



AGENDA
PINE COUNTY BOARD REGULAR MEETING

District 1	Commissioner Hallan
District 2	Commissioner Mohr
District 3	Commissioner Lovgren
District 4	Commissioner Waldhalm
District 5	Commissioner Ludwig

Tuesday, February 1, 2022, 10:00 a.m.
Board Room, Pine County Courthouse
635 Northridge Drive NW
Pine City, Minnesota

Notice of Participation via Interactive Technology

Pine County Commissioners Steve Hallan and JJ Waldhalm will be attending the Pine County Board of Commissioners Regular Meeting on Tuesday, February 1, 2022, at 10:00 a.m. via interactive technology, pursuant to Minnesota Statute 13D.02. Commissioners Hallan and Waldhalm will be seen and heard at the meeting via electronic means and will participate from locations which are open and accessible to the public:

- Commissioner Hallan: Panera Bread, 700 Gulf Breeze Parkway, Gulf Breeze, Florida
- Commissioner Waldhalm: 904 Calle Cruz Roja, Barrio Obrerero, Arecibo, PR

The public is invited to join the meeting in person or remotely: by phone call 1-312-626-6799, (Meeting ID): 970 4531 6830; (password): 5911400. Click the link on the county website (www.co.pine.mn.us) for more information and to watch a live stream broadcast of the meeting.

- A) Call meeting to order
- B) Pledge of Allegiance
- C) Public Forum. Members of the public are invited to speak. After being recognized by the Chair, each speaker should state his/her name and limit comments to three (3) minutes.
- D) Adopt Agenda
- E) Approve Minutes
Minutes of January 18, 2022 Regular County Board Meeting and Summary for publication
- F) Minutes of Boards, Reports and Correspondence
Pine County Chemical Health Coalition Minutes – January 10, 2022
Pine County Historical Society correspondence – January 21, 2022
Pine County Land Surveyor Monthly Report – January 2022
- G) Approve Consent Items

CONSENT AGENDA

The consent agenda is voted on without any discussion. Any commissioner may request an item be removed and added to the regular agenda.

1. **Commissioner Expense Claim Form**

Review and consider approval of Commissioner Expense Claim Form.

2. **Cancellation of 2019 Outstanding Warrants**

Approve the cancellation of 2019 outstanding warrants.

3. **2022-23 Snowmobile Safety Enforcement Grant**

Consider approval of the 2022-23 Snowmobile Safety Enforcement Grant in a total amount of \$9,024 (\$4,512 each fiscal year). The grant period is July 1, 2021 – June 30, 2023. There is no match requirement. Authorize Board Chair and County Administrator to sign.

4. **Final Payment Contract #2101**

Consider approval of final payment to Landwehr Construction, Inc. in the amount of \$8,749.90 for Contract #2101 related to SAP 058-599-047, Windemere Township box culvert located on Rush Blvd., 0.7 miles west of Military Road, and authorize County Administrator to sign the Certificate of Final Contract Acceptance.

5. **New Hire**

Consider approval of the hiring of:

- A. Eligibility Worker Danielle Snedeker, effective February 7, 2022, Grade 6, Step 1, \$20.49 per hour.
- B. Social Worker Morgan Foxx, effective February 22, 2022, Grade 10, Step 2, \$26.99 per hour, contingent upon successful background check.
- C. Part-time Dispatcher Coltin Brown, effective February 14, 2022, Grade 7, Step 1, \$21.77 per hour, contingent upon successful background check.

6. **Training**

Consider approval of the following training:

- A. Social Worker Cassie Peterson to attend the Minnesota Social Services Association Conference, March 16-18, 2022 in Minneapolis. Registration \$195, Meals \$60, Total \$255. Funds are available in the 2022 Health & Human Services budget.
- B. Senior Agent Jami Tuve Anderson to attend Crisis Intervention training at Minnesota Correctional Facility-Stillwater, April 25-29, 2022. Registration \$0, Lodging \$431.84. Total cost: \$431.84. Funds are available in the 2022 Probation budget.

REGULAR

1. **Public Hearing: Ordinance 2022-05 Amending the Shoreland Management Ordinance (at 10:00 a.m. or as soon thereafter as practicable)**

- A. Presentation of the ordinance
- B. County Board questions and discussion
- C. Open Public Hearing and take public testimony
- D. Close Public Hearing
- E. County Board additional discussion if necessary
- F. Consider adoption of Pine County Ordinance 2022-05
- G. Authorize Board Chair and County Administrator to sign Ordinance 2022-05 and the updated Pine County Shoreland Management Ordinance, which includes all amendments since its initial adoption, including Ordinance 2022-05.

2. **FY Clean Water Fund One Watershed, One Plan Program Grant Agreement**

- A. Consider approval of FY 2022 Clean Water Fund One Watershed, One Plan Program Agreement, and Agreements for Professional Services between the Carlton Soil and Water Conservation District, and Pine Soil and Water Conservation District, and Pine County for the Kettle and Upper St. Croix Watershed One Watershed One Plan. The grant provides \$194,434 of funding. Fiscal administrative tasks conducted by Pine County zoning staff are budgeted at 110 hours, which will be compensated at \$6,050 under the grant; all other grant dollars will be dispersed to the county's subcontractors for the project. Authorize Board Chair and County Administrator to sign.
- B. Consider designation of the County Auditor/Treasurer as the Grantee's authorized representative.

3. **Commissioner Updates**

Arrowhead Counties Association
Snake River Watershed Management Board & 1W1P Policy Committee
Lakes & Pines Community Action Council
Lower St. Croix Partnership (1W1P)
Mille Lacs Band of Ojibwe
NLX
Housing & Redevelopment Authority/Economic Development Authority
Other

4. **Other**

5. **Upcoming Meetings (Subject to Change)—Location and/or call-in information. Contact the organization hosting the meeting for call-in information.**

- a. Pine County Board of Commissioners, Tuesday, February 1, 2022, 10:00 a.m., Board Room, Courthouse, 635 Northridge Drive NW, Pine City, Minnesota
- b. Facility Committee, Wednesday, February 2, 2022, 9:00 a.m., Commissioner Conference Room, Courthouse, Pine City, Minnesota
- c. Health Insurance Committee Meeting, Wednesday, February 2, 2022, 10:00 a.m., Board Room, Courthouse, Pine City, Minnesota
- d. AMC Tribal/County Relations Training, Thursday/Friday, February 3-4, 2022, Grand Casino Hinckley
- e. Central MN Council on Aging, Thursday, February 3, 2022, 10:00 a.m.
- f. East Central Regional Juvenile Center Advisory Committee, Thursday, February 3, 2022, 12:30 p.m.
- g. Personnel Committee, Monday, February 7, 2022, 9:00 a.m., Commissioner Conference Room, Courthouse, Pine City, Minnesota
- h. Health & Human Services Advisory Committee, Tuesday, February 8, 2022, 9:00 a.m.
- i. Northeast Minnesota Area Transportation Partnership, Wednesday, February 9, 2022, 10:00 a.m.
- j. Soil & Water Conservation District, Wednesday, February 9, 2022, 3:00 p.m., 1610 Hwy. 23 No., Sandstone, Minnesota
- k. Law Library, Thursday, February 10, 2022, 12:00 p.m., Law Library, Courthouse, Pine City, Minnesota
- l. East Central Solid Waste Commission, Monday, February 14, 2022, 9:00 a.m., 1756 180th Avenue, Mora, Minnesota
- m. East Central Regional Library Trustees Board, Monday, February 14, 2022, 10:00 a.m., 111 Dellwood St. No., Cambridge, Minnesota
- n. Pine County Board of Commissioners, Tuesday, February 15, 2022, 10:00 a.m., North Pine Government Center, 1602 Hwy. 23 No., Sandstone, Minnesota

6. **Adjourn**

**MINUTES
OF THE
PINE COUNTY BOARD MEETING
Regular Meeting**

Tuesday, January 18, 2022 - 10:00 a.m.

North Pine Government Center, 1602 Highway 23 No., Sandstone, Minnesota

Chair Hallan called the meeting to order at 10:00 a.m.

Present were Commissioners Steve Hallan, Josh Mohr, Terry Lovgren and Matt Ludwig. Also present was County Administrator David Minke; County Attorney Reese Frederickson was present via electronic means. Due to an out-of-town commitment, Commissioner J.J. Waldhalm joined the meeting via interactive technology, pursuant to Minnesota Statute 13D.02. Commissioner Waldhalm was seen and heard at the meeting via electronic means, at a location open and accessible to the public, and participated from 904 Calle Cruz Roja, Barrio Obrerro, Arecibo PR.

The public was invited to join the meeting remotely by phone, Zoom, or watch via live stream on YouTube.

The Pledge of Allegiance was said.

Chair Hallan called for public comment. Ailene Croup commented on the replacement of election voting equipment and her concerns with several brands.

Motion by Commissioner Ludwig to adopt the Agenda. Second by Commissioner Lovgren. A Roll Call vote was called by Chair Hallan: District 2-Commissioner Mohr/Aye; District 3-Commissioner Lovgren/Aye; District 4-Commissioner Waldhalm/Aye; District 5-Commissioner Ludwig/Aye; District 1-Chair Hallan/Aye. Motion carried 5-0.

Motion by Commissioner Lovgren to approve the Minutes of the January 4, 2022 Organizational and Regular County Board Meeting and Summary for publication, Minutes of the January 11, 2022 Special Joint Meeting--Pine County Board of Commissioners & Pine County Housing and Redevelopment Authority (HRA)/Economic Development Authority (EDA), and Minutes of the January 12, 2022 Special Meeting-Committee of the Whole (Strategic Planning). Second by Commissioner Mohr. A Roll Call vote was called by Chair Hallan: District 3-Commissioner Lovgren/Aye; District 4-Commissioner Waldhalm/Aye; District 5-Commissioner Ludwig/Aye; District 1-Chair Hallan/Aye; District 2-Commissioner Mohr/Aye. Motion carried 5-0.

Motion by Commissioner Mohr to acknowledge the Minutes of Boards, Reports and Correspondence. Second by Commissioner Lovgren. A Roll Call vote was called by Chair Hallan: District 4-Commissioner Waldhalm/Aye; District 5-Commissioner Ludwig/Aye; District 1-Chair Hallan/Aye; District 2-Commissioner Mohr/Aye; District 3-Commissioner Lovgren/Aye. Motion carried 5-0.

Motion by Commissioner Ludwig to approve the Consent Agenda. Second by Commissioner Mohr. A Roll Call vote was called by Chair Hallan: District 5-Commissioner Ludwig/Aye; District 1-Chair Hallan/Aye; District 2-Commissioner Mohr/Aye; District 3-Commissioner Lovgren/Aye; District 4-Commissioner Waldhalm/Aye. Motion carried 5-0.

CONSENT AGENDA

The consent agenda is voted on without any discussion. Any commissioner may request an item be removed and added to the regular agenda.

1. Approve December, 2021 Cash Balance

Fund	December 31, 2020	December 31, 2021	Increase/Decrease
General Fund	7,032,144	7,845,483	813,339
Health and Human Services Fund	2,545,198	2,746,208	201,010
Road and Bridge Fund	770,230	1,177,957	407,726
COVID Relief	0	2,550,242	2,550,242
Land	2,417,136	2,414,449	(2,687)
Self Insurance	0	554,150	554,150
TOTAL (inc non-major funds)	16,484,318	21,070,995	4,586,677

2. December 2021 Disbursements/Claims Over \$2,000

The following vendors with claims of \$2,000 or more, and 534 claims under \$2,000 or not needing approval totaling \$983,672.33, were paid during the period of December 1, 2021 – December 31, 2021: AMAZON CAPITAL SERVICES, 12,050.89; American Solutions For Business, 5,216.81; Aml Cleaning Service, Inc, 8,000.00; Anderson Electric, 6,732.92; Arlen Krantz Ford Inc, 3,684.74; Askov Deep Rock, 2,128.38; Assoc Of Minn Counties, 4,947.67; BLUE CROSS & BLUE SHIELD OF MINNESOTA, 9,720.50; BONKS SAND & GRAVEL, 4,663.20; Central Mn Jobs & Training Services, 36,404.55; Chamberlain Oil Co., Inc, 4,170.06; CLOQUET RIVERSIDE RECYCLING, INC, 6,480.50; COMPUTER INTEGRATION TECHNOLOGIES, 61,231.00; CROSS LAKE ASSOCIATION OF PINE COUNTY, 18,119.54; DIAMOND MOWERS INC, 2,114.96; DOOLEYS PETROLEUM INC, 41,610.86; East Central Energy Of Braham, 11,636.79; East Central Reg Juvenile Center, 35,560.00; East Central Solid Waste Comm, 2,937.75; Emergency Automotive Technologies, Inc, 41,414.62; ERICKSON ENGINEERING CO LLC, 2,452.50; FURTHER, 2,647.10; GUARDIAN, 8,750.96; Heartland Girls Ranch 2,353.50; Henricksen Psg, 9,885.18; JENSEN BACKHOE LLC, 6,860.00; Knife River Corp, 5,244.36; KRONOS SAASHR INC, 2,610.94; Lighthouse Child & Family Services, LLC, 6,338.41; LITTLE FALLS MACHINE INC, 2,411.69; MADISON NATIONAL LIFE INS CO INC, 3,833.98; MEDICAREBLUE RX, 5,747.20; MEND CORRECTIONAL CARE PLLC, 27,856.71; MICHAEL K PEPIN LAW OFFICES, 3,825.00; MINNESOTA ENERGY RESOURCES CORP, 12,893.79; Mn Counties Intergovernmental Trust, 2,500.00; Mn County Attorneys Assoc, 4,397.00; Mn Life Insurance Company, 8,983.00; MN SHERIFFS ASSOCIATION, 3,571.00; Mora Psychological Services PLLC, 2,025.00; MPJ ENTERPRISES LLC, 19,850.00; Nexus-Gerard Family Healing LLC, 9,789.60; Nexus-Kindred Family Healing,

5,862.00; Nexus-Mille Lacs Family Healing, 20,551.50; Northwoods Children Home, 9,733.20; OFFICE OF MN.IT SERVICES, 5,124.08; OMG MIDWEST INC, 81,060.24; Pine Co Highway Department, 10,845.59; PINE RIVER SALES INC, 7,642.43; Prairie Lakes Youth Programs, 9,800.84; PRECISION GRADE LLC, 19,800.00; PREMIER OUTDOOR SERVICES OF MINNESOTA, 8,500.00; Pro-West & Associates Inc, 2,001.42; Purchase Power, 6,055.00; Regents Of The U Of Mn, 19,657.60; Reliance Systems, 2,000.00; Rolling Hills Hospital LLC, 14,400.00; S & R REINFORCING INC, 29,887.05; SCHNEIDER GEOSPATIAL LLC, 5,698.00; SEH INC, 5,897.71; Solid Oak Financial Services, LLC, 3,266.57; Summerland Excavating, Inc, 3,360.00; SUMMIT FOOD SERVICE MANAGEMENT LLC, 33,351.83; TEAMSTERS JOINT COUNCIL 32, 56,262.00; Therapeutic Serv Ag Too Inc, 4,019.94; TPM FLOORING, 4,588.16; TRIMARK HOCKENBERGS, 15,245.57; UNITEDHEALTH GROUP, 318,175.66; USDA RURAL HOUSING SERVICE, 38,072.32; Veolia Environmental Services, 34,270.91; Verizon Wireless, 10,725.62; VIKING AUTOMATIC SPRINKLER COMPANY, 7,150.00; WELIA HEALTH, 17,186.57; WILD RIVERS CONSERVANCY, 17,677.00; WSB AND ASSOCIATES, 12,457.17.

3. **Applications**

Approve the following:

A. **Application for Exempt Permit**

Pheasants Forever, East Central Spurs 624 to conduct Minnesota lawful gambling on May 7, 2022 at Wings North, 19379 Homestead Rd, Pine City, MN (Pokegama Township).

4. **Septic Fix-Up Special Assessments**

Approve Resolution 2022-04 extending the following special assessments, and authorize Board Chair and County Administrator to sign:

Lawrence and Nancy Milligan, PID 06.0314.000, \$16,500

Rachel Bedell and William Bretthorst, PID 31.0068.001, \$19,800

5. **Pine County Commissioners' Expense Claim Forms**

Approve Commissioners' Expense Claim Forms.

6. **Donations**

Approve acceptance of the following donations:

A. \$1,000 donation from the American Legion Post 361 to support the Pine County Veterans Van Program.

B. \$100 anonymous donation to support veterans outreach.

C. \$100 anonymous donation for the annual Pine County Sheriff's Office toy drive.

7. **2022 Waste Hauler Licenses**

Approve the following 2022 waste hauler licenses: Cloquet Sanitary Service, Curt's Rolloffs, STEMM Enterprizes DBA Holdt's Disposal, Jones Construction Services, LePage & Sons Inc, Matt's Sanitation, Mike's Sanitation Inc, Mille Lacs Band of Ojibwe, Nordstrom's Sanitation, LLC, SKB Environmental Landfill, Inc, Talon Sanitation LLC, Tri-

Township Disposal District, Vanderpoel Disposal, Veit Disposal Systems, Hartl Enterprises LLC DBA Ron's Rolloffs. Authorize Board Chair to sign.

8. **Agreements / Grants**

Approve the following agreements and authorize Board Chair and County Administrator to sign:

A. **Joint Powers Agreement Between Pine County Sheriff and Attorney and the Bureau of Criminal Apprehension**

Approve Resolution 2022-06 approving the Joint Powers Agreement between the Pine County Sheriff and Pine County Attorney with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension for use of the State's Criminal Justice Data Communications Network (CJDN). The JPA will allow the BCA to provide access to the Minnesota Criminal Justice Data Communication Network. This is a five-year renewal.

B. **Byrne Justice Assistance Grant**

Renewal of the Evening Reporting Center grant. Funding is available for the following periods: \$175,970.95 from 10/2/21 – 9/30/22 and \$175,970.96 from 10/1/21 – 9/30/23.

C. **Agreement with Kanabec County Family Services**

Between Pine County Health & Human Services and Kanabec County Family Services for the provision of psychiatric services at \$128.64 per hour.

D. **East Central Drug and Violent Offender Task Force Grant**

Grant amount \$350,000, effective January 1, 2022 – December 31, 2023.

9. **New Hire**

Approve the hiring of:

- A. Eligibility Worker Scarlet Oquist, effective January 24, 2022, Grade 6, Step 6, \$24.88 per hour.
- B. Social Worker Carla Rigato, effective February 22, 2022, Grade 10, Step 2, \$26.99 per hour, contingent upon completion of a successful background check.
- C. Office Support Specialist Sara Drexler, effective January 31, 2022, Grade 2, Step 2, \$16.92 per hour, contingent upon completion of a successful background check.
- D. Assistant County Attorney Kelli Jasper, effective January 31, 2022, non-union, FLSA exempt position, \$97,500, contingent upon completion of a successful background check.

10. **Training**

- A. Approve Auditor-Treasurer Kelly Schroeder and Alison Hughes to attend the Secretary of State's 2022 County Auditor Election Training Conference, April 19-22, 2022 at Breezy Point. There is no registration cost; lodging and meals is \$505.30 per person and mileage of \$124.02 for a total of \$1,134.62.
- B. Approve Social Worker Amber Andrews to attend the Minnesota Social Services Association Conference, March 16-18, 2022 in Minneapolis. Registration: \$195, Meals \$60, total cost: \$255.

REGULAR AGENDA

1. Introduction of Veterans Service Officer Michael Harshman

Health & Human Services Director Becky Foss introduced Veterans Services Officer Michael Harshman.

2. Facilities Committee Report

Commissioner Ludwig provided an overview of the January 5, 2022 Facilities Committee meeting. The Facilities Committee made the recommendation to name the new conference room at the courthouse the *Steven Chaffee Conference Room* after former County Commissioner Steven Chaffee.

Motion by Commissioner Ludwig to approve the naming of the new conference room at the courthouse the *Steven Chaffee Conference Room*. Second by Commissioner Lovgren. A Roll Call vote was called by Chair Hallan: District 1-Chair Hallan/Aye; District 2-Commissioner Mohr/Aye; District 3-Commissioner Lovgren/Aye; District 4-Commissioner Waldhalm/Aye; District 5-Commissioner Ludwig/Aye. Motion carried 5-0.

3. Personnel Committee Report

Commissioner Mohr provided an overview of the January 10, 2022 Personnel Committee meeting. The Personnel Committee made the following recommendations:

A. Health & Human Services

- i. Acknowledge the retirement of Eligibility Worker Judith Tengwall, effective March 31, 2022, and approve backfill of the position and subsequent vacancies that may occur due to internal promotion or lateral transfer.

B. Administration

- i. Consider Resolution 2022-03 setting the 2022 minimum annual salary for County Attorney at \$80,000 and County Sheriff at \$77,000 and authorize Board Chair and County Administrator to sign.

Motion by Commissioner Mohr to approve the recommendations of the Personnel Committee. Second by Commissioner Ludwig. A Roll Call vote was called by Chair Hallan: District 2-Commissioner Mohr/Aye; District 3-Commissioner Lovgren/Aye; District 4-Commissioner Waldhalm/Aye; District 5-Commissioner Ludwig/Aye; District 1-Chair Hallan/Aye. Motion carried 5-0.

4. Hometown Fiber / Broadband Update

Kyle Moorhead and Eileen Smith with Hometown Fiber provided an update on broadband technology, challenges, work completed, and field study findings. Mapping in the southern part of the county is yet to be completed. Funding and project partnerships were discussed.

5. Appointment to Extension Committee

Motion by Commissioner Ludwig to appoint Ruth Carlson, representing District 5, to the Extension Committee for the term January 1, 2022 to December 31, 2024. Second by Commissioner Lovgren. A Roll Call vote was called by Chair Hallan: District 3-Commissioner Lovgren/Aye; District 4-Commissioner Waldhalm/Aye; District 5-

Commissioner Ludwig/Aye; District 1-Chair Hallan/Aye; District 2-Commissioner Mohr/Aye. Motion carried 5-0.

6. **Commissioner Updates**

Mille Lacs Band of Ojibwe (Rescheduled)

East Central Regional Library Trustee Board: Commissioner Lovgren stated committees were set up. The projected opening date for the Sandstone Library is September, 2022.

Chemical Health Coalition: Commissioners Lovgren and Ludwig unable to attend.

Public Safety Committee – Cancelled

Other:

State Community Health Advisory Council: Commissioner Lovgren stated the group discussed ways to help employees due to staff shortages and employee burn out.

Highway 23 Coalition: Commissioner Lovgren stated writing grant applications was discussed.

7. **Other**

Chair Hallan called for a moment of silence for Pine County employee Jeremy Cummings who passed away on January 10, 2022.

8. **Upcoming Meetings**

Upcoming meetings were reviewed.

9. **Adjourn**

With no further business, Chair Hallan adjourned the meeting at 12:04 p.m. The next regular meeting of the county board is scheduled for Tuesday, February 1, 2022 at 10:00 a.m., Pine County Courthouse, 635 Northridge Drive NW, Pine City, Minnesota.

Stephen M. Hallan, Chair
Joshua Mohr, Vice Chair
Board of Commissioners

David J. Minke, Administrator
Clerk to County Board of Commissioners

**SUMMARY
OF
MINUTES
OF THE
PINE COUNTY BOARD MEETING
Regular Meeting**

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Motion by Commissioner Mohr to acknowledge the Minutes of Boards, Reports and Correspondence. Second by Commissioner Lovgren. A Roll Call vote was called by Chair Hallan. Motion carried 5-0.

Motion by Commissioner Ludwig to approve the Consent Agenda. Second by Commissioner Mohr. A Roll Call vote was called by Chair Hallan. Motion carried 5-0.

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Approve the Application for Exempt Permit for Pheasants Forever, East Central Spurs 624 to conduct Minnesota lawful gambling on May 7, 2022 at Wings North, 19379 Homestead Rd, Pine City, MN.

Approve Resolution 2022-04 extending the following special assessments Lawrence and Nancy Milligan, PID 06.0314.000, \$16,500, Rachel Bedell and William Bretthorst, PID 31.0068.001, \$19,800.

Approve Commissioners' Expense Claim Forms.

Approve acceptance of the following donations: \$1,000 donation from the American Legion Post 361 to support the Pine County Veterans Van Program; \$100 anonymous donation to support veterans outreach; \$100 anonymous donation for the annual Pine County Sheriff's Office toy drive.

Approve the following 2022 waste hauler licenses: Cloquet Sanitary Service, Curt's Rolloffs, STEMM Enterprises DBA Holdt's Disposal, Jones Construction Services, LePage & Sons Inc, Matt's Sanitation, Mike's Sanitation Inc, Mille Lacs Band of Ojibwe, Nordstrom's Sanitation, LLC, SKB Environmental Landfill, Inc, Talon Sanitation LLC, Tri-Township Disposal District, Vanderpoel Disposal, Veit Disposal Systems, Hartl Enterprises LLC DBA Ron's Rolloffs.

Approve the following agreements:

A. **Joint Powers Agreement Between Pine County Sheriff and Attorney and the Bureau of Criminal Apprehension**

Approve Resolution 2022-06 approving the Joint Powers Agreement between the Pine County Sheriff and Pine County Attorney with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension for use of the State's Criminal Justice Data Communications Network (CJDN). The JPA will allow the BCA to provide access to the Minnesota Criminal Justice Data Communication Network. This is a five-year renewal.

B. **Byrne Justice Assistance Grant**

Renewal of the Evening Reporting Center grant. Funding is available for the following periods: \$175,970.95 from 10/2/21 – 9/30/22 and \$175,970.96 from 10/1/21 – 9/30/23.

C. **Agreement with Kanabec County Family Services**

Between Pine County Health & Human Services and Kanabec County Family Services for the provision of psychiatric services at \$128.64 per hour.

D. **East Central Drug and Violent Offender Task Force Grant**

Grant amount \$350,000, effective January 1, 2022 – December 31, 2023.

Approve the hiring of:

- A. Eligibility Worker Scarlet Oquist, effective January 24, 2022, Grade 6, Step 6, \$24.88 per hour.
- B. Social Worker Carla Rigato, effective February 22, 2022, Grade 10, Step 2, \$26.99 per hour, contingent upon completion of a successful background check.
- C. Office Support Specialist Sara Drexler, effective January 31, 2022, Grade 2, Step 2, \$16.92 per hour, contingent upon completion of a successful background check.
- D. Assistant County Attorney Kelli Jasper, effective January 31, 2022, non-union, FLSA exempt position, \$97,500, contingent upon completion of a successful background check.

Approve Auditor-Treasurer Kelly Schroeder and Alison Hughes to attend the Secretary of State's 2022 County Auditor Election Training Conference. Total cost: \$1,134.62.
Approve Social Worker Amber Andrews to attend the Minnesota Social Services Association Conference. Total cost: \$255.

Motion by Commissioner Ludwig to approve the naming of the new conference room at the courthouse the *Steven Chaffee Conference Room*. Second by Commissioner Lovgren. A Roll Call vote was called by Chair Hallan. Motion carried 5-0.

Personnel Committee Report

Commissioner Mohr provided an overview of the January 10, 2022 Personnel Committee meeting. The Personnel Committee made the following recommendations:

A. **Health & Human Services**

- i. Acknowledge the retirement of Eligibility Worker Judith Tengwall, effective March 31, 2022, and approve backfill of the position and subsequent vacancies that may occur due to internal promotion or lateral transfer.

B. **Administration**

- i. Consider Resolution 2022-03 setting the 2022 minimum annual salary for County Attorney at \$80,000 and County Sheriff at \$77,000 .

Motion by Commissioner Mohr to approve the recommendations of the Personnel Committee. Second by Commissioner Ludwig. A Roll Call vote was called by Chair Hallan. Motion carried 5-0.

Motion by Commissioner Ludwig to appoint Ruth Carlson, representing District 5, to the Extension Committee for the term January 1, 2022 to December 31, 2024. Second by Commissioner Lovgren. A Roll Call vote was called by Chair Hallan. Motion carried 5-0.

With no further business, Chair Hallan adjourned the meeting at 12:04 p.m. The next regular meeting of the county board is scheduled for Tuesday, February 1, 2022 at 10:00 a.m., Pine County Courthouse, 635 Northridge Drive NW, Pine City, Minnesota.

Stephen M. Hallan, Chair
Joshua Mohr, Vice Chair
Board of Commissioners

David J. Minke, Administrator
Clerk to County Board of Commissioners

The full text of the board's Minutes are available at the County Administrator's Office and the county's website (www.co.pine.mn.us). Copies may also be requested from the administrator's office.

Pine County Chemical Health Coalition Minutes
January 10th, 2022
Online

Coalition Mission Statement

Pine County Chemical Health Coalition: Striving to prevent the misuse and abuse of alcohol, tobacco, and other drugs

Attendance:

*Reese Frederickson, Pine Co Attorney
Tim Burkhardt, Hinckley City Council
Stef Youngberg, EC High School Principal
Tanya Christopherson, Essentia Health
Brian Miner, East Central Regional Prevention Coordinator
Becky Foss, Hailey Freedlund, Jenae Hicks, Samantha Lo, Pine Co Health & Human Services*

1. Call to Order

Meeting commenced at 4:03 pm by Reese Frederickson.

2. Addition/Changes to the Agenda, Approval

Motion to approve agenda by Samantha Lo, seconded by Hailey Freedlund. Motion carried.

3. Review Minutes of October 11, 2021

Tim Burkhardt moved to accept 11/8/2022 minutes. Becky Foss seconded the motion and minutes were accepted.

4. Reese Frederickson

Opioid Litigation Settlement

- Pine County is part of a long multi-billion-dollar settlement.
- Pine County will be receiving 1.2 million dollars over a span of 18 years
- The settlement money must be used for education surrounding the opioid crisis
- Our coalition will have a hand in thinking of ways how to use the money
- Pine County Public Health is considered the chief strategist (holder of the money and what is done with it).

Document attached to the email to help explain in more detail

Coalition Direction for Future

- Coalition thought we could use the settlement money to help encourage others key holders in the community to join the coalition.
- Talk about creating a Mental Health and Opioid program
- Coalition will meet in smaller groups to help organize our coalition's plan in what we want for the future - monthly
- We want to gather information from the Pine County schools to get more accurate information on things regarding substance abuse
- Hinckley gets a breakdown of where law enforcement spends their time – could be super helpful in the future!

5. Hailey Freedlund- SHIP Tobacco Audit Data

- The data Hailey shared compared 2019 and 2021 Tobacco Audits
- Note: Many new policy changes have taken place between these two audits.
 - Raised tobacco purchase age to 21
 - Closed e-cigarettes cartridges flavor ban
- Review the PPT attached and if you have questions please email Hailey Freedlund (hailey.freedlund@co.pine.mn.us).

Document attached to the email to help explain in more detail

6. Jenae Hicks

Lion Heart Crew Documentary

[The Lion Heart Documentary | 2021 - YouTube](#)

Water Bottles to Schools, Coalition

- Water bottles were previously bought with the P&I grant and will now be delivered to EC school in a few weeks.
- 2 pallets – 84 cases of water, ½ for each school with messaging like the last billboards
- The coalition decided to give all the water bottles to the schools. The coalition does not have the need for them at this point.

7. News from the Schools

Stef Youngberg

- The kids and staff loved the presentation from the Lion Heart Crew!
- Vaping continues to be an issue
- Continue to work towards education and tobacco diversion program

8. Training/Volunteer/Event Reports from Members – None

Next Meeting – Monday, March 14th, 4 pm, online

Adjourned – 4:58 pm *Tanya Christopherson made a motion, Samantha Lo seconded, and meeting was adjourned.*

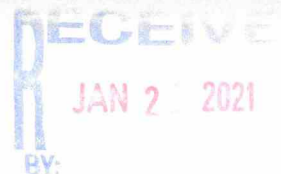


*Preserving, Protecting and Disseminating
the History of Pine County*

6333 H C Andersen Alle
PO Box 123
Askov, MN 55704

PHONE
E-MAIL
WEB SITE
FACEBOOK

(320) 838-1607
pchminfo@yahoo.com
pinecountyhistoricalsociety.org
Pine County Historical Museum



1/21/2022

Mr. Dave Minke, Administrator
Pine Co Courthouse
35 Northridge Dr. N.W.
Pine City MN 55063

Dear Pine County Commissioners,

The Pine County Historical Society (PCHS) appreciates your continuing support of our museum and are very grateful for the county's appropriation of \$25,000.00.

We continue to seek ways to make our museum financially independent, as much as possible. Your contribution, which we use to help support the necessary utilities and maintenance, gives us the opportunity to continually improve our wonderful facility!

Thank you again for your continued support.

Toni Nieswaag
Director, PCHS
612-390-1730
tonijohn12@gmail.com



PINE COUNTY PUBLIC WORKS

HIGHWAY DEPARTMENT

405 Airport Road NE
Pine City, MN 55063

Telephone 320-216-4200

Fax: 320-629-6736

1-800-450-7463 Ext. 4200

Mark A. LeBrun, P.E.
County Engineer

Pine County Land Surveyor Monthly Report

January 2022

Draft and file PLSS corner certificates generated by the Pine County Surveyor Office.

Draft and file Certificates of Survey generated by the Pine County Surveyor Office.

Provide HARN coordinate data for GIS to County Recorder as needed.

Draft and review legal descriptions for County Right of Way Dept. and County Land Dept. as needed.

Review Plats and Minor Subdivisions for County Zoning Dept. as needed.

Review and file PLSS corner certificates provided by private surveyors as needed.

Review, edit and file PLSS corner certificates created by County Surveyor as needed.

Review, edit and file Certificates of Survey created by County Surveyor as needed.

Robin T. Mathews, Pine County Surveyor

PINE COUNTY EXPENSE CLAIM FORM

Expenses are to be claimed in accordance with Pine County Personnel Policy on travel and other reimbursements. Original receipts must be attached or the claim will not be reimbursed. There must be the signature of the claimant and the claimant's supervisor or department head indicating the expense was authorized. NO UNAUTHORIZED CLAIM WILL BE REIMBURSED.

JEFFREY J WALDHALM

MONTH: December 2021

Vendor#: 26025 Employee#:

Date	Per Diem	Meals	Lodging	Parking	Other	Purpose and description of expense	Account #
12/9/2021	\$100					County Board Meeting - Pine City & Truth-in-Taxation Meeting	01-005-6111
12/21/2021	\$100					County Board Meeting - Sandstone	01-005-6111
12/6/2021	\$100					AMC Conference	01-005-6111
12/7/2021	\$100					AMC Conference	01-005-6111
12/8/2021	\$100					AMC Conference & SWCD (zoom)	01-005-6111

MILEAGE EXPENSES

Date	Beginning Odometer	Ending Odometer	Total Miles	Mileage Rate	Amount Paid	Destination and purpose of expense	Account #
12/9/2021			81	\$0.585	\$47.39	County Board Meeting - Pine City	01-005-6334
12/9/2021			81	\$0.585	\$47.39	Truth-in-Taxation - Pine City	01-005-6334
12/21/2021			38	\$0.585	\$22.23	County Board Meeting - Sandstone	01-005-6334
12/6/2021			120	\$0.585	\$70.20	AMC Conference - Hilton Hotel, Bloomington (from home)	01-005-6334
12/8/2021			120	\$0.585	\$70.20	AMC Conference - Hilton Hotel, Bloomington (to home)	
					\$257.40		

YOU MUST FILL IN ODOMETER READINGS. IF ODOMETER READINGS ARE NOT PROVIDED a printout of the start and ending location of each destination and mileage as calculated by such programs as "Map Quest" will be acceptable.

If this expense reimbursement request includes personal automobile mileage my submission affirms that I possess a current valid driver's license and appropriate motor vehicle insurance.

I declare under the penalties of law that the account, claim and/or demand is just and correct and that no part of it has been paid.

See attached.

Commissioner Signature

Authorized Signature




AGENDA REQUEST FORM

Date of Meeting: February 1, 2022

- ☒ **County Board**
☒ **Consent Agenda**
☐ **Regular Agenda** 5 mins.____ 10 mins.____ 15 mins.____ Other____
- ☐ **Personnel Committee**
- ☐ **Other** _____

Agenda Item: Cancellation of 2019 Warrants

Department: Auditor-Treasurer



Department Head signature

Background information on Item:

A number of warrants have gone uncashed since 2019.

Action Requested:

Approve cancelling warrants on attached listing.

Financial Impact:

None. Funds will be remitted to the Minnesota Department of Commerce Unclaimed property division, except after 90 days the tax and penalty (T&P) warrants will be entered into the tax settlement and apportioned to the appropriate taxing districts.

2019 Outstanding Warrants

<u>FRANSEN BANK</u>				
Warrant Number	Date	Name/Address	Amount	Fund
76014	9/27/2019	Coborn's	\$12.00	HHS
		19425 Evans St NW		
		Elk River, MN 55330		
76511	12/20/2019	Lynette Simertz	\$271.00	HHS
		39424 Dove Rd		
		Hinckley, MN 55037		
122445	1/25/2019	Terry Curtain	\$197.28	Revenue
		PO Box 270522		01.201.5514
		St. Paul, MN 55127		
122540	2/1/2019	North American Title	\$6.00	Revenue
		PO Box 550		01.101.5608
		Hinckley, MN 55037		
122546	2/1/2019	Nancy Rys	\$85.44	Revenue
		8860 560th St		01.107.6111
		Pine City, MN 55063		01.107.6334
123106	3/22/2019	Driver and Vehicle Services	\$20.75	Revenue
		445 Minnesota Street		01.201.6319
		St. Paul, MN 55101		
123108	3/22/2019	Driver and Vehicle Services	\$20.75	Revenue
		445 Minnesota Street		01.201.6319
		St. Paul, MN 55101		
123480	4/26/2019	Corelogic Solutions	\$33.75	Revenue
		1628 Browning Road, Ste 160		01.101.2350
		Columbia, SC 29210		
123484	4/26/2019	Evergreen Land Services	\$16.75	Revenue
		4131 Old Sibley Memorial Hwy		01.101.2350
		Suite 201		
		Eagan, MN 55112		
123491	4/26/2019	Lendserv National Title	\$9.50	Revenue
		6040 Earle Brown Drive, Ste 430		01.101.2350
		Brooklyn Center, MN 55430		

Warrant Number	Date	Name/Address	Amount	Fund
123516	4/26/2019	United Planning Group	\$10.50	Revenue
		6710 Professional Parkway W		01.101.2350
		Sarasota, FL 34240		
123629	5/10/2019	David Linz	\$5.00	Revenue
		PO Box 506		01.101.5608
		Monticello, MN 55362		
123911	5/31/2019	Donald Gerdesmeier	\$46.00	Revenue
		505 Lovell Avenue		01.101.5608
		Roseville, MN 55113		
124443	7/5/2019	Walmart	\$134.60	Revenue
		Attn: Loss Prevention		01-255-5519
		950 11th St SW		
		Pine City, MN 55063		
124806	8/2/2019	North Shore Title-Cloquet	\$92.00	Revenue
		1111 Cloquet Avenue		01.101.5608
		Cloquet, MN 55720		
125941	11/8/2019	Best Cleaning	\$100.00	Revenue
		PO Box 721		01.201.6263
		Sandstone, MN 55072		
126070	11/15/2019	City of Rock Creek	\$200.00	Revenue
		PO Box 229		01.603.6803
		Rock Creek, MN 55067		
126577	12/20/2019	North American Title	\$6.00	Revenue
		PO Box 550		01.101.5608
		Hinckley, MN 55037		

2019 Outstanding Warrants Taxes & Penalties

<u>FRANSEN BANK</u>				
Warrant Number	Date	Name/Address	Amount	Fund
123097	3/15/2019	Brian and John Radmann	\$10.80	82.000.2153
		7508 Colorado Ave N		
		Brooklyn Park, MN 55443		
124168	6/14/2019	Gerald Artigas or	\$6.56	82.000.2150
		Brenda Hochul		
		15439 E Via Del Rancho		
		Gilbert, AZ 85298		
124172	6/14/2019	Diana Meyer	\$8.00	82.000.2150
		8551 Tyler St NE		
		Blaine, MN 55434		
124579	7/12/2019	John Stelmasik	\$5.88	82.000.2150
		4053 Mica Trl		
		Eagan, MN 55122		
124779	7/26/2019	Title Werks	\$47.76	82.000.2150
		P.O. Box 807		
		Wyoming, MN 55092		
125925	11/1/2019	Elizabeth or Lawrence Smith	\$190.00	82.000.2150
		10146 Colville St		
		Eagle River, AK 99577		
129153	11/15/2019	Jeffrey & Lori Lesmeister	\$46.68	82.000.2153
		968 Galvin Ave		
		West St. Paul, MN 55118		
126157	11/15/2019	Robert & Mary Wargo	\$128.67	82.000.2150
		18325 Embers Ave		
		Farmington, MN 55024		
126712	12/27/2019	Lisa Koeppen	\$13.00	82.000.2150
		712 E River St		
		Monticello, MN 55362		
126716	12/27/2019	Maureen Rioux	\$10.96	82.000.2150
		60022 Tamarack Pine Dr		
		Sandstone, MN 55072		



AGENDA REQUEST FORM

Date of Meeting: February 1, 2022



County Board



Consent Agenda



Regular Agenda

5 mins.



10 mins.



15 mins.



Other



Personnel Committee



Other _____

Agenda Item: 2022-23 Snowmobile Safety Enforcement Grant

Department: Pine County Sheriff's Office


Department Head signature

Background information on Item:

The 2022-23 Snowmobile Safety Enforcement Grant is a biennium grant used for enforcement, education, equipemnt and maintenance.

Action Requested:

The Pine County Sheriff's Office respectfully asks for the approval and signing of the 2021-22 Snowmobile Safety Enforcement Grant.

Financial Impact:

\$4,512.00 is granted for each fiscal year, totalling \$9,024.00 for the grant period.

This grant does not require matching funds.

STATE OF MINNESOTA GRANT CONTRACT

This grant contract is between the State of Minnesota, acting through its Commissioner of Natural Resources ("STATE") and Pine County Sheriff's Office, 635 NORTHRIDGE DR NW #100, PINE CITY, MN 55063 ("GRANTEE").

Recitals Section

1. Under Minn. Stat. 84.024, the State is empowered to enter into this grant.
2. The State, under Laws of Minnesota 2021, First Special Session, Article 1, Section 3, Subdivision 7(d), is authorized to provide reimbursement grants to counties to cover costs related to labor and equipment in the enforcement of snowmobile enforcement laws, rules and regulations, as well as holding staff training in the same, and providing local youth training classes, in the manner described in the Grantee's Proposed Budget.
3. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract 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.

Grant Contract

1 Term of Grant Contract

1.1 *Effective date:*

July 1, 2021. Per Minn.Stat.§16B.98 Subd. 7, no payments will be made to the Grantee until this grant contract is fully executed.

1.2 *Expiration date:*

June 30, 2023 or until all obligations have been satisfactorily fulfilled, whichever occurs first.

1.3 *Survival of Terms.*

The following clauses survive the expiration or cancellation of this grant contract: 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.

- ##### 1.4
- Notwithstanding Minn.Stat. § 16A.41, expenditures made on or after July 1, 2021 are eligible for reimbursement unless otherwise provided.

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). The Grantee will be reimbursed once annually, for only eligible **Snowmobile Safety Enforcement (SSE)**

Safety Grant activities, including one or more of the following:

- Grantee staff time to participate in SSE activities, including attendance at training classes, also holding local safety training education programs for local participants. Training of Grantee staff working to enforce any SSE related law, rule or regulation is **MANDATORY**.
- Purchase of snowmobiles for use in patrolling;
- Snowmobile maintenance, fuel and enforcement related costs;
- Trailers, trailer maintenance and repair (**not** costs related to towing vehicle repair)
- Helmets and other related protective gear (no standard uniforms or equipment);
- Purchase other equipment dedicated **SOLELY** to Snowmobile Safety Enforcement work.

- Submit **ANNUAL** Performance Reports and Reimbursement Requests for each year of participation in this Program. All needed documents to accomplish this are posted on the DNR website. The Grantee will be responsible for the administration, supervision, management, record keeping and program oversight required for the work performed under this grant contract. Further, the Grantee is responsible for maintaining an adequate conflict of interest policy. Throughout the term of this grant contract, the Grantee shall monitor and report any actual, potential or perceived conflicts of interest to the State's Authorized Representative.
- **POST on the Grantee's website, a copy of the two-page performance report, in accordance with 2009 Laws of Minnesota, Chapter 37, Article 1, Section 4, Subdivision 1.**

3 Time

The Grantee must comply with all the time requirements described in this grant contract. In the performance of this grant contract, 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 as follows:

(a) Compensation

The Grantee will be reimbursed up to \$ **4,512.00** in state fiscal year 2022, for expenses incurred between July 1, 2021 (the effective date of the grant) and June 30, 2022, and \$ **4,512.00** in fiscal year 2023, for expenses incurred between July 1, 2022, and June 30, 2023, as determined by the grant funding formula.

(b) Total Obligation.

The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract will not exceed \$ **9,024.00**

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 following schedule:

Invoices for state fiscal year 2022 must be submitted **before June 30, 2023.**

Invoices for state fiscal year 2023 must be submitted **before June 30, 2024.**

Only submit **ONE** invoice for the total expenses incurred during each state fiscal year.

5 Conditions of Payment

All services provided by the Grantee under this grant contract 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.

Eligible reimbursement costs may not exceed \$ **4,512.00** prior to July 1, 2023.

Eligible reimbursement costs may not exceed \$ **4,512.00** prior to July 1, 2024.

6 Authorized Representative

The State's Authorized Representative is Adam Block, Boating Law Administrator, MN DNR Division of Enforcement, 500 Lafayette Road, St. Paul, MN, 55155-4047, adam.block@state.mn.us, or his successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant contract. 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 Denise Anderson, Pine County Sheriff's Office, 635 NORTHRIDGE DR NW #100, PINE CITY, MN 55063 320-629-8380, Denise.Anderson@co.pine.mn.us. If the Grantee's Authorized Representative changes at any time during this grant contract, the Grantee must immediately notify the State.

7 Assignment Amendments, Waiver, and Grant Contract Complete

7.1 Assignment

The Grantee shall neither assign nor transfer any rights or obligations under this grant contract without the prior written consent of the State, approved by the same parties who executed and approved this grant contract, 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 agreement or transaction are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant 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.

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. 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 Termination by the State

The State may immediately terminate this grant contract 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.

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.

14.4 **Additional alternate termination language may be negotiated on a case by case basis after the state agency has consulted with their legal and finance teams.**

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.

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. " 16A.15 and 16C.05

Signed: Tara Rose Digitally signed by Tara Rose
Date: 2022.01.24 12:22:47 -06'00'

Date: _____

SWIFT Contract/PO No(s). 206715/3-203270

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.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

3. STATE AGENCY

By: _____

(with delegated authority)

Title: _____

Date: _____

Distribution:

Agency

Grantee

State's Authorized Representative

Encumbrance Form

GENERAL INFORMATION:

Requestor: Chuck Niska	
Description:	SNOWMOBILE SAFETY ENFORCEMENT GRANT

CONTRACT INFORMATION:

Denise.Anderson@co.pine.mn.us

Total Contract Amount:	\$ 9,024.00
Effective Date:	July 1, 2021
Expiration Date:	June 30, 2023
Vendor Name:	Pine County Sheriff's Office
Vendor Address:	635 NORTHRIDGE DR NW #100, PINE CITY, MN 55063
Vendor #	0000197310 001
Contract #:	206715
PO #: FY2022:	3-203270
FY2023:	

FUNDING INFORMATION:

Fiscal Year	Speedchart	Fund	FinDeptID	AppropriID	Account	CC1	CC2	Amount
2022		2101	R2937714	R297404	441302	27822		\$ 4,512.00
2023		2101	R2937714	R297404	441302	27822		\$ 4,512.00
INCOMING GRANTS OR PROJECT COSTING (IF APPLICABLE)		PC Bus Unit	Project	Activity	Source Type	Category	Sub Category	
Line 1						84101501		\$ 4,512.00
Line 2								
Line 3								




AGENDA REQUEST FORM

Date of Meeting: February 1, 2022

- ☒ **County Board**
 ☒ **Consent Agenda**
 ☐ **Regular Agenda** 5 mins. ☐ 10 mins. ☐ 15 mins. ☐ Other ☐
☐ **Personnel Committee**
☐ **Other** _____

Agenda Item: Final Payment Contract #2101

Department: Pine County Public Works


Department Head signature

Background information on Item:

Final Contract #2101 in the amount of \$8,749.90 to Landwehr Construction, Inc. for
SAP 058-599-047 Windemere Twp Box Culvert located on Rush Blvd 0.7 mi. W. of Military Rd

Action Requested:

Approve final payment to Landwehr Construction, Inc. in the amount of \$8,749.90

Financial Impact:

Projects funded in 2021 budget

Contract Number: 2101
Pay Request Number: 2

Project Number	Project Description
SAP 058-599-047	Culvert 58450 and Approach Grading


Contractor: Landwehr Construction, Inc. PO Box 1086 St. Cloud, MN 56302	Vendor Number: 3216 Up to Date: 01/03/2022 Warrant # _____ Date _____
---	---


Contract Amount	Funds Encumbered
Original Contract	\$145,987.25 Original
Contract Changes	\$6,240.00 Additional
Revised Contract	\$152,227.25 Total

Work Certified to Date	
Base Bid Items	\$147,344.90
Contract Changes	\$6,240.00
Material on Hand	\$0.00
Total	\$153,584.90

Work Certified This Request	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid to Date
\$1,127.00	\$153,584.90	\$0.00	\$144,835.00	\$8,749.90	\$153,584.90
		Percent: Retained: 0%			Percent Complete: 100.89%

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By 
County/City/Project Engineer
Date 1/4/22

Approved By Landwehr Construction, Inc.

Contractor
Date 1/11/22



AGENDA REQUEST FORM

Date of Meeting: 02/01/2022



County Board



Consent Agenda



Regular Agenda

5 mins.

☐

10 mins.

☐

15 mins.

☐

Other

☐☐

Personnel Committee

☐

Other _____

Agenda Item: Approve hiring

Department: HHS

Rebecca Foss

Department Head signature

Background information on Item:

HHS was recently given permission to hire an Eligibility Worker, as current Eligibility Worker Judith Tengwall is retiring after 25 years of service to the county. Interviews were recently held and the position was offered to and accepted by Danielle Snedeker, contingent on county board approval and an acceptable background check. If approved, Danielle would begin her employment on February 7 (Grade 6, Step 1- \$20.49/hour).

Action Requested:

Approve the hiring of Danielle Snedeker as an Eligibility Worker, effective February 7 (Grade 6, Step 1- \$20.49/hour) contingent on an acceptable background check.

Financial Impact:

The position is contained in the 2022 HHS budget.



AGENDA REQUEST FORM

Date of Meeting: 02/01/2022



County Board



Consent Agenda



Regular Agenda

5 mins.

☐

10 mins.

☐

15 mins.

☐

Other

☐☐

Personnel Committee

☐

Other _____

Agenda Item: Approve new hire

Department: HHS

Rebecca Foss

Department Head signature

Background information on Item:

Interviews were recently held for a social worker position. The position was offered and accepted by Morgan Foxx, contingent on an acceptable background check and county board approval. If approved, Morgan would begin employment with Pine County on February 22 (Grade 10, Step 2- \$26.99/hour).

Action Requested:

Approve the hiring of Social Worker Morgan Foxx, effective February 22 (Grade 10, Step 2- \$26.99/hour).

Financial Impact:

The position is in the 2022 HHS budget.



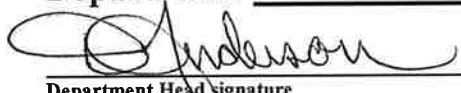
AGENDA REQUEST FORM

Date of Meeting: February 1, 2022

- ☒ **County Board**
 ☒ Consent Agenda
 ☐ Regular Agenda 5 mins. ☒ 10 mins. ☐ 15 mins. ☐ Other ☐
- ☐ **Personnel Committee**
- ☐ **Other** _____

Agenda Item: Part-time Dispatcher Position

Department: Pine County Sheriff's Office


Department Head signature

Background information on Item:

Coltin Brown has accepted the Part-time Dispatch position.

Coltin Brown's effective employment date will be February 14th, 2022 at \$21.77, Grade 7, Step 1.

Action Requested:

The Pine County Sheriff's Office/Dispatch Center asks the County Board to approve Coltin Brown for the Part-time Dispatch position.

Financial Impact:

This position is budgeted for 2022.



AGENDA REQUEST FORM

Date of Meeting: 02/01/2022



County Board

☒ Consent Agenda

☐ Regular Agenda

5 mins.

☐

10 mins.

☐

15 mins.

☐

Other

☐☐

Personnel Committee

☐

Other _____

Agenda Item: Approve attendance at conference

Department: HHS

Rebecca Foss

Department Head signature

Background information on Item:

Children's Mental Health Social Worker Cassie Peterson has requested to attend the MSSA (Minnesota Social Services Association) Conference from March 16 - 18th in Minneapolis.

Action Requested:

Approve Social Worker Cassie Peterson's attendance at the MSSA Conference in Minneapolis from March 16 - 18, 2022.

Financial Impact:

Registration: \$195

Meals: \$60

Total: \$255

There are funds in the 2022 HHS budget to cover the expenses associated with attendance at the conference.



AGENDA REQUEST FORM

Date of Meeting: February 1st, 2022



County Board

☒ Consent Agenda

☐ Regular Agenda

5 mins

☐

10 mins

☐

15 mins

☐

Other

☐

Personnel Committee



Other

Agenda Item: Approval of Overnight Training/Lodging

Department: Probation


Department Head Signature

Background information on Item:

Senior Agent Jami Tuve Anderson would like to attend Crisis Intervention training offered by the Minnesota Department of Corrections.

Action Requested:

Consider approval of Senior Agent Jami Tuve Anderson to attend CIT training at MCF-Stillwater from 4/25/22-4/29/22.

Financial Impact:

Training is FREE

Four nights lodging @ \$107.94

Total= \$431.84

Probation has allocated money for lodging in their 2022 budget, and is within budget.



AGENDA REQUEST FORM

Date of Meeting: February 1, 2022

- ☒ **County Board**
☐ **Consent Agenda**
☒ **Regular Agenda** 5 mins. ___ 10 mins. x 15 mins. ___ Other ___
- ☐ **Personnel Committee**
- ☐ **Other** _____

Agenda Item: **Ordinance 2022-05 Amending the Shoreland Management Ordinance**

Department: **Planning & Zoning**

Caleb Anderson
Department Head signature

Background information on Item:

In 2021 the County Board adopted Ordinance 2021-43 amending the County Shoreland Ordinance. At that time, due to public feedback heard in the public hearing, the County Board chose to omit language recommended by the County Zoning Board concerning variance mitigation requirements and directed the Zoning Board to study the issue more closely. Ordinance 2022-05 contains revised language, essentially making variance mitigation voluntary as a tool to strengthen variance proposals, rather than mandatory. Ordinance 2022-05 also provides clearer guidance for interpretation of the County Shoreland zoning map within the floodplain and amends the district of one parcel.

Action Requested:

- 1.) Presentation of the ordinance
- 2.) County Board questions and discussion
- 3.) Open Public Hearing and take public testimony
- 4.) Close Public Hearing
- 5.) County Board additional discussion if necessary
- 6.) Consider adoption of Pine County Ordinance 2022-05
- 7.) Authorize Board Chair and County Administrator to sign Ordinance 2022-05 and the updated Pine County Shoreland Management Ordinance, which includes all amendments since its initial adoption, including Ordinance 2022-05.

Financial Impact:

Administrative costs of this change will be offset by permit revenues within the Planning and Zoning Department.

PINE COUNTY ORDINANCE 2022-05

AMENDING THE PINE COUNTY SHORELAND MANGEMENT ORDINANCE

Section 1.

4.2 Land Use Districts

The following land use zoning districts have been established in accordance with their compatibility with the public waters classification.

- A. Special Protection District (SP)
- B. Residential—Recreational District (RR)
- C. High Density Residential District (HD)
- D. Water—oriented Commercial District (WC)
- E. General Use District (G)

4.2.1 The shorelands of Pine County, Minnesota are hereby divided into the following districts: A. Special Protection District (SP) B. Residential—Recreational District (RR) C. High Density Residential District (HD) D. Water—Oriented Commercial District (WC) E. General Use District (G).

4.2.2 The location and boundaries of the districts established by this ordinance are set forth on the Zoning Map which is hereby incorporated as part of this ordinance. A copy of the official Zoning Map shall be kept in the Zoning Administrator's office. It is the responsibility of the Zoning Administrator to continually maintain and update this map. Any amendments to the zoning map shall be recorded on such map within thirty (30) days after the official adoption of the zoning amendment by the Pine County Board.

4.2.3 Final determination of the exact location of land use district boundaries shall be made by the Zoning Administrator subject to appeal to the Board of Adjustment as provided in Section 3.2 of this ordinance.

4.2.4 Areas within the 100 year floodplain that are not shown on the official zoning map as having a land use zoning district as described in this section, shall be assigned a zoning district by the Zoning Administrator that conforms to the zoning district most directly upstream of the subject property for rivers and streams. For lakes, the Zoning Administrator shall assign a district that conforms to the neighboring properties land use district. If the neighboring properties are not assigned a zoning district, then the County Zoning Board shall assign a zoning district.

Pursuant to Section 4.2.2 above, and notwithstanding Section 4.2.4 above, the County official zoning map shall be amended as follows:



Section 3

3.6.9

Variance applications for structure setbacks, impervious surface, or other standards of this ordinance may volunteer variance mitigation consistent with the practices set forth in this section, to strengthen consistency with variance criteria of Minnesota Statute 394.27.

A.) Mitigation.

The following example variance mitigation activities may be volunteered.

- 1.) Maintain, restore and maintain, or plant and maintain a 10' wide natural vegetated buffer zone, parallel and adjacent to the OHWL (may be done for multiple increments). An access strip may be included to maintain access to the lake.
- 2.) Maintain, restore and maintain, or plant and maintain a 10' wide natural vegetated buffer along the top of a bluff or steep slope.

- 3.) Removal of structures or patios that do not meet the standard structure setbacks, including water-oriented structures.
- 4.) Maintain impervious surfaces (excluding bedrock) to at most half of the applicable ordinance maximum (12.5% impervious or less).
- 5.) Reduction of 5% impervious surfaces excluding bedrock (may be done for multiple increments).
- 6.) Re-vegetate bluff or steep slopes with natural vegetation.
- 7.) Provide screening of structures from the lake (may be done for multiple increments).
- 8.) Diversion of all water runoff from impervious surfaces (excluding bedrock) away from the water body into retention ponds, subsurface drains, wetlands, etc., with no outlet to the lake or tributary.
- 9.) Stabilize Eroding shoreline with natural vegetation. Any grading must follow natural contours of shoreline.
- 10.) Installation of 150 square foot natural vegetation infiltration area within 150' of the OHWL (may be done for multiple increments).

F.) All approved variance mitigation plans must be executed within twelve (12) months of the permit issuance date for the project receiving a variance, unless a different execution date is otherwise agreed upon by the Applicant and Zoning Board.

Stephen M. Hallan, Chair
Pine County Board of Commissioners

ATTEST:

David J. Minke
Pine County Administrator

Notice of Public Hearing Published: 01/20/2022
Public Hearing: 02/01/2022
Adopted by County Board: 02/01/2022
Publication of Ordinance: 02/10/2022
Filed with County Recorder: 02/11/2022
Effective Date: 02/11/2022

Drafted by:
Pine County Planning & Zoning Department
1610 Hwy 23 N
Sandstone, MN 55072

SHORELAND MANAGEMENT
ORDINANCE
FOR
PINE COUNTY, MINNESOTA

Adopted March 1, 2016
Amended November 7, 2017
Amended August 7, 2018
Amended September 7, 2021
Amended February 1, 2022

Drafted By:
Pine County Planning & Zoning
1610 Hwy 23 N
Sandstone, MN 55072

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THE BOARD OF COMMISSIONERS OF PINE COUNTY, MINNESOTA DOES
ORDAIN:

Section 1.0 Statutory Authorization and Policy

1.1 Statutory Authorization

This Shoreland Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 — 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter. 394.

1.2 Policy

The uncontrolled use of shorelands of Pine County, Minnesota affects the public health, solely and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the State to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Pine County, Minnesota.

Section 2.0 General Provisions and Definitions

2.1 Jurisdiction

The provisions of this ordinance shall apply to the shorelands of public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Regulations, parts 6120.2500-6120.3900, no lake, pond, or flowage less than ten (10) acres in size in municipalities or twenty-five (25) acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A separate body of water which has been created by a private user that is not connected to a public water shall be exempt from this ordinance.

2.2 Compliance

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the

cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

2.3 Enforcement

The Pine County Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.4 of this ordinance.

2.4 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2.5 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.6 Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate, or impair any easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. The ordinance entitled "Ordinance for the Management of Shoreland Areas of Pine County" dated May 1, 1986 and all subsequent amendments are hereby repealed and replaced by this ordinance.

2.7 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Accessory Structure or Facility. "Accessory structure or facility" means any building or improvement subordinate to a principal use which, because of

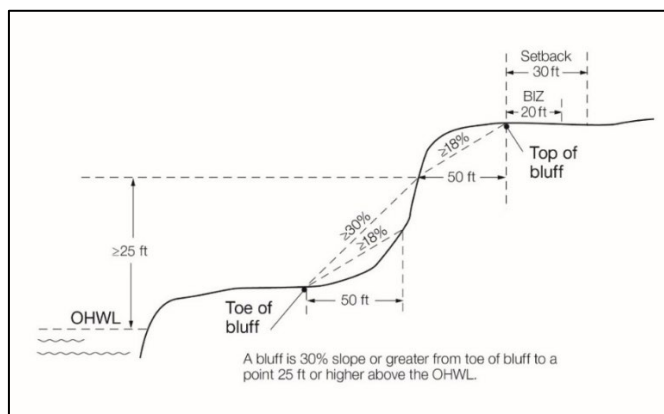
the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Agricultural Machinery. "Agricultural Machinery" means motorized or non-motorized equipment used in the raising of crops and/or livestock.

Animal Feedlot. "Animal Feedlot" means a lot or building or a group of lots or buildings intended for the confined feeding, breeding, raising or holding of animals. It includes areas specifically designed for confinement in which manure may accumulate or any area where the concentration of animals is such that a vegetative cover cannot be maintained.

Bluff. "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics:

- 1) Part or all of the feature is located in a shoreland area.
- 2) The Slope rises at least twenty-five (25) feet above the toe of the bluff.
- 3) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the toe of the bluff averages thirty percent (30%) or greater; except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff.
- 4) The slope must drain toward the waterbody.



Bluff Impact Zone. "Bluff Impact Zone" means a bluff and land located within twenty (20) feet from the top of a bluff.

Boathouse. "Boathouse" means a separate structure used solely for the storage of licensed watercraft and boating equipment, provided it shall not be used for habitation and shall not contain sanitary facilities.

Buildable Area. "Buildable Area" means the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, and to provide adequate setbacks. Areas which are floodway, wetlands, and stormwater detention/retention ponds, rights-of-way, septic system setbacks as defined in this ordinance, and slopes in excess of 25% cannot be included in calculating the buildable area of a lot.

Building Line. "Building Line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not exceed.

Commercial Hospitality or Event Center. Typically, for-profit wedding venues, retreats, arts and entertainment venues, and vacation rentals by owner.

Commercial Planned Unit Developments. "Commercial Planned Unit Developments" are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Commercial Use. "Commercial Use" means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner. "Commissioner" means the Commissioner of the Department of Natural Resources.

Conditional Use. "Conditional Use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

County. "County" means Pine County, Minnesota.

Deck. "Deck" means a horizontal unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site. This shall exclude unenclosed on-grade slabs.

Driveway. "Driveway" means a road serving as vehicular access to a parcel of land which is not dedicated to the public but is owned by one or more private parties.

Duplex, Triplex, and Quad. "Duplex, Triplex, and Quad" means a dwelling structure on a single lot, having two, three and four units, respectively, being attached by common walls and each unit is equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling Site. "Dwelling Site" means a designated location for residential use by one (1) or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit. "Dwelling Unit" means any structure or portion of a structure or other shelter designed as short- or long-term living quarters for one (1) or more persons, including rental or time-share accommodations such as motel, hotel, and resort rooms and cabins.

Essential Services. "Essential Services" means all overhead or underground electrical gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, use by public utilities or governmental departments or commissions, or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, substations, mains, drains, sewers, pipes, fire alarm boxes, police call boxes and accessories in connection therewith, but not including buildings. For the purpose of this ordinance, the word "building" does not include "structure" for essential services.

Extractive Use. "Extractive Use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and pent not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

Forest Land Conversion. "Forest Land Conversion" means the removal of forest vegetative cover to prepare for a new land use other than re-establishment of a subsequent forest stand.

Guest Cottage. "Guest Cottage" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Guest Quarters. "Guest Quarters" means an accessory structure that contains a dwelling unit that may contain sleeping spaces and/or kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit

on a lot. All finished upper story spaces in accessory structures shall be considered guest quarters for the purpose of this Ordinance.

Height of Building. "Height of Building" means the vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Home Occupation. "Home Occupation" means any use customarily conducted entirely within a dwelling, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which does not change the character thereof. No home occupation may exceed one-third (1/3) of the total floor area of the dwelling and not more than one (1) full-time non-resident employee shall be engaged on the premises for home occupation related services. No activity shall be permitted that will create a nuisance or be otherwise incompatible with adjacent residential use.

Impervious Surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, paver block patios, storage areas, and concrete, asphalt, or gravel driveways.

Industrial Use. "Industrial Use" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive Vegetation Clearing. "Intensive Vegetation Clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use. "Interim Use" means a temporary use of property until a specific date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Junk and Debris. "Junk and Debris" means the accumulation of scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, non-ferrous material, inoperable and/or unlicensed motor vehicles, recreational vehicles, agricultural, or construction machinery and parts thereof.

Junk Vehicles. "Junk Vehicles" means a vehicle that is (a) extremely damaged with the damage including such things as broken or missing wheels, motor, drive train or transmission; (b) is apparently inoperable; (c) does not display current registration; or (d) has an approximate fair market value equal only of the value of the scrap in it.

Lot. "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot Width. "Lot Width" means the shortest distance between lot lines measured at the building line.

Nonconforming Sewage Treatment System. "Nonconforming Sewage Treatment System" means those septic systems or privies that do not provide for adequate treatment of sewage or meet specific setback requirements. They include: (1) cesspools; (2) leaching pits; (3) drywells; (4) seepage pits; (5) systems with less than three feet of unsaturated soil or sand between the bottom of the drainfield or mound rockbed and the limiting soil characteristic, which includes a seasonal high water table as evidenced by the presence of ground water, mottled soil, or bedrock; (6) systems discharging sewage to (a) the surface (including tile lines), (b) active or unused wells, (c) bodies of surface waters, or (d) any rock or soil formations that are not conducive to purification of water by filtration; (7) systems that do not meet well setback requirements; (8) systems where any part of the system is under a building; (9) privies with less than three feet of separation from the bottom of an open pit to the limiting soil characteristics described in No. 5; (10) privies with sealed containers that do not meet the capacity and construction requirements of Minnesota Chapter 7080, Subp. 4. B. (2) (b); (11) septic systems where the septic tank does not meet the minimum setback of 10' from an occupied dwelling with a basement; and (12) lack of a septic system if running water is available to the property.

Nonconformity. "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorize before the adoption of official controls or amendments thereto, that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Ordinary High Water Level. "Ordinary High Water Level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the immediate bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Major Appliances. "Major Appliances" means products such as but not limited to: washers, dryers, electric and gas range stoves, refrigerators, freezers, dehumidifiers, water heaters, residential furnaces, dishwashers, garbage disposal trash compactors, microwave ovens, air conditioners, and heat pumps.

Planned Unit Development. "Planned Unit Development" means a type of development characterized by a unified site designed for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide cress of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Public Road. "Public Road" means a right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated. Ingress and egress easements shall not be considered roads.

Public Waters. "Public Waters" means any waters as defined in Minnesota Statutes, Section 105.37 subdivisions 14 and 15.

Residential Planned Unit Development. "Residential Planned Unit Development" means a use where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five (5) dwelling units or sites.

Self Storage Garage. "Self Storage Garage" means any building which provides individual storage units or areas which may be accessed only by the individual who is storing materials in the unit or area. Any structure containing two (2) or more such storage units shall be considered a self storage garage. Automobile fuels shall not be sold, or motor vehicles shall not be equipped, repaired, hired or sold from any storage unit or area.

Semi-public Use. "Semi-public Use" means the use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

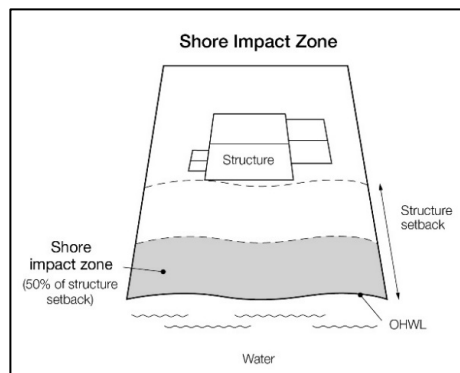
Sensitive Resource Management. "Sensitive Resource Management" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback. "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage Treatment System. "Sewage Treatment System" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 5.7 of this ordinance.

Sewer System. "Sewer System" means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore Impact Zone. "Shore Impact Zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.



Shoreland. "Shoreland" means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters

involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Significant Historic Site. "Significant Historic Site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be on unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Steep Slope. "Steep Slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and forming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Structure. "Structure" means any building, mobile home or appurtenance, including decks, except aprons, sidewalks, slabs, fences, and aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision. "Subdivision" means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Surface Water-oriented Commercial Use. "Surface Water-oriented Commercial Use" means the use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Toe of the Bluff. "Toe of the Bluff" means the lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

Top of the Bluff. "Top of the Bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Travel Trailer "Travel Trailer," means a trailer mounted on wheels, that is designed to provide temporary human living quarters during recreation, camping or travel, that does not require a special highway movement permit based on its size or weight when towed by a motor vehicle that does not exceed 102 inches in width and 40 feet in length.

Variance. "Variance" means the same as that term is defined or described in Minnesota Statutes, Chapter 394.

Waste Tire. "Waste Tire" means products made of rubber or other resilient material product, which is used on a vehicle or other equipment wheel to provide tread, which is discarded or which cannot be used as originally intended because it is used, damaged or defective. A tire that is used for recreational purposes on residential property in a manner which does not collect water, or for use in securing cover for agricultural materials on agricultural property, is not considered to be a "waste tire".

Water-oriented Accessory Structure or Facility. "Water-oriented Accessory Structure or Facility" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. These structures shall only include: boathouses, gazebos, screen houses, pump houses (not exceeding sixteen (16) sq. ft.), saunas, and detached decks.

Wetland. "Wetland" means all types and sizes of wetlands which meet the wetland definition as outlined in the January, 1989 "Federal Manual for Identifying and Delineating Jurisdictional Wetlands."

Section 3.0 Administration

3.1 Zoning Administrator

The office of the Zoning Administrator is hereby established, for which the Board of the County Commissioners may appoint such employee or employees of the county as it may deem proper.

3.1.1 Duties. The Zoning Administrator shall:

- A. Enforce and administer the provisions of this ordinance;
- B. Issue permits and certificates of occupancy and maintain records thereof;
- C. Receive and forward to the Planning Commission all applications for conditional use permits;
- D. Receive and forward all applications and petitions for matters to come before the Board of Adjustment;
- E. Receive and forward to the County Planning Commission all applications for amendments to this ordinance;
- F. Inspect all construction and development to insure that the standards of this ordinance are being complied with;
- G. Provide and maintain a public information bureau relative to matters arising out of this ordinance;
- H. Maintain the Pine County Official Shoreland Zoning Maps;
- I. File all matters required by Minnesota Statutes 394.27, Subdivision 8 and 394.301, Subdivision 4; and
- J. Perform any additional duties required in the administration and enforcement of this ordinance and the Pine County Subdivision and Plotting Ordinance.

3.2 Board of Adjustment

The existing Pine County Board of Adjustment is hereby recognized and vested with such authority as provided by statutes and ordinances. It shall be composed and act as set forth in the Pine County Subdivision and Platting Ordinance.

3.2.1 Powers. The Board of Adjustment shall have the following powers:

- A. To grant a variance as provided by statute and in this ordinance.
- B. To interpret zoning district boundaries on official zoning maps.
- C. To permit the extension of a zoning district where the boundary line thereof divides a lot in one (1) ownership of the time of the passage of this ordinance, but such extension of any district shall not exceed one hundred (100) feet.
- D. To act upon all questions as they may arise in the administration of this ordinance; and to hear and decide appeals from and to review any order, requirements, decision or determination made by an administrative official charged with enforcing this ordinance.

3.3 Planning Commission

The existing Pine County Planning Commission is hereby recognized and vested with such authority as provided by statutes and ordinances. It shall be composed, and act as set forth in the Pine County Subdivision and Platting Ordinances.

3.3.1 Powers. The Planning Commission shall have the following powers:

- A. To order the issuance of conditional and interim use permits.
- B. To make recommendations to the County Board of Commissioners on applications for amendments to this ordinance.
- C. To perform any additional duties in their capacity that will serve the public interest and desires of the County Board of Commissioners.

3.4 Permits Required

3.4.1 A permit is required for the construction of buildings or building additions (including such related activities as construction of decks), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 5.3 of this ordinance. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include such other information deemed necessary by the Zoning Administrator to ensure proper enforcement of this and any other ordinance(s), and so that a determination can be made regarding the sites suitability for the intended use and that a compliant sewage treatment system will be provided.

3.4.2 Any permit or variance which authorizes any type of improvement or use of the property shall stipulate that an identified non-conforming sewage treatment

system, as defined by Section 5.7, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

3.5 Certificate of Zoning Compliance

The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.4 of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.3 of this ordinance.

3.6 Variances from Standards

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Board of Adjustment may impose condition in granting variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. Variances may be granted when all of the following conditions are met:

- 3.6.1 The applicant's proposed use is allowed in the zoning district in which the subject property is located.
- 3.6.2 The variance is in harmony with the comprehensive plan.
- 3.6.3 A practical difficulty exists on the property preventing the applicant from complying with the ordinance. Practical difficulty is established when the applicant proposes to use the property in a reasonable manner not permitted by the ordinance or when the variance request is due to circumstances unique to the property not created by the landowner. Economic considerations alone do not constitute practical difficulties.
- 3.6.4 If granted, the variance may not alter the essential character of the locality.
- 3.6.5 No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do; nor for any other reason than meeting the criteria listed in 3.6.1-3.6.4 of this ordinance.
- 3.6.6 The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear rough proportionality to the impact created by the variance.

- 3.6.7 The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conducting of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 3.9.2 below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance, of the variance.
- 3.6.8 For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.
- 3.6.9 Variance applications for structure setbacks, impervious surface, or other standards of this ordinance may volunteer variance mitigation consistent with the practices set forth in this section, to strengthen consistency with variance criteria of Minnesota Statute 394.27.

A. Mitigation

The following example variance mitigation activities may be volunteered.

- 1) Maintain, restore and maintain, or plant and maintain a 10' wide natural vegetated buffer zone, parallel and adjacent to the OHWL (may be done for multiple increments). An access strip, may be included to maintain access to the lake.
- 2) Maintain, restore and maintain, or plant and maintain a 10' wide natural vegetated buffer along the top of a bluff or steep slope.
- 3) Removal of structures or patios that do not meet the standard structure setbacks, including water-oriented structures.
- 4) Maintain impervious surfaces (excluding bedrock) to at most half of the applicable ordinance maximum (12.5% impervious or less).
- 5) Reduction of 5% impervious surfaces excluding bedrock (may be done for multiple increments).
- 6) Re-vegetate bluff or steep slopes with natural vegetation.
- 7) Provide screening of structures from the lake (may be done for multiple increments).
- 8) Diversion of all water runoff from impervious surfaces (excluding

bedrock) away from the water body into retention ponds, subsurface drains, wetlands, etc, with no outlet to the lake or tributary.

9) Stabilize Eroding shoreline with natural vegetation. Any grading must follow natural contours of shoreline.

10) Installation of 150 square foot natural vegetation infiltration area, within 150' of the OHWL (may be done for multiple increments).

B. All approved variance mitigation plans must be executed within twelve (12) months of the permit issuance date for the project receiving a variance unless a different execution date is otherwise agreed upon by the Applicant and Zoning Board.

3.7 Conditional Uses

3.7.1 Application for Conditional Use Permit

Any use listed as a conditional use in this ordinance shall be permitted only upon application to the Planning Commission through the Zoning Administrator and issuance of a conditional use permit by the Zoning Administrator upon order of the Planning Commission.

3.7.2 Standards Applicable to all Conditional Uses

In passing upon a Conditional Use Permit, the Planning Commission shall evaluate the effect of the proposed use upon:

- A. The maintenance of safe and healthful conditions;
- B. The prevention and control of water pollution including sedimentation;
- C. Existing topographic and drainage features and vegetative cover on the site;
- D. The location of site with respect to flood plains and floodways of rivers or streams;
- E. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover;
- F. The location of the site with respect to existing or future access roads;
- G. The need of the proposed use for a shoreland location:

- H. The visibility of structures and other facilities as viewed from public waters is limited;
- I. The site is adequate for water supply and on-site sewage treatment;
- J. 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;
- K. Its compatibility with uses on adjacent land;
- L. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems; and
- M. Locational factors under which:
 - 1) domestic uses shall be generally preferred;
 - 2) uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
 - 3) use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- N. The CUP will not be detrimental to the use and enjoyment or property values of other properties within 500' of the subject property.
- O. Adequate measures are included to provide off-street parking to serve the proposed use, as no on-street parking is allowed.

3.7.3 Conditions Attached to Conditional Uses

Upon consideration of the factors listed above, the Planning Commission may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems necessary in furthering the purposes of this ordinance. Violation of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; locations of piers, docks, parking and signs; type of construction or any other requirements necessary to fulfill the purpose and intent of this ordinance.

In order to secure information upon which to base its determination, the Planning Commission may require the applicant to furnish, in addition to the information required for a zoning permit, the following information.

- A. A plan of the area showing contours, soil types, high water mark, groundwater conditions, bedrock, slope, and vegetative cover.
- B. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.
- C. Plans of buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
- D. Specifications for areas of proposed filling, grading, lagooning, or dredging.
- E. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

3.71 Interim Uses

3.71.1 Purpose and Intent

- A. To allow a use for a limited period of time that reasonably utilized the property in a manner not permitted in the applicable zoning district.
- B. To allow a use that is presently acceptable, but not permitted within the zoning districts described in Sections 4.3 through 4.7.

3.71.2 Procedure

The application, public notice, public hearing, and procedure requirements for interim use permits shall be the same as those for Conditional Use Permits as provided in M.S. 394.26

3.71.3 Standards Applicable to all Interim Uses

The Zoning Board shall issue interim use permits only if it finds that such use at the proposed location:

- A. Meets the standards of a conditional use permit set forth in section 3.7 of this ordinance.
- B. Conforms to the zoning regulations and standards of this ordinance.

- C. Will terminate upon a specific date or event specified in Zoning Board's approval of said interim use permit.
- D. Will not impose additional costs on the public if it is necessary for the public to remediate or restore the property back to compliance in the future.
- E. Will be subjected to any conditions that the Zoning Board has deemed appropriate for permission of the use which may include a condition that the owner will provide an appropriate financial surety to cover the cost to remediate or restore the property back to compliance in the future.
- F. Meets all other requirements set forth in M.S. 394.303

3.71.4 Termination

An interim use permit shall terminate upon the occurrence of any of the following events; whichever occurs first:

- A. The date or event specified in the permit.
- B. A violation of the conditions under which the permit was issued.
- C. A change in the County's zoning regulations that no longer permits the use
- D. Upon the written request of the permittee.

3.71.5 No more than three interim use permits shall be granted to a single property at one time.

3.8 Shoreland Zoning Amendments

The County Board may adopt amendments to the Shoreland Ordinance and Zoning Map in relation both to the provisions within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies or changes in conditions of the county.

3.8.1 Kinds of Amendments

- A. A change in a district's boundary (rezoning)
- B. A change in a district's regulations
- C. A change in any other provision of this ordinance

3.8.2 Initiation of Proceedings

- A. Proceedings for amending this ordinance shall be initiated by at least one 1) of the following three (3) methods:
- B. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed
- C. By recommendation of the Planning Commission
- D. By action of the County Board

3.8.3 Required Exhibits for Rezoning or District Regulation Changes Initiated by Property Owners

- A. A preliminary building or structure and site development plan. Site plan requirements are as listed in Section 3.4.1 of this ordinance.
- B. Evidence of ownership or enforceable option or easement on the property.

3.8.4 Procedure

- A. The procedure for a property owner to initiate a rezoning or district regulation change applying to this property is as follows:
- B. The applicant completes the application form and pays the required filing fee with the Zoning Administrator.
- C. The Planning Commission reviews the request, sets the public hearing, and prepares the notices.
- D. The Planning Commission prepares its recommendation after the public hearing and forwards it to the County Board.
- E. The County Board takes final approval or denial action on the amendment request.

3.9 Notifications to the Department of Natural Resources

- 3.9.1 Copies of all notices of any public hearings to consider variances, amendments, interim uses, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

- 3.9.2 A copy of approved amendments and subdivisions/plats and final decisions granting variances, interim uses, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.
- 3.9.3 In addition to formal notifications, the County may request that all written responses be forwarded to the applicant prior to any hearings. Failure to receive any such written comments by the applicant shall not invalidate any hearings.

Section 4.0 Shoreland Classification System and Land Use Districts

4.1 Shoreland Classification System

The public waters of Pine County, Minnesota have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3330, and the Protected Waters Inventory Map for Pine County, Minnesota.

4.1.1 The Shoreland are for the waterbodies listed in Sections 4.1.2 and 4.1.3 shall be as defined in Section 2.7 and as shown on the Official Zoning Map.

4.1.2 Lakes

A. Natural Environment Lakes

Protected Lakes Inventory I.D. #	Lake Home	Township	Range	Section
58-1	Black Lake	45	15	19
58-5	Hay Creek Flowage	42	16	20,29,30
58-7	Rock Lake	41	16,17	6,7,12
58-8	Cranberry	45	16,17	6,1
58-11	Five	41	17	5
58-12	McGowan Lake	41	17	8,17
58-13	Greigs	41	17	10
58-16	Twelve (Churchill)	41	17	12,13
58-18	Lena	41	17	15
58-22	Bullhead	41	17	21
58-23	Alma	41	17	28,33
58-25	Crooked Lake	42	17	18,19
58-28	Little Tamarack	42	17	33
58-29	Grace Lake	42	17	36
58-31	Pickerel Lake	45	17	1,12
58-33	Maheu	45	17	9
58-34	DeLong Lake	45	17	9,10
58-45	Wilbur	41	18	23
58-50	-----	45	18	16
58-52	Hicks Lake	45	18	34

Protected Lakes Inventory I.D. #	Lake Name	Township	Range	Section
58-54	Wallace Lake	41	19	10
58-58	McCormick	44	19	6,7
58-59	Stevens Lake	44	19	28,33
58-61	-----	45	19	3
58-63	Lords	45	19	5,6,7,8
58-71	Close	45	19	18
58-73	Dago Lake	45	19	19,30
58-74	Johnson Lake	45	19	21
58-74	Willow	45	19	26,34,35
58-77	Big Slough	45	19	28,33
58-79	Turtle	45	19	29
58-80	-----	45	19	29,30
58-83	Second Lake	44	19,20	7,12
58-89	Cedar	40	20	28,29,32,33
58-102	Fox Lake	44	20	8,9
58-103	Mud Lake	44	20	9,16
58-104	Clear Lake	44	20	9,16
58-106	Little Mud	44	20	15,16,21
58-111	Stanton Lake	44,45	20	1,2,35
58-117	Rock Lake	38	21	8,9
58-125	Grass Lake	42,43	21	3,26,27,34,35
58-126	Elbow Lake	42,43	21	3,4,33,34
58-128	Bass Lake	43	21	10,11
58-131	Fish Lake	43	21	23,24
58-132	Indian Lake	43	21	24,25
58-135	Miller Lake	43	21	35,36
58-136	Rhine Lake	44	21	31,32
13-90	-----	37,38	22	4,5,32,33

B. Recreational Development Lakes

Protected Lakes Inventory I.D. #	Lake Name	Township	Range	Section
58-10	Razor Lake	41	17	3,4
58-24	Tamarack Lake	41,42	17	4,33
58-38	Net Lake	45	17	1,2
58-48	Oak Lake	45	18	10,11,14,15
58-49	Little Oak	45	18	10,15,16
58-51	Margaret	45	18	26,35
58-62	Island Lake	45	19	3,4,8,9
58-67	Sturgeon	45	19	9,10,15,16,17,20,21
58-68	Eleven Lake	45	19	11
58-69	Twelve Lake	45	19	12
58-76	Passenger	45	19	28,29,32,33
58-78	Rush Lake	45	19	28,29
58-81	Sand Lake	45	19	4,5,6
58-107	Long Lake	44	20	15,21,22
58-123	Grindstone	42	21	3,9,16,17,21
58-129	Little Pine	43	21	10,15
58-130	Upper Pine	43	21	20,21,28,29
58-137	Bass Lake	42,43	21	6,31
58-138	Big Pine	43	21	7,8,18,19

C. General Development Lakes

Protected Lakes Inventory I.D. #	Lake Name	Township	Range	Section
58-99	First Lake	44	20	1,12
58-119	Cross Lake	39	21	11,14,15,22,23,27,28,34
58-142	Pokegama	39	22	13,14,23,24,25,26,35,36

4.13 Rivers and Streams

A. <u>Remote Rivers</u>	<u>Legal Description</u>
1. St. Croix	From border of Pine County and State of Wisconsin to west section line, Section 19, T41N, R16W
2. St. Croix	From north section line, Section 3, T40N, R17W to border of Pine and Chisago Counties
B. <u>Forested Rivers</u>	
1. St. Croix	From east line, Section 24, T41N, R17W to south section line, Section 35, T41N, R17W
2. Moose	From border of Carlton and Pine Counties to the confluence with Kettle River in Section 23, T45N, R20W
3. Snake	From south section line, Section 24, T39N, R21W to confluence with St. Croix River in Section 31, T39N, R19W
4. Net	From south section line, Section 18, T45N, R16W to border of Carlton and Pine Counties
C. <u>Transition Rivers</u>	
1. Snake	From border of Kanabec and Pine Counties to north section line, Section 25, T39N, R21W
D. <u>Wild and Scenic River</u>	
1. Kettle	From border of Pine and Carlton Counties to confluence with St. Croix River in Section 20m, T39N, R19W

PLEASE NOTE that portions of the following designated tributaries to the Kettle River will be affected by MN rules, Parts 6105.0110, Subp. 3, Item B, subitem (3) and 105.0120 relating to statewide standards and criteria for Wild, Scenic and Recreational Rivers:

Birch Creek	Moose River	Grindstone River
Willow River	Pine River	Cedar Creek
Cane Creek	Wolf Creek	Deer Brook
Deer Creek	Fox Brook	Kennedy Brook

E. Tributary - Natural Environment (Trout Streams)

Stream Name	Township	Range	Section
Bang's Brook	41	17	11,14,15,20,21,22,29
Barnes Spring	41	18	1,12
Bjork Creek	42	16	2,9,10,11
Cons Creek	41	17	15,16,22
Crooked Creek	41	17	18,19,20,29,30
	and 41	18	12,13
West Fork Crooked Creek	41	18	11,12
	and 42	18	3,4,9,10,16
	and 43	18	27,34
Crystal Creek	41	16	9,10,15
N. Fork Grindstone River	42	21	20,21,28,29
Clover Creek	40	18	6,7,8,18,19
	and 41	18	9,10,15,20,21,22,29,32,33
Little Hay Creek	40	18	8,9
Unnamed to Larsons Creek	44	17	4,5
Larsons Creek	44	17	5,8
	and 45	17	29,32
Lost Creek	40	19	9,10,15
Albrechts Creek	42	16	28,33
Mission Creek	40	21	1,2
	and 41	20	30,31
	and 41	21	36
Pelkey Creek	41	20	33,34,35
Sand River Headwaters	43	18	4,5,7,8,18,19
	and 43	19	24
	and 44	18	33,34
Spring Brook	41	20	16,17,18,21
Wilbur Brook	41	17	29,30
	and 41	18	23,24,25,26

Stream Name	Township	Range	Section
Willow River Headwaters	45	17	19,22,27,28,29,30
	and 45	18	13,14,15,24
Wolf Creek	42	18	4,9,16
Wolf Creek	and 43	18	32,33

F. Tributary Streams

Stream Name	Township	Range	Section
Unnamed to Rush Lake	38	22	34
Unnamed to Rock Creek	38	21	12,13,23,24
Mud Creek	39	22	7,18,19
Unnamed to Pokegama Creek	39	22	4,9,10,11,14,15,16
Pokegama Creek	39	22	1,11,12,13,14,36
	and 40	22	5,8,9,14,15,16,23,24,36
	and 40	21	30,31
Jarvis Creek	39	22	33,34,35
Unnamed to Pokegama Creek	39	22	1,2
Mission Creek	39	22	25,36
	and 39	21	4,5,8,17,18,19,30,31
	and 40	21	12,13,14,22,23,27,28,32,33
	and 41	21	25,26
Bear Creek	39	20	17,20,29
Unnamed to Bear Creek	39	20	18,19,20
Red Horse Creek	39	19	7,18,19,30
Unnamed	40	22	11,13,14,24
East Pokegama Creek	40	21	6,7,17,18,19,20,30
	and 41	21	29,32
Unnamed to East Pokegama Creek	40	21	5,8,17,20
	and 41	21	33,34
Cedar Creek	40	20	14,22,23,27,28,29,30
Unnamed to Cedar Creek	40	20	28

Stream Name	Township	Range	Section
Kennedy Brook	40	19	33
Lost Creek	40	19	14,15,22
Bear Creek	40	19	6,7,8,16,17,20,21,22,23,26,35
	and 41	19	5,8,9,16,21,28,33
	and 42	19	30,31,32
Sand Creek	40	19	2,11,12,13,24
	and 40	18	19
	and 41	19	2,3,11,14,23,25,26,35,36
	and 42	19	1,2,11,14,22,23,26,27,34,35
	and 43	19	25,36
Unnamed to Sand Creek	43	18	3
	and 44	18	34,35
Little Sand Creek	40	19	1,11,12
	and 41	19	1
	and 41	18	6,7,18,19,30,31,32
	and 42	19	36
	and 42	18	19,30,31
Grindstone River	41	21	24
	and 41	20	15,19,20,21,22,28
Unnamed to Grindstone Lake	42	21	8,9
North Fork Grindstone River	41	21	3,10,14,15,23
	and 42	21	33,34
South Fork Grindstone River	41	21	7,15,16,17,18,21,22,23
Deer Creek	41	20	4,5,9
Fox Brook	41	20	2,9,10,11
Little Bear Creek	41	19	3,4,9,10
Little Bear Creek	and 42	19	33
West Fork Crooked Creek	41	18	2
	and 42	18	16,21,22,27,34,35
	and 43	18	14,23,26

Stream Name	Township	Range	Section
East Fork Crooked Creek	41	18	12
	and 41	17	6,7
	and 42	18	25,36
	and 42	17	6,7,18,19,30,31
	and 43	18	24
	and 43	17	6,7,18,19,30,31
Unnamed to East Fork Crooked Creek	42	17	17,18,19
Crooked Creek	41	17	32
Thunder Creek	41	18	2
	and 42	18	14,23,26,35
Kenney Brook	41	17	5,8,17,19,20
Lower Tamarack Riva	41	16	4,5,7,8,18
	and 42	16	31,32,33
	and 42	17	5,8,16,17,21,25,26,27,28,36
	and 43	17	3,4,9,10,16,21,28,29,32
	and 44	17	1,2,10,11,15,21,22,28,33
Upper Tamarack River	41	17	2
	and 42	16	12,13,14,23,24,25,36
	and 42	15	6,7
Partridge Creek	42	19	3,10,15,22,27
	and 43	19	26,27,34,35
Hay Creek	42	19	13,24,25
	and 42	18	7,18,30,31
Little Ox Creek	42	17	4,9
Ox Creek	43	17	33,34,35
Strawberry Creek	42	18	3
Keene Creek	42	17	3,9,10,16
	and 43	17	1,12,13,14,23,24,26,27,34
	and 43	16	6,7
Keene Creek	and 44	16	30,31

Stream Name	Township	Range	Section
Unnamed to McDermott Creek	43	16	4
	and 44	16	20,29,32,33
McDermott Creek	42	17	1,12,13,14,22,23,27
	and 42	16	5,6,7
	and 43	16	4,5,8,9,17,19,20,30,3'
	and 44	16	22,27,28,33
Squib Creek	42	17	12
	and 42	16	5,6,7
	and 43	16	21,28,32,33
Hay Creek	42	16	3,4,9,10,16,17,20,21,29,30,31
	and 43	16	1,11,12,14,22,23,27,34
	and 44	16	24,25,36
	and 44	15	18,19
Pine River	43	21	3,4,8,9
	and 44	21	22,23,24,27,34
	and 44	20	19,29,30,32
Little Pine Creek	43	21	3,10,15,16,21,29,30,31,32
Wolf Creek	43	20	27,34
O'Mix Creek	43	20	4,5,8,9,16,17
Log Drive Creek	43	20	12,13,14
Cone Creek	43	20	1,2,11
	and 43	19	6
Wolf Creek	43	18	28,29
Johnson Creek	43	17	16,21
Unnamed	43	17	3
Little McDermott Creek	43	16	7,8,18,19
Unnamed to Hay Creek	43	16	10,11
Unnamed	43	16	2,3,11
Bremen Creek	44	21	19,20,21,22,27,28

Stream Name	Township	Range	Section
Little Bremen Creek	44	21	5,6,8,9,16,17,20
	and 45	21	31,32
Rhine Creek	44	21	29,31,32,33,34
	and 43	21	6
Willow River	44	20	1,3
	and 44	19	6
	and 45	18	20,21,22,29,30
	and 45	20	36
Unnamed to Little Willow River	44	18	7,18
	and 44	19	12
Little Willow River	44	19	1,2,3,12
	and 44	18	2,3,7,8,9,10
Nemadji River	45	17	4,5,8,9,
Birch Creek	45	21	
	and 45	20	18,19,20,21,22,23
Hay	45	18	19,20,21,30
Unnamed	45	17	5,7,8,18,19,20,30
Unnamed	45	16	30,31
Little Net River	45	16	5,6,8
Unnamed to Kettle River	42	20	3
Unnamed to Kettle River	12	20	11,12,14
Unnamed to Pine River	44	20	7,8,17
	and 44	21	5,7,8,18
Unnamed to Tributary	44	21	13,24
Unnamed to Pine River	44	20	1,12,13
	and 44	21	19,30
Unnamed to Kettle River	44	20	25,36
Unnamed to Kettle River	44	19	25,26,27
	and 44	20	6
Unnamed to Birch Creek	45	20	1,12

4.2 Land Use District

The following land use zoning districts have been established in accordance with their compatibility with the public waters classification.

- 4.2.1 The shorelands of Pine County, Minnesota are hereby divided into the following districts:
 - A. Special Protection District (SP)
 - B. Residential—Recreational District (RR)
 - C. High Density Residential District (HD)
 - D. Water—oriented Commercial District (WC)
 - E. General Use District (G)
- 4.2.2 The location and boundaries of the districts established by this ordinance are set forth on the Zoning Map which is hereby incorporated as part of this ordinance. A copy of the official Zoning Map shall be kept in the Zoning Administrator's office. It is the responsibility of the Zoning Administrator to continually maintain and update this map. Any amendments to the zoning map shall be recorded on such map within thirty (30) days after the official adoption of the zoning amendment by the Pine County Board.
- 4.2.3 Final determination of the exact location of land use district boundaries shall be made by the Zoning Administrator subject to appeal to the Board of Adjustment as provided in Section 3.2 of this ordinance.
- 4.2.4 Areas within the 100 year floodplain that are not shown on the official zoning map as having a land use zoning district as described in this section, shall be assigned a zoning district by the Zoning Administrator that conforms to the zoning district most directly upstream of the subject property for rivers and streams. For lakes, the Zoning Administrator shall assign a district that conforms to the neighboring properties land use district, where it can be shown conclusively what the zoning district of the locality is intended to be. Where it cannot be shown conclusively what the intended land use district is, the Zoning Administrator shall consult the County Zoning Board and/or initiate an ordinance amendment, amending the zoning map.

4.3 Special Protection District (SP)

4.3.1 Purpose

The Special Protection District (SP) is intended to be used for two basic purposes. The first purpose is to limit and properly manage development in areas that are generally unsuitable for development or uses due to flooding, erosion, limiting soil conditions, steep slopes, or other major physical constraints. A second purpose is to manage and preserve areas with special historical, natural or biological characteristics.

4.3.2 Permitted Uses

- A. All general agricultural pasture, minimum tillage crop land and other existing agricultural land uses; except that no wetlands shall be drained to facilitate cultivation of shoreland areas within specified distances of lakes or streams depending upon topography.
- B. Forestry, forest management and sensitive resources management.
- C. Mining of metallic minerals and peat as regulated in Minnesota Statutes Sections 93.44 to 93.51.
- D. Nature areas, hiking and riding trails, wildlife preserves and designated official wetland areas.

4.3.3 Conditional Uses

- A. Agricultural Feedlots
- B. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas line
- C. Parks, historic sites, and camping facilities
- D. Non-residential structures used solely in conjunction with raising wild animals or fish
- E. Extractive uses
- F. Single Family Residential dwellings
- G. Home occupations

4.4 Residential Recreational District (RR)

4.4.1 Purpose

The purpose of the Residential-Recreational District (RR) is primarily intended to allow low to medium density seasonal and year around residential uses on lands suitable for such uses. It is also intended to prevent establishment of various commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

4.4.2 Permitted Uses

- A. All Permitted Uses in the Special Protection District as specified in Section 4.3.2
- B. Forestry, forest management, and sensitive resources management
- C. Single family seasonal or year around residential uses
- D. Duplex, triplex and quad residential multi-family dwellings
- E. Agricultural uses, including buildings
- F. Essential services
- G. Mining of metallic minerals and peat as regulated in Minnesota Statutes 93.44 to 93.51
- H. Nature areas, hiking and riding trails, wildlife preserves and designated official wetland areas

4.4.3 Conditional Uses

- A. All Conditional Uses in the Special Protection District as specified in Section 4.3.3
- B. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines
- C. Parks, historic sites, and camping facilities
- D. Non-residential structures used solely in conjunction with raising of wild animals and fish

- E. Extractive uses
- F. Semi-public uses
- G. Home occupations approved as being compatible with other general allowable uses of this district
- H. Self storage garages
- I. Recreational vehicle repair and service facilities
- J. Commercial Hospitality or Event Center

4.5 High Density Residential District (HD)

4.5.1 Purpose

The purpose of the High Density Residential District (HD) is intended for use on lands with heterogeneous mixes of soils, vegetation, and topography that are not well suited to residential development using standard, lot-block subdivisions. This approach enables such areas to be developed, often even with higher than lot-block densities, while also avoiding and preserving unsuitable terrain and soils. Other compatible uses such as residential planned unit development, surface water-oriented commercial, multiple unit, single-family, parks, historic sites, and semi-public are also allowed, primarily as conditional uses.

4.5.2 Permitted Uses

- A. All Permitted Uses in the Residential Recreational District as specified in Section 4.4.2
- B. Forestry, forest management, and sensitive resources management
- C. Single family seasonal or year around residential dwellings
- D. Duplex, triplex, and quad residential multi-family dwellings
- E. Essential services
- F. Nature areas, hiking and riding trails, wildlife preserves and designated official wetland areas
- G. Medical, health care, elderly/nursing care and chemical dependency treatment facilities

4.5.3 Conditional Uses

- A. All Conditional Uses in the Residential Recreational District as specified in Section 4.4.3
- B. Residential Planned Unit Developments
- C. Surface water oriented commercial uses which are necessary to a residential planned unit development
- D. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines
- E. Parks, historic sites, and camping facilities
- F. Non-residential structures used solely in conjunction with raising of wild animals and fish
- G. Semi-public uses
- H. Home occupations approved as being compatible with other general allowable uses of this district
- I. Self storage garages
- J. Manufactured Home Parks and Recreational Camping Vehicle Areas, provided:
 - 1) Site plans shall be approved by the Planning Commission.
 - 2) They shall be licensed by and in conformance with the standards prescribed by the Minnesota Department of Health, except where provisions of this ordinance are more restrictive, and then these provisions shall prevail.
 - 3) Each manufactured home or recreational camping vehicle shall meet the water and road setback provisions for the classes of public waters prescribed in Section 5.2.1.
 - 4) There shall be at least ten (10) feet between the sides of adjacent manufactured homes, including their attachments, and at least three (3) feet between manufactured homes when parked end to end.

- 5) Each manufactured home site shall be at least 4,000 square feet in area; each recreational camping vehicle site shall be at least 2,000 square feet in area.
- 6) A centralized sewage disposal facility which meets the standards, criteria, rules or regulations of the Minnesota Department of Health and this ordinance must be installed.
- 7) No individual on-site sewage disposal systems shall be used, unless site sizes meet the provisions of Section 5.1 for lot area and length of water frontage.

4.6 Water-oriented Commercial District (WC)

4.6.1 Purpose

The purpose of the Water-oriented Commercial District (WC) is intended to be used only to provide for existing or future commercial uses adjacent to water resources that are functionally dependent on such close proximity.

4.6.2 Permitted Uses

- A. All Permitted Uses in the High Density Residential District as specified in Section 4.5.2
- B. Surface water oriented commercial uses on General and Recreational Development Lakes. Such uses include single family dwellings associated with a resort, marinas, campgrounds, recreational vehicle parks, bait shops, and marine repair shops
- C. Resorts and other permanent buildings which provide sleeping accommodations on a transient rental basis
- D. Restaurants, drive-ins, dinner clubs, taverns and private clubs
- E. Home occupations
- F. Manufactured Home Parks and Recreational Camping Vehicle Areas provided the requirements of Section 4.5.3, J are satisfied

4.6.3 Conditional Uses

- A. All Conditional Uses in the High Density Residential District as specified in Section 4.5.3

B. Residential Planned Unit Developments

C. Public and semi-public uses

D. Commercial Planned Unit Developments, the limited expansion of a commercial planned unit development involving six (6) additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 8.0 are satisfied

E. Surface water-oriented commercial uses on Natural Environment lakes and all rivers and streams

F. Self storage garages

4.7 General Use District (G)

4.7.1 Purpose

The purpose of the General Use District (G) is intended to be used only for lands already developed or suitable for development with concentrated urban, particularly commercial land uses. It should not generally be used on natural environment lakes or remote river classes. Several other intensive urban uses such as industrial and commercial planned unit developments are allowed in this district if handled as conditional uses.

4.7.2 Permitted Uses

A. All Permitted Uses in the Water-oriented Commercial District as specified in Section 4.6.2

B. Hotels, motels, resorts, and other permanent buildings which provide sleeping accommodations on a transient rental basis

C. Restaurants. Drive-ins, dinner clubs, taverns, and private clubs

D. Retail businesses, novelty shops and service facilities such as gas stations and any other establishments except those engaged in manufacturing or processing enterprises

E. Manufactured Home Parks and Recreational Camping Vehicle Areas provided the requirements of Section 4.53, J are satisfied

F. Mining of metallic mineral sand peat in accordance with Minnesota Statutes 93.44 to 93.51

- G. Commercial uses involved in the sole, lease, rental, or trade of products, goods, and services

4.7.3 Conditional Uses

- A. All Conditional Uses in the Water-oriented Commercial District as specified in Section 4.6.3
- B. Extractive uses
- C. Parks and historic sites
- D. Industrial uses involved in the production, manufacturing, warehousing, storage or transfer of goods, products, commodities, or other wholesale items. Industrial uses shall be restricted to General and Recreational Development Lakes on prohibited from Natural Environment Lakes and all river and stream shoreland areas

Section 5.0 Zoning and Water Supply/Sanitary Provisions

5.1 Lot Area and Width Standards

The lot area (in square feet) and lot width standards, as measured at the building line and at the ordinary high water level (in feet), for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the Lake and River/Stream Classifications are the following:

5.1.1 Unsewered Lakes

A. Natural Environment

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

B. Recreational Development

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

C. General Development

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
Single	40,000	150	40,000	150
Duplex	50,000	200	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

5.1.2 Sewered Lakes

A. Natural Environment

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
Single	40,000	125	20,000.	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

B. Recreational Development

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
Single	20,000	100	15,000	100
Duplex	35,000	150	26,000	150
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

C. General Development

	<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
	Area	Width	Area	Width
Single	15,000	100	10,000	100
Duplex	26,000	150	17,500	150
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

- 5.1.3 River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential development for the four (4) river/stream classifications are:

				Tributary- Natural Environment (Trout Streams)	Tributary Non Sewer	Tributary- Sewer
	Remote	Forested	Transition			
Single	350	200	250	200	150	75
Duplex	450	300	375	300	150	115
Triplex	600	400	500	400	200	150
Quad	750	500	625	500	250	190

5.1.4 Additional Special Provisions

- A. Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections 5.1.2 and 5.1.3 can only be allowed if designed and approved as residential planned unit developments under Section 8.0 of this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 5.1.2 can only be used if public:" owned sewer system service is available to the property.
- B. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
 - 1) each building must be setback at least two hundred (200) feet from the ordinary high water level;
 - 2) each building must have common sewage treatment and water system; in one (1) location and serve all dwelling units in the building;
 - 3) watercraft docking facilities for each lot must be centralized in one (1) location and serve all dwelling units in the building; and
 - 4) no more than twenty-five percent (25%) of a lake's shoreline can be in duplex, triplex, or quad developments.

- C. One (1) guest cottage or guest quarters may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 5.1.1-5.1.3, provided the following standards are met:
- 1) for a lot exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex sized lot that could be created including the principal dwelling unit:
 - 2) a guest cottage must not cover more than seven hundred (700) square feet of land surface and must not exceed fifteen (15) feet in height; and
 - 3) a guest cottage or building with guest quarters must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
 - 4) The building footprint for an accessory structure containing a guest quarters is limited by impervious surface limits according to Section 5.5.2 and the guest quarters shall not exceed 700 square feet.
 - 5) An accessory structure with a guest quarters shall not exceed 25 feet in building height.
- D. Lots created after the effective date of this ordinance and intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:
- 1) They must meet the width and size requirements for residential lots and be suitable for the intended uses of controlled access lots.
 - 2) If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of Lake Size to Shore Length (acres/mile)	Required Increase in Frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- 3) They may be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot. Or
- 4) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage building, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

5.2 Placement, Design, and Height of Structures

- 5.2.1 Placement of Structures on Lots. When more than one (1) setback applies to a site, structures and facilities must be located to meet all setbacks. Where principal dwellings exist on the adjoining lots on both sides of a proposed building site, principal setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level or the road setbacks, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows. In

determining the altered setback, the average setback of the two (2) adjoining structures shall be used in determining the required setback.

A. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*

<u>Classes of Public Waters</u>	<u>Setbacks* Structures- Unsewered</u>	<u>Structures- Sewered</u>	<u>Sewage Treatment System</u>
Lakes			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	100
Rivers			
Remote	200	200	150
Forested and Transition	150	150	100
Tributary	100	50	75
Tributary- Natural Environment (Trout Streams)	150	100	150

- * One (1) water oriented accessory structure designed in accordance with Section 5.2.2; B; 2) of this ordinance. **Note:** For Wild and Scenic District requirements, refer to the Kettle River Wild and Scenic River Ordinance, Pine County.

B. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From	Setback (in feet)
1) top of bluff	30
2) unplatted cemetery	50
3) right-of-way line federal, state, or county highway	20
4) right-of-way line of a town road, public street, road, or a private road easement	20
5) side yard (measured from the lot line to the building side wall)	5 (3' to eaves)

C. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

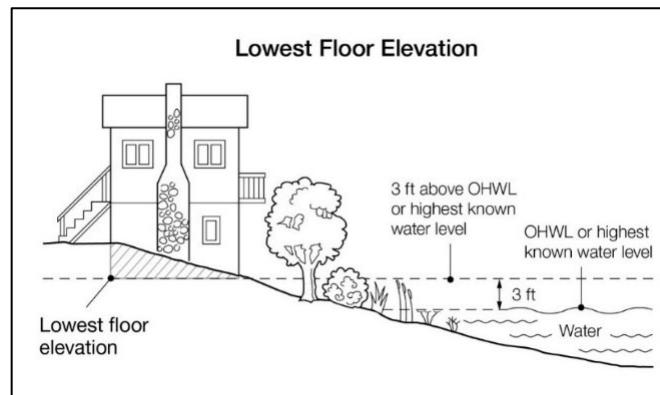
- D. Uses Without Water Oriented Needs. Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
- E. Temporary Vehicles/Buildings. Hereafter no person shall erect, alter the outside dimensions, or move any building or *part* thereof without first securing a building site permit therefore. Licensed camping vehicles may be located in shoreland areas without a building site permit, provided dimensional requirements of Section 5.2.1 are met. All vehicles shall be connected to an approved sanitary sewer or grey water disposal system when running water is available on or to the site. Licensed fish houses may be temporarily located in shoreland areas without a building site permit, provided dimensional requirements of Section 5.2.1 are met.
- F. Camping Vehicles shall also be limited to two (2) per lot and will be considered permanent and shall be subject to all permits, setbacks, area, and sanitary sewer system requirements of this Ordinance in either of the following cases:
 - 1) when the development of a structural addition to the camping vehicle occurs, or when an accessory structure or storage building is completed on the site; or
 - 2) the camping vehicle is unlicensed.

5.2.2 Design Criteria for Structures

- A. High Water Elevations. Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
 - 1) For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher.
 - 2) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon

flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one (1) approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

- 3) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind driven waves and debris.
- 4) Structures not intended for human habitation (including attached garages or carports) shall be placed so that the lowest floor is at an elevation not less than the highest known water level elevation.



B. Water Oriented Accessory Structures. Each lot may have one (1) water oriented accessory structure not meeting the normal structure setback in Section 5.2.1 of this ordinance if this water oriented accessory structure complies with the following provisions:

- 1) The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed six (6) feet above grade at any point.
- 2) The setback of the structure or facility from the ordinary high water level must be at least: ten (10) feet for boathouses and twenty-five (25) feet for all other water oriented structures.

- 3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
 - 4) The roof may be used as a deck with safety rails not exceeding four (4) feet in height but must not be enclosed or used as a storage area.
 - 5) The structure or facility must not be designed or used for human habitation and must not contain sewage treatment facilities.
- C. Patios are allowed behind the structure setback without a permit provided that all setbacks are met, and the property does not exceed the maximum allowable impervious surface standards. Patios within the structure setback require a permit and shall comply with the following standards:
- 1) Not be located in shore impact zone except as water-oriented accessory structure according to Article 5.2.2B;
 - 2) Be free standing;
 - 3) Have no railings;
 - 4) Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented Stormwater Management Plan according to Article 5.5 of this ordinance;
 - 5) Not be more than one foot below or above natural ground level;
 - 6) Construction complies with all provisions of Articles 5.3.2 and 5.5 of this ordinance
 - 7) The maximum impervious surface limits for the lot shall not be exceeded.
- D. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.
- 1) Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.

- 2) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties and planned unit developments.
 - 3) Canopies or roofs are not allowed on stairways, lifts or landings.
 - 4) Stairways, lifts and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - 5) Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 - 6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- E. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- F. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation
- 5.2.3 Height of Structures. All structures in residential districts, except churches and non-residential agricultural structures, must not exceed twenty-five (25) feet in height.
- 5.2.4 The outside storage of junk and debris, junk vehicles, major appliances, and waste tires in the shore impact zone is prohibited. The accumulation of agricultural machinery, except tire piles, on land classified for property tax

purposes as agricultural is exempt from this section, provided that fluids have been drained and contained.

5.3 Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

5.3.1 Vegetation Alterations

- A. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.4 of this ordinance are exempt from the vegetation alteration standards that follow.
- B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 5.6.2 and 5.6.3, respectively, is allowed subject to the following standards:
 - 1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - 2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water oriented accessory structures or facilities, provided that:
 - a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - b) Along river, existing shading of water surfaces is preserved.
 - c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

5.3.2 Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

5.3.3 Topographic Alterations/Grading and Filling

- A. Grading and filling and excavations necessary for the construction of structures and sewage treatment systems under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures and sewage treatment systems.
- B. Roads, driveways, and parking areas are regulated by Section 5.4 of this ordinance.
- C. Notwithstanding Items A and B above, a grading and filling permit will be required for the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones or more than fifty (50) cubic yards of material on property under the jurisdiction of this ordinance. Grading and filling of material outside of steep slopes and shore and bluff impact zones shall not require a permit; however, the property owner shall be required to obtain a grading and filling plan from the Department and follow the requirements of Section 5.3.3D.
- D. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals:
 - 1) Grading, filling in any type 1,2,3,4,5,6,7, or 8 wetland must be approved the Pine County Soil and Water Conservation District, Minnesota Department of Natural Resources, or Army Corps of Engineers. Before authorizing any grading or filling activity in any type 1,2,3,4,5,6,7, or 8 wetland the Department must consider how extensively the proposed activity would affect the following functional qualities of the wetland:
 - a) sediment and pollutant trapping and retention;
 - b) storage of surface run-off to prevent or reduce flood damage;
 - c) fish and wildlife habitat;
 - d) recreational use;

- e) shoreline or bank stabilization; and
 - f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- 2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - 3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
 - 4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - 5) All grading and filling plans must be reviewed by the Soil and Water Conservation District to ensure adequate seeding, mulching and other erosion control measures are being proposed.
 - 6) Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - 7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty percent (30%) or greater.
 - 8) Fill or excavated material must not be placed in bluff impact zones.
 - 9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.
 - 10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - 11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - a) the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical,

- b) the landward extent of the riprap is within ten (10) feet of the ordinary high water level,
 - c) the height of the riprap above the ordinary high water level does not exceed three (3) feet,.
 - d) Installation of riprap is allowed only where there is a demonstrated need to stop existing erosion or to restore an eroded shoreline, as determined by the Department or the Pine Soil and Water Conservation District.
 - e) Only natural rock (cannot average less than 6 inches or more than 30 inches in diameter) may be used that is free of debris that may cause pollution or siltation. Concrete is not allowed.
 - f) A filter of crushed rock, gravel, or filter fabric material must be placed underneath the rock.
 - g) Construction of retaining walls taller than 4' within the shore impact zone is prohibited unless designed by a professional engineer.
 - h) The riprapped area must be no more than 200 linear feet of shoreline along lakes and wetlands or, along shorelines of streams, must be less than five times the average width of the affected watercourse.
- E. Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
- F. Construction and maintenance of non-naturally occurring beach sand blankets is prohibited within the shore impact zone. Contained sand boxes, not exceeding 32 square feet are allowed, without permit, in the shore impact zone.

5.4 Placement and Design of Roads, Driveways, and Parking Areas

- 5.4.1 Construction of roads, driveways, and parking areas shall require a permit from the department.
- 5.4.2 Roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view

from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

- 5.4.3 Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
- 5.4.4 Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 5.3.3 of this ordinance must be met.

5.5 Stormwater Management

The following general and specific standards shall apply:

5.5.1 General Standards

- A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater run-off before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential, and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible, and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater run-off using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and non-made materials and facilities.

5.5.2 Specific Standards

- A. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

5.6 Special Provisions for commercial, Industrial, Public/Semipublic, Agricultural, Forestry, and Extractive Uses and Mining of Metallic Minerals and Peat

5.6.1 Standards for Commercial, Industrial, Public and Semipublic Uses

- A. Surface Water-oriented Commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards:
 - 1) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - 2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - 3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards which apply only within the shore impact zone:
 - a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - b) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary

to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.

- c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- B. Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

5.6.2 Agriculture Use Standards

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under on approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
- B. Animal feedlots must meet the following standards:
- 1) New feedlots must not be located on the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred (300) feet from the ordinary high water level of all public waters basins.
 - 2) Modifications or expansions to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further

encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

5.6.3 Forest Management Standards. The activities associated with all forest management practices on forest land must be conducted consistent with the provisions of the Water quality in Forest Management "Best Management Practices in Minnesota."

5.6.4 Extractive Use Standards

A. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

5.6.5 Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51 are satisfied.

5.7 Water Supply and Sewage Treatment

5.7.1 Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

5.7.2 Sewage Treatment. Any premises used for human occupancy must be provided with an adequate system of sewage treatment and/or grey water disposal, as follows:

A. Publicly owned sewer systems must be used where available.

B. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment System Standards, Chapter 7080," a copy of which is hereby adopted by

reference and declared to be a part of this ordinance. In addition to the Chapter 7080 regulations, the County will also require the following:

- 1) After May 1, 1994, individual sewage treatment system evaluators, designers, inspectors, pumpers and installers shall have provisional Minnesota Pollution Control Agency certification. After May 1, 1996, full certification shall be required.
- 2) All privies must provide a sealed tank as defined in Chapter 7080 and no open pits will be allowed. Any privy not connected to the dwelling shall not require installation or design by a certified installer, designer, or evaluator. IN remote areas not accessible by pumper trucks, the owner may request approval for land application of wastewater provided the application site is outside the shoreland area and provided it meets township regulations.
- C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 5.2.1 of this ordinance.
- D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1) - (4). It shall be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- 1) Depth to the highest known groundwater table or seasonally saturated soil condition, or bedrock;
 - 2) Soil conditions, properties, and permeability;
 - 3) Slope;
 - 4) The existence of low lands, local surface depressions, and rock outcrops.
- E. Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Section 6.3 of this ordinance.

Section 6.0 Non-Conformities

All legally established non-conformities as of the date of this ordinance may continue, but they will be managed according to the applicable state statutes and other regulations of the county for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

6.1 Construction on Non-conforming Lots of Record

- 6.1.1 Lots of record in the office of the County Recorder as of October 1, 1973 that do not meet the requirements of Section 5.1 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district; the lot has been in separate ownership from abutting lands at all times since it become substandard; was created in compliance with official controls in effect at the time; impervious surface lot coverage does not exceed 25 percent; and sewage treatment and setback requirements of this ordinance are met.
- 6.1.2 Lots of record within the Snake River Shoreland District, which were plotted or created between October 1, 1973 and January 1, 1993, may be allowed as building sites without a variance provided (1) the lot width at the ordinary high water level and at the setback line is a minimum of one hundred (100) feet; (2) structures must be setback a minimum of seventy-five (75) feet from the ordinary high water level; and (3) sewage treatment systems shall be setback a minimum of one hundred (100) feet from the ordinary high water level.
- 6.1.3 Lots of record within the General Development Shorelands of First Lake (58-99), Cross Lake (58-119), and Pokegama Lake (58-142), which were plotted or created between October 1, 1973 and January 1, 1993, may be allowed as building sites without a variance provided (1) the lot area is at least 20,000 square feet; (2) the lot width is at least one hundred (100) feet; and (3) sewage treatment systems shall be setback a minimum of one hundred (100) feet from the ordinary high water level.
- 6.1.4 If a variance from setback requirements must be obtained before any use, sewage treatment systems, or building permit is issue for a lot, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- 6.1.5 If, in a group of two or more contiguous lots under common ownership, any individual lot does not meet the requirements 66% of the dimensional standard lot width and size described in Section 5.1 of this Ordinance, the lot must not

be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one (1) or more contiguous lots, so they equal one (1) or more parcels of land, each meeting the requirements of Section 5.1 of this ordinance as much as possible.

- 6.1.6 Notwithstanding paragraph Section 6.1.5, contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section Minnesota Statute 115.5 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- 6.1.7 A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.
- 6.1.8 In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

6.2 Repair, restoration, maintenance, or improvement to Certain Non-conforming Structures

- 6.2.1 For homestead, non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If such building permit is applied for, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required

setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

6.2.2 Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

- A. The structure existed on the date the structure setbacks were established.
- B. A department evaluation of the property and structure reveals no alternative location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
- C. The deck does not encroach into any shore impact or bluff impact zones.
- D. The deck is constructed primarily of wood and is not roofed or screened.

6.3 Non-conforming Sewage Treatment Systems

6.3.1 All non-conforming properties will be subject to the regulations described in the Pine County Subsurface Sewage Treatment Systems Ordinance as well as Minnesota Chapter 7080.

Section 7.0 Subdivision/Platting Provisions

7.1 Land Suitability.

Each lot created through subdivision, including planned unit developments authorized under Section 8.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. The land suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities. Additional information may be required by the County to complete the land suitability analysis in evaluating the impacts on near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the county.

7.2 Consistency With Other Controls.

Subdivisions must conform to all official controls of the County including the Pine

County Subdivision Ordinance and any township ordinances, if applicable. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Sections 5.2 and 5.7 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 5.1, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks will not be approved.

7.3 Information Requirements.

Sufficient information must be submitted by the applicant for the county to make a determination of land suitability. The information shall include at least the following:

- A. Topographic contours at ten (10) foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.
- B. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.
- C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from field investigations such as soil borings, percolation tests, or other methods.
- D. Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater run-off and erosion, both during and after construction activities.
- E. Location of the 100-year flood plain areas and floodway districts from existing adopted maps or data.
- F. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- G. A road design plan as well as all other requirements of the Pine County Subdivision and Platting Ordinance.

7.4 Dedications.

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

7.5 Platting.

All subdivisions that create five (5) or more lots or parcels that are 2 1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was created in compliance with the Pine County Subdivision Ordinance.

7.6 Controlled Access or Recreational Lots.

Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Section 5.14, D of this ordinance.

Section 8.0 Planned Unit Developments

8.1 Types of PUDs Permissible

Planned Unit Developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 4.2 of this ordinance and the Official Shoreland Zoning Map.

8.2 Processing of PUDs

Planned Unit Developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or fewer new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 8.5. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

8.3 Application for a PUD

The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

- 8.31 A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems and topographic contours at two (2) foot intervals. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
- 8.3.2 A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Section 8.6 of this ordinance.
- 8.3.3 Deed restrictions, covenants, permanent easements or other instruments that (1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and (2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 8.6 of this ordinance.

8.3.4 When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

8.3.5 Those additional documents as requested by the Pine County Board or Planning Commission that are necessary to explain how the PUD will be designed and will function.

8.4 Site "Suitable Area" Evaluation

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 8.5.

8.4.1 The project parcel must be divided into tiers by locating one (1) or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
General development lakes - first tier	200	200
General development lakes - second & additional tiers	267	200
Recreational development lakes	267	267
Natural Environment lakes	400	320
All river classes	300	300

8.4.2 The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project area are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

8.5 Residential and Commercial PUD Density Evaluation

The procedures for determining the "base" density of a PUD and density increase multipliers are as follow. Allowable densities may be transferred from any tier to any other tier further from the waterbody but must not be transferred to any other tier closer.

8.5.1 Residential PUD "Base" Density Evaluation

- A. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Section 8.5.

8.5.2 Commercial PUD "Base" Density Evaluation

- A. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

- B. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratios* Public Waters Classes			
Average Unit Floor Area (Sq. Ft.)	Sewered general development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes; transition and forested river segments	Natural environment lakes, natural environment- tributary streams and remote river
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.062	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.037

- * For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 sq. ft.

- C. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- D. Divide the total floor area by the tier computed in Item C above by the average inside living area size determined in Item A above. This yields a base number of dwelling units and sites for each tier.
- E. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 8.6.

8.5.3 Density Increase Multipliers

- A. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 5.0 are met or exceeded and the design criteria in Section 8.6 are satisfied. The allowable density increases in Item B below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the County and the setback is at least twenty-five percent (25%) greater than the minimum setback.
- B. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments

Density Evaluation Tiers	Maximum Density Increase within Each Tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

8.6 Maintenance and Design Criteria

8.6.1 Maintenance and Administration Requirements

- A. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- B. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instrument must include all of the following protections:
 - 1) commercial uses prohibited (for residential PUDs);
 - 2) vegetation and topographic alterations other than routine maintenance prohibited;
 - 3) construction of additional buildings or storage of vehicles and other materials prohibited; and
 - 4) uncontrolled beaching of watercraft prohibited.
- C. Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owner's association with the following features:
 - 1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 - 2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - 3) Assessments must be adjustable to accommodate changing conditions.
 - 4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

8.6.2 Open Space Requirements. Planned unit developments must contain open space meeting of all of the following criteria:

- A. At least fifty percent (50%) of the total project area must be preserved as open space.
- B. Dwelling units or sites, road rights-of-way or land covered by road surfaces, parking areas or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
- C. Open space must include areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries.
- D. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
- E. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- F. Open space must not include commercial facilities or uses but may contain water oriented accessory structures or facilities.
- G. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- H. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least fifty percent (50%) of the shore impact zone must be preserved in its natural state.

8.6.3 Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed, and the PUD must:

- A. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground

exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impact on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

- B. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater run-off. Impervious surface coverage within any tier must not exceed twenty-five percent (25%) of the tier area, except that for commercial PUDs, thirty-five percent (35%) impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 5.3

8.6.4 Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:

- A. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 5.2 and 5.7 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- B. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 8.53 of this ordinance for developments with density increases.
- C. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one (1) for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in on existing commercially used harbor). Launching ramp facilities, including a small

dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

- D. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved if existing, or may be required to be provided.
- E. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.
- F. Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 5.2 of this ordinance and are centralized.

8.7 Conversions

Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

- 8.7.1 Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
- 8.7.2 Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- 8.7.3 Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - A. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - B. remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water,

C. and if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

8.7.4 Existing dwelling unit or dwelling site densities that exceed standards in Section 8.5 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Section 9.0 Effective Date

Passed and approved this 1st day of February 2022, by the Pine County Board of Commissioners.

Stephen M. Hallan, Chair
Pine County Board of Commissioners

ATTEST:

David J. Minke
Pine County Administrator

Notice of Public Hearing Published: 01/20/2022
Public Hearing: 02/01/2022
Adopted by County Board: 02/01/2022
Publication of Ordinance: 02/10/2022
Filed with County Recorder: 02/11/2022
Effective Date: 02/11/2022

Drafted by:
Pine County Planning & Zoning
Department
1610 Hwy 23 N
Sandstone, MN 55072

AGENDA REQUEST FORM

If you are not the one processing this grant, please forward these instructions to the correct person.

For all grants: Return your signed grant agreement to BWSR via email to: BWSR.grants@state.mn.us

IMPORTANT:

- Returning your grant agreement to another contact within our agency may result in delays in grant agreement execution.
- Remember to complete the Authorized Representative field, using the title (not the name) of the individual designated as the point of contact for this particular grant.
- To prevent any delays in execution please return this grant agreement before **May 1, 2022**

It is not necessary to return this page to BWSR.

**FY 2022 STATE OF MINNESOTA
BOARD OF WATER and SOIL RESOURCES
CLEAN WATER FUND ONE WATERSHED, ONE PLAN PROGRAM
GRANT AGREEMENT**

Vendor:	0000197310
PO#:	3000014376

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and **Pine County, 635 Northridge Drive NW Pine City Minnesota 55063** (Grantee).

This grant is for the following Grant Programs:

P22-7821	2022 - One Watershed One Plan (Pine County)	\$194,434
Total Grant Awarded: \$194,434		

Recitals

1. The Laws of Minnesota 2019, 1st Special Session, Chapter 2, Article 2, Section 7(i) appropriated Clean Water Funds (CWF) to the Board for local government watershed approach planning.
2. Board Order #21-10 and #21-24 authorized staff to reallocate funds from the Laws of Minnesota 2013, Regular Session, Chapter 137, Article 2, Sec. 7(a) and the Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, Sec. 7(a) to the One Watershed, One Plan Planning grant program.
3. Minnesota Statutes 103B.101, Subd. 9(1), and 103B.3369, authorize the Board to award this grant.
4. The Board has adopted the One Watershed, One Plan FY 2022 Planning Grants Board Order #21-25 that authorizes this grant.
5. The Grantee has submitted a Board-approved work plan for this Program, which is incorporated into this Grant Agreement by reference.
6. The Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the State.
7. As a condition of the grant, Grantee agrees to minimize administration costs.

Authorized Representative

The State's Authorized Representative is Julie Westerlund, One Watershed, One Plan Coordinator, BWSR, 520 Lafayette Road North, Saint Paul, MN 55155, (651) 600-0694, or her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee's Authorized Representative is:

**Pine County Auditor/Treasurer
635 Northridge Dr, NW, Ste 240
Pine City, MN 55063
320-591-1670**

If the Grantee's Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

Grant Agreement

1. **Terms of the Grant Agreement.**
 - 1.1. **Effective date:** The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd. 5. **The Board will notify the Grantee when this Grant Agreement has been executed. The Grantee must not begin work under this Grant Agreement until it is executed.**
 - 1.2. **Expiration date:** **June 30, 2024**, or until all obligations have been satisfactorily fulfilled, whichever comes first.

- 1.3. **Survival of Terms:** The following clauses survive the expiration date or cancellation of this Grant Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; 14. Data Disclosure; and 19. Intellectual Property Rights.

2. **Grantee's Duties.**

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat. § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the Program as follows:

- 2.1. **Implementation:** The Grantee will implement their work plan, which is incorporated into this Grant Agreement by reference.
- 2.2. **Reporting:** All data and information provided in a Grantee's report shall be considered public.
- 2.2.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of Program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board.
- 2.2.2. The Grantee will prominently display on its website the Clean Water Legacy Logo and a link to the Legislative Coordinating Commission website.
- 2.2.3. Final Progress Report: The Grantee will submit a final progress report to the Board by July 31, 2024 or within 30 days of completion of the project, whichever occurs sooner. Information provided must conform to the requirements and formats set by the Board.

3. **Time.**

The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

4. **Terms of Payment.**

- 4.1. Grant funds will be distributed in three installments: 1) The first payment of 50% will be distributed after the execution of the Grant Agreement. 2) The second payment of 40% will be distributed after the first payment of 50% has been expended and reporting requirements have been met. An eLINK Interim Financial Report that summarizes expenditures of the first 50% must be signed by the Grantee and approved by the Board. Selected grantees may be required at this point to submit documentation of the expenditures reported on the Interim Financial Report for verification. 3) The third payment of 10% will be distributed after the grant has been fully expended and reporting requirements are met. The final, 10% payment must be requested within 30 days of the expiration date of the Grant Agreement. An eLINK Final Financial Report that summarizes final expenditures for the grant must be signed by the Grantee and approved by the Board.
- 4.2. All costs must be incurred within the grant period.
- 4.3. All incurred costs must be paid before the amount of unspent funds is determined. Unspent grant funds must be returned within 30 days of the expiration date of the Grant Agreement.
- 4.4. The obligation of the State under this Grant Agreement will not exceed the amount listed above.
- 4.5. This grant includes an advance payment of 50 % of the grant's total amount. Advance payments allow the Grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

5. **Conditions of Payment.**

- 5.1. All services provided by the Grantee under this Grant Agreement must be performed to the Board's satisfaction, as set forth in this Grant Agreement and in the Board-approved work plan for this Program. Compliance will be determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, State, and local laws, policies, ordinances, rules, *FY18 One Watershed One Plan Planning Grants Policy*, and regulations. The Grantee will not receive payment for work found by the Board to be unsatisfactory or performed in violation of federal, State, or local law.
- 5.2. Minnesota Statutes §103C.401 establishes the Board's obligation to assure program compliance. If the noncompliance is severe, or if work under the Grant Agreement is found by the Board to be unsatisfactory or performed in violation of federal, State, or local law, the Board has the authority to require the repayment of grant funds or withhold payment on grants from other programs.

6. **Assignment, Amendments, and Waiver.**

- 6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the Board and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.

- 6.2. **Amendments.** Any amendments to this Grant Agreement must be in writing and will not be effective until it has been approved and executed by the same parties who approved and executed the original Grant Agreement, or their successors in office. Amendments must be executed prior to the expiration of the original Grant Agreement or any amendments thereto.
- 6.3. **Waiver.** If the Board fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.

7. **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 Agreement 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 Agreement.

8. **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 Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant 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.

- 8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.

9. **Government Data Practices.**

The Grantee and the Board must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the Board under this Grant Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. 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.

10. **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.

11. **Publicity and Endorsement.**

- 11.1. **Publicity.** Any publicity regarding the subject matter of this Grant Agreement must identify the Board as the sponsoring agency. 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 Agreement.

- 11.2. **Endorsement.** The Grantee must not claim that the State endorses its products or services.

12. **Governing Law, Jurisdiction, and Venue.**

Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Grant Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. **Termination.**

- 13.1. The Board may cancel this Grant Agreement at any time, 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.
- 13.2. In the event of a lawsuit, an appropriation from a Clean Water Fund is canceled to the extent that a court determines that the appropriation unconstitutionally substitutes for a traditional source of funding.
- 13.3. The Board may immediately terminate this Grant Agreement if the Board finds that there has been a failure to comply with the provisions of this Grant Agreement, 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 Board 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. 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.

15. Prevailing Wage.

It is the responsibility of the Grantee or contractor to pay prevailing wage for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§ 177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at a rate not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.

16. Municipal Contracting Law.

Per Minn. Stat. § 471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.

17. Constitutional Compliance.

It is the responsibility of the Grantee to comply with requirements of the Minnesota Constitution regarding the use of Clean Water Funds to supplement traditional sources of funding.

18. Signage.

It is the responsibility of the Grantee to comply with requirements for project signage as provided in Minnesota Laws 2010, Chapter 361, Article 3, Section 5(b) for Clean Water Fund projects.

19. Intellectual Property Rights.

The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries, (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Work includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United State Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

IN WITNESS WHEREOF, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.

Approved:

Pine County

Board of Water and Soil Resources

By: Joshua Mohr
(print)

By: _____

(signature)

Title: Vice Chair, Board of Commissioners

Title: _____

Date: February 1, 2022

Date: _____

Agreement for Professional Services

between the

Carlton Soil and Water Conservation District

and

Pine County

for

Kettle and Upper St. Croix Watershed One Watershed One Plan

1 Parties

This Agreement is made and entered into by and between the County of Pine (“County”), a Minnesota political subdivision per Minnesota Statutes section 373.01 subdivision 1(a), and the Carlton Soil and Water Conservation District (“SWCD”) a governmental subdivision per Minnesota Statutes section 103C.101 subdivision 10.

2 Purpose

This Agreement sets forth the professional services to be provided by the SWCD to the County for the Kettle and Upper St. Croix One Watershed One Plan Development Work Plan (“Work Plan”), which is incorporated into this Agreement by reference. The SWCD is a member of the Memorandum of Agreement entered into for the purpose of planning for the Kettle and Upper St. Croix Watershed 1W1P.

3 Term

3.1 **Effective date:** Upon the later date of: A.) execution by both parties to this Agreement and, B.) execution of a grant agreement between the County and MN Board of Water and Soil Resources for the Kettle and Upper St. Croix One Watershed One Plan.

3.2 **Expiration date:** Expiration of the County’s Kettle and Upper St. Croix One Watershed One Plan grant.

3.3 **Early termination.**

3.3.1 The County may terminate this Agreement by providing a written termination notice 30 days in advance of the termination date for reasons including but not limited to: the SWCD failing to complete its assigned duties, poor performance in the assigned duties, a lapse or unanticipated change in funding, or if the SWCD resigns from the Kettle and Upper St. Croix Watershed 1W1P Planning Project. The SWCD will receive full compensation for all authorized work performed to the satisfaction of the State and the County except that the SWCD will not be compensated for any part performance of a specified task or service if termination is due to the SWCD’s breach of this agreement.

3.3.2 In the event the SWCD finds itself unable to fulfill the terms of this Agreement, it may request termination with 30 days written notice, or shorter time if mutually agreed. Both parties are responsible for their respective duties through the date of termination.

3.4 **Survival of terms.** The following clauses survive the expiration or cancellation of this Agreement: publicity, liability, disposition of work products, responsibility to repay the County for payment made to the SWCD for work rejected by the State of Minnesota and employees.

4 Pine County Duties

4.1 Compensate the SWCD per this Agreement on a quarterly basis. Compensation to the SWCD shall not exceed those expenses documented in the state approved grant budget, which have been delegated to the SWCD, as described in Section 5 of this Agreement.

5 The SWCD Duties

5.1 Carry out the tasks outlined for Carlton SWCD in the Work Plan in a timely manner. Only appropriate expenses associated with assigned tasks per the Kettle and Upper St. Croix Watershed 1W1P grant agreement are compensated under this Agreement (see item 5.5 below).

5.2 Follow the scope of the Kettle and Upper St. Croix 1W1P Work Plan with collaborating partners.

5.3 Maintain detailed accounting of all hours, financial transactions and in-kind contributions. The County will accept copies of receipts and invoices, along with a description of activities and/or expenses, from the SWCD for the purpose of reimbursement.

5.4 Follow policies and procedures in the MN Board of Water and Soil Resources Grants Administration Manual, including but not limited to:

5.4.1 Invoicing the County at hourly rates allowable in the “Determining a Billing Rate” section, if applicable.

5.4.2 Documenting expenses according to the “Time and Effort Documentation” section.

5.5 Invoice only for expenses allowed by the MN Board of Water and Soil Resources One Watershed One Plan document titled “Allowable Costs for Planning Grants,” or future modifications of that document.

5.6 Annually, or otherwise when requested, provide work progress reports to the County. Work progress reports must be organized by tasks as specified by the County to facilitate reporting to the State. All data and information provided in these reports shall be considered public.

5.7 If the SWCD is paid for work that is deemed unsatisfactory by the MN Board of Water and Soil Resources (“Board”), then the SWCD shall remit such sums to the County within twenty days of a written demand.

6 Disbursement of Compensation

6.1 The SWCD will invoice the County on a quarterly basis.

- 6.2 All payments not disputed in good faith shall be made within 45 days of receipt of invoice.
- 6.3 This is a lump sum Agreement. Expenses for each task may vary from the agreed amount, however the total compensation must not exceed tasks delegated to the SWCD within the approved budget submitted to the State.

7 Subcontracts

The SWCD shall not assign, subcontract or transfer any obligation or interest in the Agreement without the consent of the County and pursuant to necessary conditions.

8 Waiver

The failure of either party to insist on the strict performance by the other party of any provision or obligation under this Agreement, or to exercise any option, remedy or right herein, will not waive or relinquish such party's rights in the future to insist on strict performance of any provision, condition or obligation, all of which will remain in full force and effect. The waiver of either party on one or more occasion of any provision or obligation of this agreement will not be construed as a waiver of any subsequent breach of the same provision or obligation, and the consent or approval by either party to or of any act by the other requiring consent or approval will not render unnecessary such party's consent or approval to any subsequent similar act by the other.

9 Publicity

Any publicity regarding the subject matter of this Agreement must identify the MN Board of Water and Soil Resources as a sponsoring agency and display the Clean Water Legacy Logo. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices. If the Kettle and Upper St. Croix Watershed 1W1P Grant Agreement requires it, prior approval of publicity pieces, in accordance with the grant terms may be required. A copy of the grant agreement is available to the SWCD.

10 Equipment and supplies

- 10.1 Equipment and supplies necessary to perform the tasks in this agreement shall be provided by the SWCD without reimbursement, unless allowed in the Work Plan budget and approved by the County.
- 10.2 Any purchases pursuant to this Agreement will be governed by the Kettle and Upper St. Croix Watershed 1W1P Grant Agreement.

11 Liability

Each party will be responsible for its own acts and behaviors and the results thereof. The SWCD's liability is governed by Minnesota Statutes section 466.02 (and if the State is a Party, the State's liability is governed by Minnesota Statutes section 3.736). No Party will be responsible for the acts of the other within the meaning of Minnesota Statutes section 471.59 subdivision 1a.

12 Disposition of Work Products

- 12.1 At the time of completion or termination of the work, the SWCD shall make available to the County and the MN Board of Water and Soil Resources, on request, all maps, tracings, reports, resource materials and other documents pertaining to the work or to The Work Plan. Except as required to fulfill grant agreement requirements, reproduction costs will be the responsibility of the requesting party.
- 12.2 Under Minnesota Statutes section 16C.05, the SWCD's books, records, documents and accounting procedures and practices relevant to the Work Plan are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate for a minimum of six years from the end of this Agreement.
- 12.3 All data and information obtained by the SWCD in the performance of the work herein may be kept and used by the SWCD at its discretion to the benefit of the public and shall not be used to generate profit. Neither party will make any intellectual property claim with respect to the data and information but may be required to assign the same to the Board per the grant agreement.
- 12.4 **It is the responsibility of the SWCD that all photos, diagrams, or other materials produced by the SWCD will obtain the proper license or copyright permissions for use in any documents related to this work.**
- 12.5 Both parties are subject to and shall comply with the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13) and all other applicable state and federal law, rules and regulations relating to data privacy or confidentiality.
- 12.6 The SWCD affirmatively represents that it is not prohibited from doing business with the federal government or State of Minnesota as a result of any debarment or suspension proceedings. The SWCD shall provide immediate written notice to the County if at any time the SWCD learns that this certification is erroneous or becomes erroneous due to changed circumstances.

13 Employees

- 13.1 Nothing herein contained is intended or should be construed to constitute the SWCD as the agent, representative, or employee of the County. Personnel performing Services on behalf of the SWCD, or a subcontractor will not be considered employees of the County and will not be entitled to any compensation, rights or benefits of any kind from the County.
- 13.2 The SWCD shall maintain compliance with Minnesota Statutes section 176.181 subdivision 2, pertaining to worker's compensation insurance coverage.
- 13.3 The SWCD shall provide documentation of insurance through MCIT, League of Minnesota Cities, or other insurers that meets the requirements set forth in Exhibit A to this Agreement.
- 13.4 The SWCD and the County agree to abide by the applicable requirements and regulations of The Americans with Disabilities Act of 1990 (ADA), the Minnesota Human Rights Act (Minnesota Statutes Chapter 363), and Title VII of the Civil Rights Act of 1964. These laws deal with discrimination based on race, gender, disability, and religion, and with sexual harassment. Violation of any of the above laws can lead to termination of this Agreement.

14 Dispute Resolution

Parties will work in good faith to resolve disputes that may arise through completion of these tasks. Consultation with the Board of Water and Soil Resources staff may be done to mitigate disputes.

15 Alterations

Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by the parties herein.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year signed below.

THE SWCD

By: _____
SWCD Board Chair

Date: _____

THE COUNTY

By: _____
County Board Chair
County Board Vice Chair Joshua Mohr

Date: February 1, 2022

ATTEST:

SWCD District Manager

Date: _____

County Administrator David J. Minke

Date: February 1, 2022

EXHIBIT A

INSURANCE REQUIREMENTS

The SWCD shall procure and maintain for the duration of the contract, insurance coverage for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by The SWCD, its agents, representatives, employees or subcontractors.

1. Minimum Limits of Insurance: THE SWCD shall maintain **NO LESS THAN** the following limits of insurance:
 - a. Commercial General Liability Insurance:
 - \$500,000 per claimant
 - \$1,500,000 per occurrence
 - b. Business Automobile Liability and if necessary:
 - \$1,500,000 each accident for bodily injury and property damage
 - c. Worker's Compensation:
 - as required by the State of Minnesota

Agreement for Professional Services

between the

Pine Soil and Water Conservation District

and

Pine County

for

Kettle and Upper St. Croix Watershed One Watershed One Plan

1 Parties

This Agreement is made and entered into by and between the County of Pine (“County”), a Minnesota political subdivision per Minnesota Statutes section 373.01 subdivision 1(a), and the Pine Soil and Water Conservation District (“SWCD”) a governmental subdivision per Minnesota Statutes section 103C.101 subdivision 10.

2 Purpose

This Agreement sets forth the professional services to be provided by the SWCD to the County for the Kettle and Upper St. Croix One Watershed One Plan Development Work Plan (“Work Plan”), which is incorporated into this Agreement by reference. The SWCD is a member of the Memorandum of Agreement entered into for the purpose of planning for the Kettle and Upper St. Croix Watershed 1W1P.

3 Term

3.1 **Effective date:** Upon the later date of: A.) execution by both parties to this Agreement and, B.) execution of a grant agreement between the County and MN Board of Water and Soil Resources for the Kettle and Upper St. Croix One Watershed One Plan.

3.2 **Expiration date:** Expiration of the County’s Kettle and Upper St. Croix One Watershed One Plan grant.

3.3 **Early termination.**

3.3.1 The County may terminate this Agreement by providing a written termination notice 30 days in advance of the termination date for reasons including but not limited to: the SWCD failing to complete its assigned duties, poor performance in the assigned duties, a lapse or unanticipated change in funding, or if the SWCD resigns from the Kettle and Upper St. Croix Watershed 1W1P Planning Project. The SWCD will receive full compensation for all authorized work performed to the satisfaction of the State and the County except that the SWCD will not be compensated for any part performance of a specified task or service if termination is due to the SWCD’s breach of this agreement.

3.3.2 In the event the SWCD finds itself unable to fulfill the terms of this Agreement, it may request termination with 30 days written notice, or shorter time if mutually agreed. Both parties are responsible for their respective duties through the date of termination.

3.4 **Survival of terms.** The following clauses survive the expiration or cancellation of this Agreement: publicity, liability, disposition of work products, responsibility to repay the County for payment made to the SWCD for work rejected by the State of Minnesota and employees.

4 Pine County Duties

4.1 Compensate the SWCD per this Agreement on a quarterly basis. Compensation to the SWCD shall not exceed those expenses documented in the state approved grant budget, which have been delegated to the SWCD, as described in Section 5 of this Agreement.

5 The SWCD Duties

5.1 Carry out the tasks outlined for the role of Administrative Lead (Project Coordinator) in the Work Plan in a timely manner. Only appropriate expenses associated with assigned tasks per the Kettle and Upper St. Croix Watershed 1W1P grant agreement are compensated under this Agreement (see item 5.5 below).

5.2 Follow the scope of the Kettle and Upper St. Croix 1W1P Work Plan with collaborating partners.

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THE SWCD

By: _____
SWCD Board Chair

Date: _____

THE COUNTY

By: _____
County Board Chair
County Board Vice Chair Joshua Mohr

Date: February 1, 2022

ATTEST:

SWCD District Manager

Date: _____

County Administrator David J. Minke

Date: February 1, 2022

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