



Board of Adjustment & Appeals

MINUTES

OCTOBER 18, 2021

7:00 PM

NICOLLET COUNTY
BOARD ROOM

BOARD MEMBERS

David Wendinger **Chair** David Hermanson **Vice Chair** Justin Laven Ron Regenscheid Dave Ubel

ABSENT EXCUSED

David Wendinger **Chair** David Hermanson **Vice Chair** Justin Laven Ron Regenscheid Dave Ubel

ABSENT

David Wendinger **Chair** David Hermanson **Vice Chair** Justin Laven Ron Regenscheid Dave Ubel

STAFF PRESENT

County Administrator Mandy Landkamer
 Assistant County Attorney (ACA) Megan E. Gaudette Coryell
 Other Staff: Pete Otterness, Property Services Manager
 Jaci Kopet, PPSD Director

REVIEW OF CANCELLATIONS & ADDITIONS None.

**MOTION TO APPROVE MINUTES
OF SEPTEMBER 20, 2021**

APPROVE APPROVE WITH REVISIONS

1ST	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input checked="" type="checkbox"/>
2ND	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input checked="" type="checkbox"/>	Dave Ubel <input type="checkbox"/>

VOTE TO APPROVE MINUTES PASS FAIL VOTE: 4-0

**MOTION TO APPROVE FINDINGS OF FACT FOR
PLN21-32, GIESEKE**

APPROVE APPROVE WITH REVISIONS

1ST	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input checked="" type="checkbox"/>	Dave Ubel <input type="checkbox"/>
2ND	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>

VOTE TO APPROVE FINDINGS OF FACT PASS FAIL VOTE:

Regenscheid made a motion to accept the Findings of Fact, and the motion died for a lack of a second.

Laven made a motion to take the agenda out of order and vote on the remaining Findings of Fact, and Ubel seconded the motion. Passed 4-0.

Laven made a motion to hear the public testimony prior to PLN21-32, Ubel seconded the motion. Passed 4-0.

MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-35, BURG

APPROVE

APPROVE WITH REVISIONS

1 ST	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input checked="" type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
2 ND	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input checked="" type="checkbox"/>

VOTE TO APPROVE FINDINGS OF FACT

PASS

FAIL

VOTE: 4-0

MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-37, MINNESOTA VALLEY HIGH SCHOOL

APPROVE

APPROVE WITH REVISIONS

1 ST	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input checked="" type="checkbox"/>
2 ND	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input checked="" type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>

VOTE TO APPROVE FINDINGS OF FACT

PASS

FAIL

VOTE: 4-0

MOTION TO APPROVE FINDINGS OF FACT FOR PLN21-38, LONG

APPROVE

APPROVE WITH REVISIONS

1 ST	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input checked="" type="checkbox"/>
2 ND	David Wendinger <input type="checkbox"/> Chair	David Hermanson <input type="checkbox"/> Vice Chair	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input checked="" type="checkbox"/>	Dave Ubel <input type="checkbox"/>

VOTE TO APPROVE FINDINGS OF FACT

PASS

FAIL

VOTE: 4-0

Letter submitted by mail from Marylou Davis and Carol Tanley

Carol Tanley – Stated it is insane to expect someone to put the hill back up. The County spent 2 years working on the county road. She is sure the county wished they had not started that project and the same with Gieseke. They have been put through hell.

Shana Gieske – Confirmed with the BAA members that they had received the packet of information she mailed them. Reiterated previous other 2021 variance and after-the-fact variance requests that BAA had approved and mentioned the members answering question #4 yes for those requests. Her property is unique.

PUBLIC APPEARANCES

Marylou Davis – Sent the BAA members an email yesterday. Verified that BAA members received her email and she also brought along a copy of the letter.

Tim Knaak – Wanted to know how many building permits were issued by the County, the number of times something was not done quite right, and asked the normal procedure for something like this. Understands dirt was a major issue. Stated the County has hauled 5 loads of dirt on neighbor's property. He is a friend of the family and would not want anyone to go through this; we all make mistakes. COVID was challenging; they made an attempt to get a permit and could not get one.

Dean Schlumpberger – Trustee of Schlumpberger Trust. In the late 60s, ground was removed from the bluff to build a garage. In 1980, more ground was removed for a shed and 3 grain bins, and no hillside maintenance was required. Since Pat redid the septic area, the Highway Department has not had to do

any work over there. The Court Order of Contempt was over the top by the County. He is 60 years old, and the hillside has never needed to be addressed.

Cheryl Kormann – Trustee of Schlumpberger Trust. Unique property with rolling hills. It was platted over 100 years ago. The Gieseke attempted to obtain a permit, but County offices were closed and there was no online option available. She asked BAA to work with the Giesekes with a reasonable solution without removing the addition, otherwise the decision will cause them to go bankrupt and be foreclosed on. She recalls that dirt was removed from the hillside for a garage construction project. She stated the hillside has not moved in 50 years. The county also removed dirt from the hillside.

MOTION TO DENY FINDINGS OF FACT FOR PLN21-32, GIESEKE

1ST

David Wendinger
Chair

2ND

David Wendinger
Chair

VOTE TO DENY FINDINGS OF FACT

Following public testimony and discussion by the BAA, Hermanson made a motion to deny/not accept the Findings of Fact, Ubel seconded the motion. Passed 3-1.

Hermanson stated a 5 minute recess would be taken to allow discussion with the attorney.

Following the recess, Ubel made a motion to reconsider the denial of the Giesekes' request for an after-the-fact variance, Findings of Fact, conditions, and criteria. Laven seconded the motion. Passed 3-1.

A motion was made by Laven to continue the reconsideration of the denial of the Giesekes' request for an after-the-fact variance, Findings of Fact, conditions, and criteria to the next month. Regenscheid seconded the motion. Passed 3-1.

PUBLIC HEARINGS: None

OLD BUSINESS

None

OTHER BUSINESS

None

REVIEW OF ADMINISTRATIVE VARIANCES

None

COMMUNICATIONS

Laven confirmed that State Statute does not allow fines. Landkamer stated that State Statute has not given counties the authority to impose fines.

MOTION TO ADJOURN

1ST

David Wendinger
Chair

David Hermanson
Vice Chair

Justin Laven

Ron Regenscheid

Dave Ubel

2ND

David Wendinger
Chair

David Hermanson
Vice Chair

Justin Laven

Ron Regenscheid

Dave Ubel

VOTE TO ADJOURN

PASS

FAIL

VOTE: 4-0

**DAVID HERMANSON,
CHAIR**



DATE

11-15-2021

**MANDY LANDKAMER,
COUNTY ADMINISTRATOR**



DATE

11-15-2021