

PROCEEDINGS OF THE COUNTY BOARD OF JACKSON COUNTY, MINNESOTA

September 17, 2024

The Jackson County Board of Jackson, Minnesota met in regular session, in the Jackson County Courthouse, Commissioners’ Board Room, City of Jackson, Minnesota, on September 17, 2024. The following members of the Jackson County Board of Commissioners were present: Don Wachal, Scott McClure, Phil Nasby, James Eigenberg, and Roger Pohlman. County Administrator, Ryan Krosch; County Attorney, Kristi Meyeraan; and Assistant to the Administrator, Brandi Bourquin were also in attendance.

CALL TO ORDER

Chair Wachal called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

Motion was made by Commissioner Pohlman and seconded by Commissioner Eigenberg to adopt the agenda with the removal of item 4.3. Board Action – Long Branch LLC Requesting On-Sale and Sunday Liquor License. The motion carried unanimously.

CONSENT AGENDA

Motion was made by Commissioner Nasby and seconded by Commissioner McClure to approve the following Consent Agenda items:

Board Action 24-141 – Approve September 3rd, 2024 Board of Commissioners’ Regular Meeting Minutes.

Board Action 24-142 – Approve all Commissioner disbursements in accordance with Minnesota Statutes 130.01 subd. 4(b), recorded on warrants numbered 107450-107590 in the amount of \$377,421.56 for the following funds: Revenue, \$87,367.91; Public Works, \$110,482.90; 2013A GO Capital Improvement Bonds, \$9,696.31; Ditch, \$148,921.54; Revolving Loan, \$250.00; Septic Systems Revolving Loan, \$15,000; Agency, \$2,797.50; and Library, \$2,905.40. A detailed list of claims paid is available at the Auditor/Treasurer’s office upon request.

Vendor	Total
I & S Group Inc	61,666.37
Crysteel Truck Equipment Inc	41,239.48
Ackermann/Dean Russell	17,932.00
Waste Mgmt - Mankato	16,845.70
Jasper/James Mitchell	15,000.00
Volk/Louise L	12,936.00
Wold Architects And Engineers	12,692.98
Harms/Frances F	12,144.00
Goody's Farms LLC	11,616.00
Flint Hills Resources Lp	10,763.20
Advanced Drainage Systems	10,163.86
C&B Operations LLC	9,177.87
Cross/Richard	8,536.00
Federated Rural Electric Association	7,155.80
Adams/Cynthia Ann	6,864.00
Fry/Michelle R	6,864.00
Marsden Bldg Maintenance LLC	5,456.46
DVHHS	5,438.50
Kieslers Police Supply Inc	5,315.33
Jackson/City Of	5,304.39
Election Systems & Software LLC	5,158.13
Smith & Johnson	5,000.00
Rinke Noonan, Ltd.	4,286.50
PETERSON/THOMAS C.	4,008.82
Jackson Co Auditor-Treasurer	3,778.35
Sanford Health - Sioux Falls	3,626.00

Rapp Strategies, Inc	3,600.00
KLJ Engineering LLC	3,191.14
Stonebrooke Engineering, Inc	3,158.15
Vertiv Corporation	2,937.00
Treasury Division Of Mn Dept Of Finance	2,712.50
Wendland Sellers Law Office	2,567.00
Tri-State Pump & Control Inc	2,437.50
Cooperative Energy Co.	2,306.52
S & J Cleaning	2,150.00
Bauer Built, Inc	2,085.84
Castle Infrastructure, Inc.	2,064.60
Total Claims over \$2000	338,179.99
90 Claims under \$2000	39,241.57
Total Claims Submitted	377,421.56

Board Action 24-143 – Amend the August 20, 2024 County Board meeting minutes to include a summary of the Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses in the Unincorporated Areas of Jackson County.

Board Action 24-144 – Approve Subsurface Sewage Treatment loan for Debora Dorschner for the amount of \$15,000.

Board Action 24-145 – Approve Jackson County Land Management Building cleaning/custodial services contract with S & J Cleaning, LLC effective October 1, 2024 to September 30, 2027.

Board Action 24-146 – Accept NextEra Energy Resources \$1,000 donation for Shop with a Cop.

Board Action 24-147 – Approve a three-year agreement effective January 1, 2025 with National Insurance Services (NIS) to provide employee benefits insurance broker and consulting services.

The motion carried unanimously.

LAND MANAGEMENT/SWCD

Motion was made by Commissioner Eigenberg to adopt Board Action 24-148: Rescind September 3rd, 2024 Board Action 24-140 and refer conditional use permit application from Judith Peters to place approximately 225 cubic yards of fill in the shoreland and shore impact zone back to the Planning and Zoning Commission for reconsideration. Motion failed due to a lack of a second.

Motion was made by Commissioner McClure and seconded by Commissioner Nasby to adopt Resolution 24-021: Adopt Findings of Fact from Judith Peters Conditional Use Permit Denial. The motion carried by a vote of 4 Ayes: Pohlman, Nasby, McClure, and Wachal; 1 No: Eigenberg.

County of Jackson)
) SS.
State of Minnesota)

RESOLUTION 24-021

Adopting Findings of Fact from Judith Peters CUP Denial

WHEREAS, by application dated August 5, 2024, Judith Peters requested a conditional use permit (CUP) to place approximately 225 cubic yards of fill in the shoreland and shore impact zone of Loon Lake on her residential property; and

WHEREAS, the property is legally described as follows:

Lot 5 of Rees First Addition in Minneota Township in Jackson County (“property”).

The property address is 73128 490th Ave, Jackson, MN.

WHEREAS, the Applicant’s CUP request went before the Jackson County Planning Commission on August 28, 2024. The Planning Commission conducted the public hearing required by law and took extensive testimony from the Applicant, her

representatives, and other interested parties. The Planning Commission also received documentation and written testimony into the record. After closing the public hearing, the Planning Commission considered the criteria for CUP approval set out in the Jackson County Development Code, Section 505. Upon review of the record evidence, the Planning Commission found that the criteria were not met, specifically making a negative determination on the following criteria: The use will be sufficiently compatible or separated by distance or screening from agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. Consistent with this, the Planning Commission approved a motion to recommend denial of the Applicant's CUP request to the County Board.

WHEREAS, on September 3, 2024, the County Board met and considered the Applicant's CUP request. The County Board considered the testimony and evidence received by the Planning Commission, along with the Planning Commission's recommendation. The County Board also heard from the Applicant and her representative, accepting additional testimony and documentation into the record regarding the CUP request; and

WHEREAS, the Planning Commission and Board of Commissioners considered the following information regarding the application:

1. The Applicant's property is located in the shoreland district. Pursuant to Section 612.9 of the Jackson County Development Code, the Applicant's proposal to bring in 225 cubic yards of fill constitutes a substantial alteration, which requires a conditional use permit. Substantial alteration is the movement of earth or materials in excess of 10 cubic yards in the shore impact zone and 50 cubic yards in the remainder of the shoreland district. The shore impact zone is the land located between the ordinary high-water level (OHWL) of a public water and a line parallel to it at a setback of 50% of the structure setback. The structure setback from Loon Lake is 75 feet from the OHWL, meaning the shore impact zone on the Applicant's property is 37.5 feet from the OHWL.
2. In 2003, the Applicant received a variance to move a house onto the property. Specifically, the variance allowed the Applicant to place her house seven feet from the property line between her property and Lot 4 (to the northeast of Lot 5) instead of the required ten-foot setback, subject to two conditions, including that the Applicant cannot landscape between her lot and Lot 4. Lot 4 is a residential property with a house located approximately seven feet from the property line with Lot 5.
3. Section 505.1 of the Jackson County Development Code sets out the criteria for granting conditional use permits, specifying that the County Board must consider the effect of the proposed use on the health, safety, morals, and general welfare of the occupants of surrounding lands and shall make at least the following findings:
 - The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - The use will be sufficiently compatible or separated by distance or screening from agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
 - The proposed use will not have a detrimental environmental affect.
 - The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
 - There shall be no business or advertising signs visible to adjacent dwellings.
 - The use in the opinion of the County Board is reasonably related to the overall needs of the County and to the existing land use.
 - The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - The use is not in conflict with the policies plan of the County.
 - The use will not cause traffic hazard or congestion.
 - Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
4. Section 505.25 of the Jackson County Development Code specifies additional evaluation criteria for conditional uses proposed within the shoreland district, requiring that the waterbody and the topographic, vegetative, and soils conditions on the property be evaluated to ensure:
 - The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - The visibility of structures and other facilities as viewed from public waters is limited.
 - The site is adequate for water supply and on-site sewage treatment.
 - The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE JACKSON COUNTY, MINNESOTA, BOARD OF COMMISSIONERS, that it does hereby adopt the following findings of fact pursuant to the Jackson County Development Code, Section 505, Conditional Use Permits based upon review of documentation and testimony received in this matter.

The Board of Commissioners' Findings relating to the standards are as follows:

1. **The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.** The only public facility in this area is the Township Road. Placing fill on the Applicant's property so that it sheds water away from the road and toward the lake would not impact the road.
2. **The use will *not* be sufficiently compatible or separated by distance or screening from residentially zoned or used land so that existing homes will not be depreciated in value or be adversely affected.**

The Applicant has not provided information to prove that the proposed fill and grading would be sufficiently separated by distance from neighboring residentially zoned land so as to avoid adverse impacts. While the Applicant told the County Board that her property would remain lower in elevation than that of her neighbors, at the public hearing, the Applicant's engineer stated that the proposed elevation of the Applicant's property (Lot 5) would become similar to other lots in the area where it had previously been lower. The Board is concerned about the displacement of water that has historically collected on Applicant's property and determines that the landscaping plans do not sufficiently establish that runoff from Applicant's property will be contained to Lot 5. Among other facts going to this conclusion is that the existing variance restricts landscaping between Lots 5 and 4. In addition, the first page of the plans from Ground Water Management, included in information presented by the Applicant, indicates a retaining wall to be placed on the west and south side of the driveway on the Applicant's property, which then appears to direct water between Lots 4 and 5. As a result, all of the water runoff from the Applicant's impervious driveway surface will be running between these lots. The distance between the Applicant's home and the property line adjacent to Lot 4 (approximately seven feet) has not been established as sufficient to hold surface water redirected from the middle of the Applicant's property to the side yards of her property under normal rainfall conditions once the proposed fill is used to bring the Applicant's property up in elevation to align with the neighboring properties. The record evidence indicates that existing homes and adjacent residential property may be depreciated in value or adversely affected by runoff from the Applicant's property.

3. **The proposed use will not have a detrimental environmental affect.** Sloping the properties so that runoff water flows toward the lake is standard practice in residential shoreland subdivision. This practice on the Applicant's property is not likely to have any worse detrimental environmental effects in comparison to any other shoreland property. Appropriate stormwater management during the construction phase of the project would mitigate negative environmental effects.
4. **The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.** The proposal does not include any changes to structures, and adding fill and grading is not likely to change the appearance of the site so as to have an adverse effect on adjacent properties. The anticipated adverse effects on neighboring properties are from water runoff.
5. **There shall be no business or advertising signs visible to adjacent dwellings.** The Applicant will not be placing any business or advertising signs.
6. **The proposed use is reasonably related to the overall needs of the County, to the existing land use, and the County Comprehensive Land Use Plan.** Substantial alteration is an allowed use with a Conditional Use Permit in the shore impact zones and shoreland district. Sloping a property so that runoff is directed toward the side yards and lake is common practice on residential shoreland properties. Furthermore, encouraging maintenance of housing for those who reside in the County is included in the County's Comprehensive Land Use Plan.
7. **The use is consistent with the purposes of the zoning code and the purposes of the zoning district in the shoreland district.** Substantial alteration is an allowed use with a Conditional Use Permit in the shore impact zones and shoreland district. Evidence regarding a previously approved Conditional Use Permit for a similar project on a neighboring property was submitted during the public hearing. Though a prior CUP does not establish precedent, the Board acknowledges that substantial alterations that direct water to the side yards to move it toward the lake in residential subdivisions is common practice and allowable under the Jackson County Development Code when it meets all of the CUP criteria.
8. **The use will not cause traffic hazard or congestion.** The use will not impact traffic in the area.
9. **Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.** The golf course is the only business nearby the Applicant's property. The proposed use would not result in intrusion of noise, glare, or general unsightliness because the use of the Applicant's property will remain a residential property and adding fill would not change the appearance of the lot so much as to cause unsightliness.
10. **The shoreland district evaluation criteria would be satisfied.** Visibility of structures and other facilities from public waters, water supply and on-side sewage treatment, and watercraft are unaffected by the proposed conditional use. Soil erosion or other possible pollution of public waters could be prevented with appropriate adherence to Jackson County's Erosion Control Procedures.

Because the Jackson County Development Code requires affirmative determinations on all findings set forth in the Jackson County Development Code and the County Board of Commissioners, based on the testimony and evidence, has made a negative determination on one of the required findings, the County Board has denied Applicant's request for a conditional use permit.

AUDITOR/TREASURER

Motion was made by Commissioner McClure and seconded by Commissioner Wachal to adopt Board Action 24-149: Approve the Basic Sales Prices and Authorization of Public Sale of Tax Forfeited Land Listed on List of Tax Forfeited Land 2024-1, Section D at 10:00 a.m., October 21, 2024. The sale will be held at the Jackson County Courthouse Board Room, 405 4th Street, Jackson, Minnesota. The motion carried unanimously.

Jill Horn, Chief Deputy Auditor Treasurer, provided information on the sale process of other tax forfeited lands. No action was needed.

COUNTY ADMINISTRATOR

Motion was made by Commissioner Nasby and seconded by Commissioner McClure to adopt Resolution 24-021 – Approve resolution adopting the 2025 Jackson County preliminary adjusted property tax levy at \$14,216,928 and setting the budget and levy public comment meeting for December 3, 2024 at 6 p.m.

County of Jackson)
) SS.
State of Minnesota)

RESOLUTION 24-022

**ADOPTING THE 2025 JACKSON COUNTY PRELIMINARY PROPERTY TAX LEVY
AND SETTING THE BUDGET AND LEVY PUBLIC COMMENT MEETING**

WHEREAS, the Jackson County Budget Committee and County Board have met to review the 2025 Jackson County preliminary budget and property tax levy; and

WHEREAS, to be in compliance with Minnesota Statute 275.065, the 2025 preliminary levy must be adopted and certified on or before September 30, 2024; and

WHEREAS, in further accordance with M.S. 275.065, taxing authorities must provide the county auditor, on or before the time it certifies its preliminary levy, with the time and place of a meeting in which the budget and levy will be discussed and public input allowed and the website address, telephone number and address where questions and comments can be directed; and

WHEREAS, said meeting must occur after November 24, must not be held before 6:00 p.m. and must occur before the final 2025 budget and levy are approved.

NOW THEREFORE, BE IT RESOLVED, that the Jackson County Board of Commissioners does hereby adopt the 2025 preliminary adjusted property tax levy for Jackson County in the amount of \$14,216,928.

Fund	2025 Levy	2025 CPA Distribution	2025 Adjusted Levy
General	\$8,564,611.00	\$431,770.00	\$8,132,841.00
Public Works	\$2,916,891.00	\$147,050.00	\$2,769,841.00
Library	\$618,521.00	\$31,182.00	\$587,339.00
Bonds	\$2,871,678.00	\$144,771.00	\$2,726,907.00
Total	\$14,971,701.00	\$754,772.00	\$14,216,928.00

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Jackson County Board of Commissioners does hereby establish Tuesday, December 3, 2024 at 6:00 p.m. at the County Board Room, Jackson County Courthouse, 405 4th St., Jackson, MN as the designated meeting to discuss the 2025 proposed County tax levy and budget and to allow public input regarding these items. Questions and comments can be directed to: website www.co.jackson.mn.us, phone (507) 847-2763, address Auditor/Treasurer, 405 4th St., Jackson, MN 56143.

BOARD REPORTS

Commissioner Eigenberg reported on meetings/events involving DVHHS and AMC Policy Conference.

Commissioner Pohlman reported on meetings/events involving DVHHS, AMC Policy Conference, Blue Earth River One Watershed/One Plan Policy Committee, and Library Board.

Commissioner McClure reported on meetings/events involving DVHHS, SWMH, and SRDC.

Commissioner Nasby reported on meetings/events involving DVHHS, Explore SW MN, SWMH and PIC.

Commissioner Wachal reported on meetings/events involving DVHHS, Fair Board, AMC Policy Conference, and PrimeWest.

ADJOURN

Motion was made by Commissioner Eigenberg and seconded by Commissioner Pohlman to adjourn the meeting at 9:40 a.m. The motion carried unanimously.

JACKSON COUNTY BOARD OF COMMISSIONERS

Board Chair

ATTEST:

Ryan Krosch, County Administrator