9 of the Subdivision Ordinance?
Yes X No (4-0 Vote, all agree)
Why?
 - **This plat meets the requirements of Article 9 of the Land Use Ordinance.**

6. How are the potential environmental impacts being resolved? (Does the plat meet County Standards?)
Yes X No (4-0 Vote, all agree)
Why?

Stormwater: There will be no additional stormwater runoff generated by this plat.

Erosion /Sediment Control: There will be no construction associated with the approval of this plat.

Wetlands – No wetlands will be impacted in this plat. All wetlands have been delineated and the delineation report has been submitted and is on file at Land Services with this preliminary plat.

Floodplain – There are no structures or utilities located within the floodplain.

Shoreland – This plat is meeting all shoreland standards set in Articles 9 and 11 of the Land Use Ordinance. All the requirements set forth by the Mississippi Headwaters Board Comprehensive Plan, Section T have been met.

Septic Systems – There is adequate room on all parcels for a type one (1) subsurface sewage treatment system.

7. Have the potential public health, safety or traffic generation impacts been addressed?
Yes X No (4-0 Vote, all agree)
Why?

- According to a comment received from the County Highway Department 09/12/2023 states: "Access to the lots will be through shared entrances due to the location. Lot 1 having its own access onto CSAH 30 while Lots 2 & 3 share one access onto CSAH 30, and Lots 4 & 5 share one access onto CSAH 30."
8. Other issues pertinent to this matter: **None**
9. What is the Township recommendation? **None**

September 21, 2023, Action:

Decision: Motion by Maske; supported by Yliniemi, to make a recommendation to the County Board of Commissioners to APPROVE the Preliminary Plat for:

1. Preliminary Plat – "Mississippi East" with five (5) total lots consisting of:
 - a. Five (5) individual lots for the plat of "Mississippi East"

Approved Conditions: None

Roll call vote: Auge, Maske, Yliniemi, Hales - all voting "Aye"; Unanimous, Motion for recommendation of Approval, Carried.

Parcel Number(s): 95240553 & 95240567

Per findings of fact discussed 09/21/2023, and as shown on the Certificate of Survey received 08/15/2023 at the Land Services Department; Located on that part of Gov Lot 4 (SE1/4 NE1/4) which lies northerly of county state aid road #30 and that part of Gov Lot 3 which lies northerly of county state aid road #30; Wolford Township, Crow Wing County, Minnesota

Findings: As listed above

Date: 10-19-2023

Signature: _____
Chairman

08-23-2023

Crow Wing County

Land Service Department

322 Laurel Street, Suite 14

Brainerd, Minnesota 56401

RE: MISSISSIPPI EAST

Crow Wing County Land Service Department:

I have reviewed and checked the proposed final plat of MISSISSIPPI EAST in regards to the mathematical correctness and the requirements of the most current; Minnesota Platting Statutes, Chapter 505 and the current Manual of Guidelines for Platting in Minnesota, a joint publication of the Minnesota Society of Professional Surveyors (MSPS) and Minnesota Association of County Surveyors (MACS).

The plat dedication which includes the legal description, dedication statements, owner's signatures and other approving signatures conforms to the plat drawing and information provided to form. This independent plat review does not include a title review to confirm the use of the proper plat boundary description or ownership of the subject property being platted.

A field inspection to confirm the placement of the required boundary, plat and lot corners has not been performed.

Based on these conditions I find the plat to conform to the above statutes, regulations and publications.

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Name of Surveyor

Signature:



Typed or Printed Name: Jordan Chouanard

Date:

8-23-2023

License Number: 57077

August 9, 2023

**TITLE OPINION
For Platting Purposes**

Crow Wing County

RE: see Exhibit B for full legal

To Whom It May Concern:

I have examined the record title to the above described property situated in Crow Wing County, Minnesota.

From such an examination, I find that Scott E. Foote, as trustee of the Eugene L. Foote Revocable Trust is the record owner in fee thereof, free and clear of all liens or encumbrances of record, subject to the following exceptions:

1. For PID 95240567 and 95250553; taxes paid to date.

There are no judgments docketed in the office of the Clerk of the District Court of said County which might be a lien against said premises except as hereinabove noted. There are no outstanding, delinquent taxes or tax title against said property except as hereinabove stated. Tax lien searches indicate that the property is clear of any claim on behalf of the State of Minnesota or the United States Government. Attached hereto is an instrument marked Exhibit "A", and by this reference, herein incorporated and made a part of this opinion.

Respectfully submitted,
BREEN AND PERSON, LTD.



J. Brad Person

EXHIBIT "A"

Under Law, persons in possession of premises need not file of record evidence of their rights in the property. Accordingly, you should inquire of all persons in possession as to their rights. If they are tenants, contract purchasers, or in possession under other claim, those rights are prior to any you may acquire until properly disposed of.

Mechanics and material men have a period of one hundred twenty (120) days after the furnishing of the last item of work or materials upon an improvement or alteration to said premises within which to record a claim of lien. Until such statement is recorded, there is nothing of record to give notice of any such claim of lien. Accordingly, you should inquire as to whether or not any alterations or improvements have been made upon said premises within the last 120 days, and, if so, whether or not the same have been paid.

Occasionally, there are encroachments upon property by neighbors' fences, buildings or other structures. Obviously, such facts can be ascertained only from an accurate survey of the property. If an examination of the premises indicates such encroachments, you should consider the advisability of a survey.

The opinion herein expressed as to the title to the subject premises is also subject to the following limitations:

1. Any defects in the title not of record, but known to you.
2. Governmental regulations, if any, affecting the use and occupancy of the premises and any buildings thereon.
3. Special assessments and/or delinquent water and light charges are not reflected in the record title and, therefore, we cannot certify to the same. You should make appropriate inquiry concerning these matters.

Because of abstracting limitations, we are unable to certify to the validity of easements that purport to be for the benefit of, or that may burden, the property in question. Also, we make no representations concerning the availability of easements providing ingress or egress to the property in question.

Exhibit B

See attached deed

Applicant & Property Information

	<table border="1"> <thead> <tr> <th>Legacy PIN</th> <th>PIN</th> <th>Township</th> <th>Lake</th> <th>Physical Address</th> <th>Owner</th> <th>Owner Address</th> <th>Section Township Range</th> <th>Zoning District(s)</th> <th>Acres</th> </tr> </thead> <tbody> <tr> <td>930241404A00009</td> <td>95240553</td> <td>WOLFORD TOWNSHIP</td> <td>MISSISSIPPI RIVER</td> <td>0 CROSBY, MN 56441</td> <td>FOOTE, EUGENE L REV TRUST</td> <td>11395 5TH AVE N</td> <td>S:24.00000000 T:47.00000000 R:29.00000000</td> <td>SD</td> <td>24.54</td> </tr> </tbody> </table>	Legacy PIN	PIN	Township	Lake	Physical Address	Owner	Owner Address	Section Township Range	Zoning District(s)	Acres	930241404A00009	95240553	WOLFORD TOWNSHIP	MISSISSIPPI RIVER	0 CROSBY, MN 56441	FOOTE, EUGENE L REV TRUST	11395 5TH AVE N	S:24.00000000 T:47.00000000 R:29.00000000	SD	24.54
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Are you the property owner?	<u>Yes</u>																				
Contact information:	Name: paul herkenhoff Phone: (218) 961 - 0090 Email Address: paul@lakesareasurveying.com Mailing Address: 24314 Smiley Road, Suite C nisswa MN 56468																				
Authorized Agent:	File 1: final_plat.pdf																				

Septic Requirements

Is septic system meeting standards?	<u>Yes</u>
If new septic system or vacant lot, has design or site suitability been submitted to CWC?	<u>No</u>
To submit septic information, please choose file(s) and click the black button:	File 1: final_plat.pdf
Did you attend a Development Review Team (DRT) meeting?	<u>Yes</u>

Project Specifics

Number of Proposed Lots:	5
Proposed Number of Outlots:	0
Total # of lots:	5
How is the property accessed?	<u>Public Road</u>
Is this a preliminary or final plat submittal?	<u>Final Plat</u>

Findings of Fact

	Yes, it allows for residential development on shoreland property
	Yes, Meets all requirements of article 10
	Mn Statute 505
	Yes, similar uses in all directions
	Yes
	Per the submittals
	Yes, all of these have been addressed per the submittals.

Final Plat Only

8 full size copies & one 11x17 to Environmental Services?	<u>Yes</u>
An updated Certificate of Title, Title Commitment, or Title Opinion?	<u>Yes</u>
Finals of any documents that were files with the Preliminary Plat.:	<u>Yes</u>
Developers Agreement and all applicable financial assurances:	<u>Yes</u>

Terms**Terms & Conditions**

1. Approval or denial of application(s) is determined by the Planning Commission/Board of Adjustment or the County Board of Commissioners at a Public Hearing meeting per Minnesota Statute 394 and the Crow Wing County Land Use Ordinance.
2. Land Use Permits and Individual Sewage Treatment System Permits are valid for two (2) years unless Septic Permit is to upgrade your systems, which is then valid for ten (10) months.
3. All corners of the proposed structure(s) need to be staked with visible flags, ribbon, or lathes prior to onsite inspection by Crow Wing County.
4. It shall be a violation of the Crow Wing County Land Use Ordinance to commence construction before the application is approved by the Planning Commission/Board of Adjustment.
5. The property owner or authorized agent may make application for a variance, conditional use permit, land use map amendment or plat agreeing to do such work in accordance with all Crow Wing County Ordinances. The property owner or authorized agent agrees that the application, certificate of survey and other attachments submitted herewith and which are approved by Crow Wing County are true and accurate. The property owner or authorized agent agrees that, in making the application for a variance, conditional use permit, land use map amendment or plat, the property owner grants permission to Crow Wing County, at reasonable times, to enter the property to determine compliance of the application with applicable ordinances and/or statutes. It is the property owners sole responsibility to contact other localities to ensure compliance with all relevant local, county or State law.
6. After a complete application is submitted, an on-site inspection may be conducted, and the application is reviewed. Changes to a project may require the application to be tabled at the Public Hearing.
7. The septic installer shall notify the Crow Wing County contracted inspector, Greg Kossan 218-839-2206, a minimum of twenty-four (24) hours before covering of any portion of the septic installation. Changes from the approved septic design will require approval by the County prior to construction.
8. Septic systems deemed to be failing by a qualified inspector need to be upgraded within ten (10) months, Septic systems that are deemed a risk to public health shall be upgraded and/or replaced as soon as possible.
9. Permits for a new septic system or for upgrades associate with an addition are valid for only two (2) years.
10. Applicants are responsible for getting all applicable entrance permits from the appropriate road authority.
11. Applicants acknowledge that they are in compliance with MN Contractor Licensing laws per MN Statute 326B.85.
12. Applicants acknowledge that they are in compliance with MN Statute 326.121 subd. 1 which states: The State Building Code is the standard that applies statewide for the construction, reconstruction, alteration, repair, use of buildings and other structures of the type governed by the code.
13. If you are doing excavation work, we are required to notify you of Minnesota Statute sections 216D.03 to 216.07.

Invoice #39100 (08/10/2023) Expected Payment Method: Credit Card or Electronic Check

Charge	Cost	Quantity	Total
Final Plat Application Fee added 08/10/2023 11:01 AM	\$500.00	x 1	\$500.00
Plat: New Parcel Fee added 08/10/2023 11:01 AM	\$25.00	x 5	\$125.00
Grand Total			
		Total	\$625.00
		Payment 08/10/2023	\$625.00
		Due	\$0.00

Approvals

Approval	Signature
Applicant	paul herkenhoff - 08/10/2023 11:01 AM db041b8460525b5eba4fb0dfe2662042 f39264c232a46a5c5d1989d613122542
#1 Environmental Services Staff (Reviewed)	Nicole Hausmann - 08/15/2023 12:49 PM 0ce92971e3d8f82b269f5b01be90154a 600dec539d01cf57a95c03f45937eb6d
#2 Survey/Planning Coordinator (Approved)	
#3 Environmental Services Specialist	

Internal Notes

Text:	08/15/2023 - Final plat received. NLH
File(s):	[.....]

Print View

Action/Discussion

DNR Grant Contract
November meeting Date?
MHB Biennial Conference

Sec. 10. Minnesota Statutes 2022, section 16B.98, is amended by adding a subdivision to read:

Subd. 14. **Administrative costs.** Unless amounts are otherwise appropriated for administrative costs, a state agency may retain up to five percent of the amount appropriated to the agency for grants enacted by the legislature and formula grants and up to ten percent for competitively awarded grants. This subdivision applies to appropriations made for new grant programs enacted after the effective date of this subdivision. This subdivision does not apply to grants funded with an appropriation of proceeds from the sale of state general obligation bonds.

EFFECTIVE DATE. This section is effective July 1, 2023, and applies to grants issued on or after that date.

STATE OF MINNESOTA GRANT CONTRACT AGREEMENT

This grant contract agreement is between the State of Minnesota, acting through its Commissioner of Natural Resources ("STATE") and Mississippi Headwaters Board, 322 Laurel Street, Suite 11, Brainerd, MN ("GRANTEE").

Recitals

1. Under Minn. Stat. Minn. Stat. 84.026 and Chapter 60, Article 1, Section 3, Subdivision 3 the State is empowered to enter into this grant contract agreement.
2. The State is in need of leadership and staff support to provide cooperative and uniform management and protection for the Upper Mississippi and its adjacent lands.
3. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract agreement to the satisfaction of the State. Pursuant to [Minn.Stat.§16B.98](#), Subd.1, the Grantee agrees to minimize administrative costs as a condition of this grant contract agreement.

Grant Contract Agreement

1 Term of Grant Contract Agreement

1.1 *Effective date:*

July 1, 2023, notwithstanding [Minn. Stat.§16B.98](#), Subd. 5, the grantee submitted and the State approved a work plan and budget whose expenditures can be reimbursed as of the effective date of this grant agreement pursuant to [Minn.Stat.§16B.98](#), Subd. 11. Per [Minn.Stat.§16B.98](#) Subd. 7, no payments will be made to the Grantee until this grant contract agreement is fully executed.

Expiration date:

June 30, 2025, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

1.2 *Survival of Terms.*

The following clauses survive the expiration or cancellation of this grant contract agreement: 8. Liability; 9. State Audits; 10. Government Data Practices and Intellectual Property; 12. Publicity and Endorsement; 13. Governing Law, Jurisdiction, and Venue; and 15 Data Disclosure.

2 Grantee's Duties

The Grantee, who is not a state employee, will:

Comply with required grants management policies and procedures set forth through [Minn.Stat.§16B.97](#), Subd. 4 (a) (1).

Perform the duties specified in Exhibit A, which is attached and incorporated into this grant contract agreement.

3 Time

The Grantee must comply with all the time requirements described in this grant contract agreement. In the performance of this grant contract agreement, time is of the essence.

4 Consideration and Payment

4.1 *Consideration.*

The State will pay for all services performed by the Grantee under this grant contract agreement as follows:

(a) Compensation

The Grantee will be paid up to \$117,800.00 per fiscal year (FY24/FY25) for up to fifty percent (50%) of all costs of the work incurred by the Grantee as specified in Exhibits A and B. Grantee can exceed budget line items in Exhibit B by 10% without amendment as long as the total does not exceed the annual grant total. The Grantee is able to request amendments to the budget via email. These requests should be directed to the State and will be approved by the State via email.

(b) Travel Expenses

Reimbursement for travel and subsistence expenses actually and necessarily incurred by the Grantee as a result of this grant contract agreement and as specified in Exhibit B; provided that the Grantee will be reimbursed for travel and subsistence expenses in the same manner and in no greater amount than provided in the current "Commissioner's Plan" promulgated by the Commissioner of Minnesota Management and Budget (MMB). The Grantee will not be reimbursed for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.

(c) Total Obligation.

The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract agreement will not exceed \$235,600.00.

4.2 Payment**(a) Invoices**

The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted timely and according to the budget categories in Exhibit B and schedule and procedures in contained in Exhibit A.

(b) Unexpended Funds

The Grantee must promptly return to the State any unexpended funds that have not been accounted for annually in a financial report to the State due at grant closeout.

4.3 Contracting and Bidding Requirements

Per [Minn. Stat. §471.345](#), grantees that are municipalities as defined in Subd. 1 must follow the law.

(a) For projects that include construction work of \$25,000 or more, prevailing wage rules apply per [Minn. Stat. §§177.41](#) through [177.44](#). These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole.

(b) The grantee must not contract with vendors who are suspended or debarred in MN: <https://mn.gov/admin/osp/government/suspended-debarred/index2.jsp>

5 Conditions of Payment

All services provided by the Grantee under this grant contract agreement must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

6 Authorized Representative

The State's Authorized Representative is Tom Groshens, North District Manager - Division of Ecological and Water Resources, DNR; 2532 Hannah Ave NW; Bemidji, MN 56601; (218) 830-9292; tom.groshens@state.mn.us, or his/her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant contract agreement. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The Grantee's Authorized Representative is Tim Terrill, Executive Director, Mississippi Headwaters Board; 322 Laurel Street, Suite 11; Brainerd, MN 56401; (218) 824-1189; timt@mississippiheadwaters.org. If the Grantee's Authorized Representative changes at any time during this grant contract agreement, the Grantee must immediately notify the State.

7 Assignment Amendments, Waiver, and Grant Contract Agreement Complete

7.1 Assignment

The Grantee shall neither assign nor transfer any rights or obligations under this grant contract agreement without the prior written consent of the State, approved by the same parties who executed and approved this grant contract agreement, or their successors in office.

7.2 Amendments

Any amendments to this grant contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract, or their successors in office.

7.3 Waiver

If the State fails to enforce any provision of this grant contract, that failure does not waive the provision or the State's right to enforce it.

7.4 Grant Contract Complete

This grant contract contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant contract, whether written or oral, may be used to bind either party.

8 Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant contract by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant contract.

9 State Audits

Under Minn. Stat. § 16B.98, Subd.8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this grant contract agreement or transaction are subject to examination by the Commissioner of Administration, by the State granting agency and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant contract agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later

10 Government Data Practices and Intellectual Property Rights

10.1 Government Data Practices

The Grantee and State must comply with the Minnesota Government Data Practices Act, [Minn. Stat. Ch. 13](#), as it applies to all data provided by the State under this grant contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant contract. The civil remedies of [Minn. Stat. §13.08](#) apply to the release of the data referred to in this clause by either the Grantee or the State. If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with applicable law

10.2 Intellectual Property Rights N/A

11 Workers Compensation

The Grantee certifies that it is in compliance with [Minn. Stat. §176.181](#), Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

12 Publicity and Endorsement

12.1 Publicity

Any publicity regarding the subject matter of this grant contract must identify the State as the sponsoring

agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this grant contract. All projects primarily funded by state grant appropriations must publicly credit the State of Minnesota, including on the grantee's website when practicable.

12.2 Endorsement

The Grantee must not claim that the State endorses its products or services.

13 Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this grant contract agreement.

Venue for all legal proceedings out of this grant contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14 Termination

14.1 (a) Termination by the State

The State may immediately terminate this grant contract agreement with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

(b) Termination by The Commissioner of Administration

The Commissioner of Administration may unilaterally cancel this grant contract agreement if further performance under the agreement would not serve agency purposes or is not in the best interest of the State.

14.2 Termination for Cause

The State may immediately terminate this grant contract if the State finds that there has been a failure to comply with the provisions of this grant contract, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14.3 Termination for Insufficient Funding

The State may immediately terminate this grant contract if:

(a) It does not obtain funding from the Minnesota Legislature.

(b) Or, if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the contract is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

15 Data Disclosure

Under [Minn. Stat. § 270C.65](#), Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

16 Non-Discrimination Requirements

No person in the United States must, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity receiving Federal financial assistance. Including but not limited to:

- (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and DOC implementing regulations published at 15 C.F.R. Part 8 prohibiting discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance; Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) prohibiting discrimination on the basis of sex under Federally assisted education programs or activities;
- (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. Part 8b prohibiting discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance.
- (c) The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.), and DOC implementing regulations published at 15 C.F.R. Part 20 prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (d) Title II of the Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination against qualified individuals with disabilities in services, programs, and activities of public entities.
- (e) Any other applicable non-discrimination law(s).

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Mich. Stat. § 16A.15

DocuSigned by:
 Signed: Pelicia Barnes
 Date: October 3, 2023
 SWIFT Contract/PO No(s): 237346/3000241039

3. STATE AGENCY

DocuSigned by:
 By: Katie Smith
 (with delegated authority)
 Title: Director, Ecological & Water Resources
 Date: October 4, 2023

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

DocuSigned by:
 By: Tim Terrell
 Title: Executive Director
 Date: October 3, 2023

By: _____
 Title: _____
 Date: _____

Distribution:
 Agency
 Grantee
 State's Authorized Representative

Exhibit A

AGREEMENT BETWEEN THE STATE OF MINNESOTA AND THE MISSISSIPPI HEADWATERS BOARD

THIS AGREEMENT is made between the State of Minnesota, acting by and through its Commissioner of Natural Resources (hereinafter the "State") and the Mississippi Headwaters Board (hereinafter the "Grantee").

WHEREAS, the counties of Clearwater, Beltrami, Cass, Hubbard, Itasca, Aitkin, Crow Wing, and Morrison entered into a Joint Powers Agreement (February 22, 1980) to establish the Mississippi Headwaters Board to coordinate local management for the protection of the Mississippi River in those counties; and

WHEREAS, the Board adopted and approved a Comprehensive Management Plan for the Upper Mississippi River dated July 1, 2002 and amended August 21, 2009, (hereinafter referred to as "the Plan") and

WHEREAS, the Board, established by a Joint Powers Agreement on February 22, 1980, was established as a permanent Board by the 1981 Minnesota Legislature, Chapter 246, and was granted authority to implement the Plan and cooperate with the State, the Leech Lake Reservation Business Council (hereinafter referred to as the "LLRBC"), and other governmental agencies; and

WHEREAS, the Grantee is authorized to receive and spend State funds under the provisions of M.S. 103F.367, Subd. 6; and

WHEREAS, the Grantee has signed a cooperative management and jurisdiction agreement with the LLRBC.

NOW THEREFORE, it is agreed between the State and the Grantee as follows:

1. GENERAL CONDITIONS

- 1.1 The Grantee shall engage in the activities of the implementation of the Plan, which is made part hereof and incorporated herein, and the July 1, 2023 to June 30, 2024 and July 1, 2024 to June 30, 2025 Annual Work Plans on file at the offices of the DNR, Division of Ecological and Water Resources, NW Region, 2115 Birchmont Beach Rd NE, Bemidji, Minnesota.

2. PROJECT

2.1 DESCRIPTION OF PROJECT

In accordance with the Plan and annual work plans, the Grantee provides cooperative and uniform management and protection for the Upper Mississippi and its adjacent lands in order to enhance and protect the natural, cultural, historic, scientific and recreational values of the headwaters region. The goals of the Plan are to complement existing water protection efforts in the Upper Mississippi River watershed; to provide a format for partnerships; working together for the common good and toward common goals; to encourage stewardship in practices affecting water quality; to provide opportunities for education to diverse peoples and increased information regarding the protection and enhancement of the area

2.2 PROJECT SPECIFICATIONS

The Plan, Ordinance, and Leech Lake Tribal Council-Board Agreement are on file at the offices of DNR Division of Ecological and Water Resources, NW Regional Office. This Plan and the annual work plans describe the work to be completed by the Grantee. All material changes to the Plan and work plans must be approved by the Commissioner of Natural Resources and will be made part of this Agreement by reference. The Grantee shall complete the Plan as described and its amendments. The State has relied on the Grantee's receipt of the total funds to complete the Plan as specified in the Plan.

2.3 ADMINISTRATION AND SUPERVISION

The Grantee shall be responsible for the administration, supervision, management and Plan oversight that

may be required for the work performed under this Agreement. The Grantee may employ such professional services as it deems reasonable and necessary to provide these services.

2.4 **WORK PLANS**

The Grantee shall submit annual work plans for each Fiscal Year of this agreement. The work plan for the first year shall be submitted no later than July 11, 2023. The work plan for the second year shall be submitted no later than July 1, 2024. The Grantee shall submit periodic Project status reports, upon request, to the State's authorized contact person.

3. REIMBURSEMENT PROCEDURES

To obtain reimbursement for services completed under this Agreement, the Grantee shall provide the State with an itemized invoice describing services rendered and progress achieved on specific work plan elements, and costs associated therein for which payment is requested. Grantee can exceed line-item budget items by 10% without amendment as long as the total does not exceed the total grant annually. The Grantee is able to request amendments to the budget via email. These requests should be directed to the State and will be approved by the State via email.

Invoices may be submitted quarterly, however all invoices for a fiscal year must be received by the State prior to August 1 following the completion of each Fiscal Year of this Agreement as set forth in *Section 1 - Term of Grant Contract*. Invoices received after that date will not be eligible for reimbursement. As per Section 6 of the Grant Contract, the State's authorized agent has final authority for acceptance of Grantee's services, determination as to whether the expenditures are eligible for reimbursement under this Agreement, and verification of the total amount requested.

SFY ANNUAL BUDGET '24

July 1, 2023 to June 30, 2024

Expenses	Budgeted Annually
Salary (Insur,active insur, Exec. Director PERA&FICA)	\$ 112,488.00
Insurance Liability (Work Comp)	\$ 3,022.00
Hotel & Meals	\$ 1,000.00
MHB Operating Expenses	\$ 2,300.00
MHB Mileage (IRS rate)	\$ 2,300.00
Staff Mileage	\$ 3,000.00
Office Operations:	\$ 1,400.00
Training and Registration Fees	\$ 800.00
Sub-total	\$ 126,310.00
Prof. Service	\$ 316,873.00 *
EXPENSE TOTAL	\$ 443,183.00

Revenue	Income
State/DNR	\$ 150,000.00
Grant Revenue	\$ 225,400.00
County Appropriations	\$ 12,000.00
Reserve Funding	
Misc. Revenue (AIS,MCIT divd.)	\$ 83.00
Guidebook Sales	\$ 100.00
Sub-total	\$ 387,583.00
Grants/Other	Approximate Admin. Revenue
Outdoor Heritage Fund	\$9,000
AIS MN Traditions	\$3,600
Public Water Accesss	4000
Miss. River signage & Resourcetaimnt	\$10,000
MN Trad Resourcetaimnt Marketing	\$3,000
Sub-total	\$29,600
REVENUE TOTAL	\$ 443,183.00

EXPENSE TOTAL	\$443,183.00	\$260,916.70	\$326,205.06
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Revenue	Income	actual revenue 7/21-6/22	actual revenue 7/20-6/21
State/DNR	\$ 150,000.00	\$ 127,135.81	\$ 113,531.29
Grant Revenue	\$ 251,400.00	\$ 130,926.14	\$ 108,640.40
County Appropriations	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
Reserve Funding			
Misc. Revenue (AIS,MCIT divd.)	\$ 83.00	\$ 377.00	\$ 283.00
Guidebook Sales	\$ 100.00	\$ 200.00	\$ 210.00
Sub-total	\$ 413,583.00	\$ 270,638.95	\$ 234,664.69
Grants/Other	Approximate Admin. Revenue		
Outdoor Heritage Fund	\$ 9,000.00	\$ 9,088.60	\$ 5,981.11
AIS MN Traditions	\$ 3,600.00	\$ 3,500.00	\$ 3,000.00
Pub. Water Accesses	\$ 4,000.00	\$ -	\$ -
Miss. River signage & Resourcetainment	\$ 10,000.00	\$ 7,969.63	\$ 6,822.00
LCCMR	\$ -	\$ 1,720.12	\$ -
MN Traditions Resourcetainment marketing	\$ 3,000.00		
Sub-total	\$29,600	\$22,278	\$15,803

REVENUE TOTAL	\$ 443,183.00	\$ 292,917.30	\$ 250,467.80

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$\$56.59 \times 75 \text{ people} = \$4,244.25$

comment numbers from 53290 and admin from invoices