

Environmental Services

County Board Agenda Staff Report for T 03/19/2019

Old Business:

New Business:

Conditional Use Application 1-CU-19 by Brent Nicklason: Part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 140, Range 33, Nevis Township on Lake Belle Taine, a recreational development lake. Parcel 21.10.00410. Applicant is requesting a conditional use permit to operate a restaurant/bar use.

Enclosed Document(s):

- 1-CU-19 application
- February 25, 2019 draft Planning Commission meeting minutes
- 2017 aerial photo of property w/2' elevation contours shown
- FireFly grand opening facebook announcement 05262017
- FireFly website pages screenshots taken on 07122018
- 07312018 department notice of vio. letter regarding illegal restaurant/bar use and two other violations
- MN Dept. of Health log of licenses issued to FireFly Event Barn as of 09192018
- MN Dept. of Public Safety 09272018 Fire Code inspection and compliance orders
- FireFly website pages screenshots taken on 12182018
- FireFly facebook posts showing use open after 07012018 use cessation notice
- 201-SS-14 SSTS inspection report (SSTS servicing event center structure)
- Chris Norton, Nevis Fire Chief, memo to Ryan Whiting, DPS, State Fire Marshal Division

Referenced Document(s) that are Part of the Record (provided in Jan. 2019 PC/BOA mtg. packet):

- Original event center CUP 2-CU-14 application – selected pages (entire 99 pg. doc. viewable online)
- Event center 2-CU-14 amendment application
- 07032018 departmental site visit photos regarding 2-CU-14 condition 10

Shown below is the Feb. 2019 Planning Commission staff report on the application, followed by the Planning Commission's recommended motion, conditions, and findings of fact:

In July 2018, the department became aware through radio advertisements and first-hand party accounts that a restaurant/bar use called the FireFly Taproom was illegally operating in the event center structure on this property without the required conditional use permit per Section 401, Table 1 of the Shoreland Management Ordinance (SMO). Information from the Minnesota Department of Health (MDH) indicates the use began in April/May 2017. This information aligns with the enclosed FireFly facebook page post that states the Taproom opened on May 26, 2017. The enclosed July 31, 2018 letter was sent by the department to the applicant after the department became aware of the Taproom use informing him the required restaurant/bar CUP was not in place and thus the use must cease immediately until a CUP and accompanying operating permit have been sought/issued. The use continued to operate after the letter was sent as evidenced by the enclosed facebook page posts. An incomplete CUP application was submitted September 24, 2018. Staff sent a notice of incompleteness letter in response on October 2, 2018. Staff sent a follow-up letter dated November 19, 2018 inquiring as to the use's and CUP application's status. The CUP application was then submitted January 8, 2019.

Event Center Use

Some current Planning Commission (PC) members were on the PC in 2014 when a CUP application was approved to allow an event center use to operate in the structure in which the Taproom is proposed to jointly operate. Selected pages of the 2014 CUP are enclosed. The full document is available for online viewing through the Link and Env. Services Records Viewer GIS applications. In January 2019, a CUP amendment application for this event center use was acted upon by the PC. Said application sought to amend the language in permit conditions 7 and 10 that deal with customer vehicle parking and a vegetative buffer along a property line that faces State Highway 34. The County Board approved the two condition amendments at its February 5, 2019 meeting.

Restaurant/Bar Use

This is a unique situation in that the use began and its accompanying space within the event center structure was constructed prior to a CUP being sought/granted. So the PC will be able to view the interior restaurant/bar (i.e. Taproom) space during the lot viewal in a finished state.

The application proposes to operate the Taproom in the same structure as the event center. This is another unique situation in that the request is for two conditional uses to operate on the same property. Legal counsel thus advises potential conditions be very specific and exact in terms of where the Taproom use can occur within the structure and outside the structure on the property because when the event center CUP was granted, no additional uses were then proposed or considered so the event center CUP does not have any conditions specifying where it can occur in the structure and on the property.

Based on the property's ~392' of Highway 34 frontage, the Sign Ordinance allows a maximum of two signs to be located on the property that together do not exceed 200 sq. ft. total. When calculating sign face square footage on a double-faced sign, the sign area applies to a single face per the "sign area" definition. The maximum allowed sign height is 20'. Highway 34 is classified as a principal arterial road and is located in the Scenic Byway Overlay District. Two signs are on the property. One sign is circular and has the FireFly business name on it. The application states its diameter is 8'. This sign's area is thus ~50 sq. ft. Its area and height comply with the Sign Ordinance. The other sign is a standard, backlit changeable text portable sign. This second sign is technically a Class C temporary on-premises sign which Section 31.3 of the ordinance states cannot be displayed more than 90 days in a calendar year unless otherwise specified in the ordinance. Since there are no other signs on the property, the ordinance allows two on-premises signs, and the two signs together still fall under the 200 sq. ft. threshold, staff is willing to look at the second sign as being the second allowed on-premises sign. If a third sign would be desired to be placed on the property, then the portable sign would be viewed as a Class C temporary on-premises sign and be limited to the 90 day requirement.

State Building Code

On July 1, 2017, the MN Department of Labor and Industry (DoLI) assumed administration of the State Building Code for places of public accommodation. Because MDH issued a license for food/alcohol sales for the Taproom restaurant/bar use prior to this July 1, 2017 date, DoLI considers the Taproom use nonconforming and thus does not require the structure in which it is located to comply with the Code's places of public accommodation requirements. Per DoLI, it informed Mr. Nicklason that any subsequent alterations, other than repairs, including a change in use, will require review and permitting by DoLI (which requires building plans by an architect that comply with State Building and Fire Codes) and that his event center was still charged with complying with the State Fire Code requirements as enforced by the Minnesota Department of Public Safety (DPS), State Fire Marshal's Division.

State Fire Code

The enclosed State Fire Marshal document dated 09/28/2018 details a State Fire Code inspection State Fire Marshal staff performed on the FireFly event center structure on this date. The inspection identified the following Code violations: 1. a lack of exit signs through each space and room, 2. lack of or missing emergency lights through spaces, 3. extension cord issues, 4. required exit door swing and panic hardware, 5. a lack of a required fire alarm system, 6. interior finishes, 7. occupant load signs in event room, bar, and tap room, 8. pellet stove vent pipe, and 9. sprinkler system which was previously discussed and told was a requirement in 2014 by State Fire Marshal staff.

Chris Norton, the new Nevis Fire Chief, requested the State Fire Marshal take jurisdiction on the FireFly structure (see enclosed letter). Conflict of interest concerns were expressed due to Mr. Nicklason being a member of the Nevis Fire Department. DPS staff are planning to visit the property in the near future and will keep ESD staff updated. DPS staff said a sprinkler system will be required to be installed in the structure. The timeline for such to happen has not yet been established. If a longer period of time is provided in which the system is allowed to be installed, DPS staff said interim measures such as placing the structure on a fire watch and requiring a fire alarm system to be installed may be employed.

When approving the recent event center CUP amendment application, the County Board added to the vehicle parking condition 7 that the fire lane on the east side of the event center structure be properly signed as such so that it is kept clear of obstruction.

SSTS
The septic system servicing the structure was installed in 2014 and designed to handle the event center use waste strength and flow. A copy of the system's inspection report is enclosed. The applicant states the restaurant/bar use will not occur at the same time as the event center use. The Minnesota Pollution Control Agency (MPCA) states that the event center and restaurant/bar use sewage flow volumes must be calculated separately and added together or the flow going into the system can be measured and its waste strength monitored and then the system can be designed/sized accordingly.

If the first option is used to determine the needed SSTS sizing, the existing tank capacity would need to roughly be doubled and the drainfield area increased to two to three times its current size – depending on the soil type present in the possible drainfield location. A licensed advanced designer would need to design such a system because its flow rate would exceed the 2500 gallons per day (gpd) threshold of the basic designer license.

Here's the sizing calculation for the restaurant/bar use only:

63 restaurant seats x	30 gpd/seat =	1890 gpd
12 bar seats x	36 gpd/seat =	432 gpd
6 employees x	15 gpd/ee =	90 gpd
Total		2412 gpd

Septic tank sizing requires 3 times the design flow (i.e. 2412 gpd x 3 = 7236 gallons of tank capacity needed)

6000 g of existing tank capacity = 1236 g additional tank capacity needed

Drainfield sizing

2412 gpd x .83 (assumed soil sizing factor - sand) x .8 (allowed reduction for 1' of rock in trench below distribution pipe) = 1601 sq. ft. drainfield needed

1350 sq. ft. drainfield existing = 268.6 sq. ft. additional drainfield area needed

A .83 SSF is for sand which requires the smallest drainfield area. If the soil in the drainfield area is heavier than sand, the size of the needed drainfield area increases because the heavier soil cannot absorb the effluent as readily. So the above additional drainfield that the Rules' design criteria says would be needed just to bring the existing system up to sizing requirements is the bare minimum that might be needed.

Please keep in mind that the above sizing information is for the restaurant/bar use only. The SSTS Rules' first design option requires the 2412 gpd restaurant/bar use flow to be added to the 2000 gpd event center use flow for a 4412 gpd total which would require 13,236 g septic tank capacity and 2929.6 sq. ft. of drainfield.

The department has offered and the applicant has accepted to go with the second option. The department thus recommends that this option be made a condition of the CUP, if approved. An operating permit (OP) will be required to monitor the system's performance and collect water usage data in the initial year of the restaurant/bar use's operation. The gathered information will then be used to determine the necessary SSTS sizing. If the data shows the existing system to be undersized or not able to handle the waste strength, the system will need to be upgraded appropriately. If the existing system would be found to be properly sized for the documented flow volume and able to handle the waste strength, then it would be allowed to operate under subsequent OPs. The length of and conditions placed on subsequent OPs will be determined based on system performance and other factors. If the applicant does not comply with conditions (e.g. water meter readings and/or waste strength samples are not collected/submitted), the OP would be revoked and the system would need to be upgraded to the first design option sizing requirements. Information on OPs is located in Article VI, Section 3.0 of the SSTS Ordinance.

Here are the OP conditions the department proposed to the applicant:

1. The initial permit will be valid for one year. Permit length thereafter will be determined based on system performance and other factors.
2. Due to the above-mentioned tank capacity concern, if such does not already exist, a grease trap will need to be installed in the structure or a grease tank will need to be installed and plumbed in between the structure and first septic tank. A trap or tank will keep grease from clogging the effluent filters (and thus risking the system backing up into the building) and out of the drainfield.
3. Biochemical oxygen demand (BOD) and total suspended solids (TSS) samples will be collected during the second weekend in the months of June, July, August, and September by a licensed service provider and lab results sent to the Environmental Services Department (ESD).
4. A water meter will be installed (if not already present) so that all water usage entering the system runs through the meter with daily photos taken of the meter reading and submitted weekly by email to the ESD.
5. The effluent filters placed in the tanks during installation must remain in effective use given the previously mentioned tank capacity issue because the existing tanks have ~half the retention time required by the design flow calculations and are therefore more susceptible to suspended solids not settling in the tanks, reaching the drainfield, and affecting the field's performance/longevity.
6. If the measured flow data exceeds the system's 2000 gpd sizing, the system will need to be upgraded to appropriate sizing. Also, if the BOD/TSS reports show high strength waste, system component (e.g. pretreatment) and or sizing adjustments may also be needed to lower waste strength to proper levels.

Vehicle Parking

The application states 16 vehicle parking spaces will be provided near the event center structure for Taproom customer use. These 16 spaces were recently approved for event center use. Standards for determining parking space needs for a restaurant use are that 1 parking space is needed for every 6 customer seats or 300 sq. ft. of restaurant space and 1 parking space is needed for each employee. The application states 75 restaurant/bar seats are proposed and employees working at any one time will range from 3-6. The 1 space per 6 seats ratio leads to 12.5 spaces being needed for customers + 6 employee spaces. The application states the structure is 5,897 sq. ft. The outdoor platform for the restaurant is 676 sq. ft. Thus the total area is 6,573 sq. ft. which if divided by 300 sq. ft./parking space = 21.9 spaces.

Other Considerations

Here is a list of other items worthy of consideration as to whether the use is compatible with the area and if they warrant being addressed through conditions:

1. Outside activity – type of activity, music, noise, quiet hours, extent of property such can occur on, etc.
2. Extent of indoor space the use can occupy
3. Expansion – within the existing space, are any additions allowed?, in the outside space
4. Lighting – balancing customer safety with neighboring property privacy
5. Vehicle access points entering/exiting property

6. Months, days, hours use allowed to operate

If valid issues are identified during the public hearing process and they can be mitigated through conditions, then it is appropriate to place conditions on the permit to address any issues rather than consider denying the application because of the issues. Denial of an application would only be appropriate if such issues cannot be appropriately mitigated through conditions and the use would not be found to be consistent with public health, safety, and welfare.

Also, best practice is to develop conditions that memorialize the reason(s) “why” you might recommend an application for approval. For example, if 75 restaurant/bar seats are reasonable to you, but 150 seats would not be, then a condition allowing no more than 75 seats would be a good practice as it memorializes and locks in what was proposed. If your reasons “why” you approve an application are not memorialized as conditions in this way, then if that aspect of the use is not addressed in any other conditions and the ordinance otherwise allows that aspect to occur, using the number of seats example, there would be nothing prohibiting the addition of more than 75 seats. So if something is important to you and serves as a reason why you would approve an application, but you would not approve an application if that item was different than how it is proposed, be sure to create a condition that ensures that aspect of the use will operate the way it was presented and that you found favorable. Otherwise, even if an application states an aspect of the proposed use will be a certain way, if an accompanying condition is not placed on the permit to ensure that aspect will be that way, that aspect will then be unregulated – again assuming the ordinance does not regulate it through some general provision.

The department currently finds the use can operate compatibly with the surrounding area through the use of appropriate, reasonable conditions.

Proposed Starting Point Conditions:

1. This conditional use permit (CUP) is for the operation of the entire premises as one restaurant/bar use venture. As such, any land, that through subdivision or addition to the property to which the CUP is granted, is added or subtracted, is/are not granted or allowed the right to operate in accordance with the CUP without first applying for and obtaining the necessary CUP from the County.
2. As the existing septic system servicing the structure in which the existing event center use and this proposed restaurant/bar use is undersized according to the standard SSTS Rules design standards, a second system design option allowed by said Rules will be utilized to determine the system’s required design/sizing by requiring an operating permit (OP) on the system. The OP will have the following minimum conditions with any additional conditions determined by the Environmental Services Director (ESD):
 - a. The initial permit will be valid for one year. Permit length thereafter will be determined by the ESD based on system performance and other factors.
 - b. A grease trap must be installed in the event center/restaurant/bar structure or a grease tank must be installed and plumbed in between the structure and first septic tank.
 - c. Biochemical oxygen demand (BOD) and total suspended solids (TSS) samples will be collected during the second weekend in the months of June, July, August, and September by a licensed service provider and lab results sent to the ESD as soon as they are available.
 - d. A water meter must be installed in the event center/restaurant/bar structure (if not already present) so that all water usage entering the septic system servicing the structure runs through the meter with daily photos taken of the meter reading and submitted weekly by email to the ESD.
 - e. The effluent filters placed in the existing septic tanks during installation must remain in effective use.
 - f. If the measured flow data from the initial year of the restaurant/bar use’s operation exceeds the system’s 2000 gpd sizing, the system will need to be upgraded to appropriate sizing. Also, if the BOD/TSS reports show high strength waste, system component (e.g. pretreatment) and or sizing adjustments must be implemented to lower waste strength to proper levels.
3. The existing driveway approaches on State Highway 34 located just north of the event center/Taproom structure and County 13 located east of said structure as shown on the application site plan sketch are the only two means by which vehicles related to this use (i.e. customers, vendors, etc.) may enter/exit the property.

4. This use is not allowed to operate and will not be issued an operating permit until written documentation from the Minnesota Department of Public Safety, State Fire Marshal's Division that the structure in which the use is to operate fully complies with the State Fire Code is submitted to the Hubbard County Environmental Services Department.
5. **The PC ought to consider the information in the application, staff report, and generated by the public hearing process to determine what other conditions would be appropriate to place on the use to ensure it operates in a manner that does not harm the public health, safety, and welfare.**

Planning Commission Recommendation:

Motion by Grob, second by Andres to recommend approval of the application; adopting the staff report proposed conditions 1-3 and modified condition 4, and conditions 5-6 created by the Planning Commission; and adopting the staff report proposed findings of fact.

Staff recommends the following additional condition for congruity with Condition 7 of amended CUP 2-CU-14 that regulates vehicle parking for the event center use allowed to operate on the property:

7. Customer and employee vehicle parking for the restaurant/bar use can only be located in the areas labeled "Parking" and "proposed parking" on the application site plan sketch so that the parking areas for this use are the same as those authorized for the event center conditional use on this property on February 5, 2019 by the Hubbard County Board of Commissioners in amended Condition 7 of amended Conditional Use Permit 2-CU-14.

Planning Commission Recommended Conditions:

1. This conditional use permit (CUP) is for the operation of the entire premises as one restaurant/bar use venture. As such, any land, that through subdivision or addition to the property to which the CUP is granted, is added or subtracted, is/are not granted or allowed the right to operate in accordance with the CUP without first applying for and obtaining the necessary CUP from the County.
2. As the existing septic system servicing the structure in which the existing event center use and this proposed restaurant/bar use is undersized according to the standard SSTS Rules design standards, a second system design option allowed by said Rules will be utilized to determine the system's required design/sizing by requiring an operating permit (OP) on the system. The OP will have the following minimum conditions with any additional conditions determined by the Environmental Services Director (ESD):
 - a. The initial permit will be valid for one year. Permit length thereafter will be determined by the ESD based on system performance and other factors.
 - b. A grease trap must be installed in the event center/restaurant/bar structure or a grease tank must be installed and plumbed in between the structure and first septic tank.
 - c. Biochemical oxygen demand (BOD) and total suspended solids (TSS) samples will be collected during the second weekend in the months of June, July, August, and September by a licensed service provider and lab results sent to the ESD as soon as they are available.
 - d. A water meter must be installed in the event center/restaurant/bar structure (if not already present) so that all water usage entering the septic system servicing the structure runs through the meter with daily photos taken of the meter reading and submitted weekly by email to the ESD.
 - e. The effluent filters placed in the existing septic tanks during installation must remain in effective use.
 - f. If the measured flow data from the initial year of the restaurant/bar use's operation exceeds the system's 2000 gpd sizing, the system will need to be upgraded to appropriate sizing. Also, if the BOD/TSS reports show high strength waste, system component (e.g. pretreatment) and or sizing adjustments must be implemented to lower waste strength to proper levels.
3. The existing driveway approaches on State Highway 34 located just north of the event center/Taproom structure and County 13 located east of said structure as shown on the application site plan sketch are the only two means by which vehicles related to this use (i.e. customers, vendors, etc.) may enter/exit the property.
4. The use must be brought into compliance with the State Fire Code according to directives/timelines from the Minnesota Department of Public Safety, State Fire Marshal's Division. Written documentation from the State

Fire Marshal's Division that it is satisfied with the current status of the structure and plan for bringing it into full compliance with the Code must be submitted to the Hubbard County Environmental Services Department prior to the operating permit being issued.

5. Any outdoor bar/restaurant/music/or other activity must cease by 11:00 p.m. daily.
6. This CUP is for operating the restaurant/bar use in the current facility. Any footprint expansion of the facility will require applying for the appropriate CUP amendment.

Planning Commission Recommended Findings of Fact:

1. Is the requested use consistent with public health, safety, and welfare?

YES (X) NO ()

Why or why not? The property is located along a highly traveled State highway and abuts the City of Nevis. It is located in an area of mixed property uses ranging from lakeshore residential on Lake Belletaine to commercial business property along Highway 34 to agricultural properties/uses on the east side of this property. An event center use has been occurring on this property since 2014 without incident regarding compatibility with the area or safety issues and it generates a higher-intensity use of the property than what is proposed with the restaurant/bar use. The property's location is well suited to the proposed use.

2. Is the requested use consistent with the goal of preventing and controlling water pollution, including sedimentation and nutrient loading?

YES (X) NO ()

Why or why not? The use will occur within the existing event center structure and the immediately surrounding outdoor area, and utilize the existing driveways/parking areas. No grading or vegetative alteration work is proposed as part of the use. The soil on the property is sandy and thus precipitation infiltrates the ground readily. The property lies ~425' from Lake Belletaine and is separated from it by the Highway 34 corridor which acts as a berm between the property and the lake. There is no evidence that the property has any stormwater-related pollution issues currently. No issues are anticipated as the existing event center use generates much greater traffic in a smaller time window than the proposed restaurant/bar use.

3. Will the requested use not adversely affect the site's existing topography, drainage features, and vegetative cover?

YES (X) NO ()

Why or why not? The use will occur in the existing event center structure and utilize existing access roads and parking areas. No changes to the property's terrain or vegetative cover are proposed. The soil on the property is sandy and thus allows precipitation to infiltrate the ground readily. The existing roads/parking areas are not paved. The area surrounding the structure and parking area is well vegetated in perennial grass cover with a small amount of evergreen trees.

4. Is the requested use's site location reasonable in relation to any floodplain and/or floodway of rivers or tributaries?

YES (X) NO ()

Why or why not? Hubbard County does not have any FEMA designated floodplains.

5. Has the erosion potential of the site based upon the degree and direction of slope, soil type, and existing vegetative cover been adequately addressed for the requested use?

YES (X) NO ()

Why or why not? The proposed use does not involve any grading or vegetative cover disturbance as it will utilize and largely occur within the existing event center structure and the immediately surrounding outdoor area. Permanent vegetation covers the ground around the structure and driveways/parking areas. The soil on the property is sandy and thus precipitation infiltrates the ground readily which reduces any erosion potential.

6. Is the site in harmony with existing and proposed access roads?

YES (X) NO ()

Why or why not? The property fronts State Highway 34 which is a heavily traveled corridor and also has an access on County 13 which is a two-lane paved road. The Minnesota Department of Transportation has reviewed the use and found the existing approach on Highway 34 to be satisfactory and sufficient for providing safe ingress/egress to the property without need of a turn lane. These two accesses have been in use since 2014 for the event center use of this property which generates a greater volume of traffic in a given amount of time than the proposed restaurant/bar use.

7. Is the requested use compatible with adjacent land uses?

YES (X) NO ()

Why or why not? The use will occur in an existing structure located in the northwest corner of this ~23 ac. property. State Highway 34, a heavily traveled corridor, is nearest the structure and runs along the northwest side of the property. Small riparian and nonriparian residential lots lie on the other side of Highway 34 between this property and Lake Belletaine. The north side of the property is bordered by a ~6 ac. residential tract. County 13 runs along the property's east boundary. Two residences and an agricultural field lie across County 13 to the northeast and east of the property. A 70 ac. residential /agricultural property is located southeast of the property. A 15+ ac. residential property lies south of the property. To the west of the property is a ~1.8 ac. residential property whose residence is closest to the proposed use structure at ~240'. Southwest of the property is a large ~39 ac. tract on which is located a commercial structure construction business of which the applicant is a part. The feel of the area is thus one of a mixture of uses ranging from agriculture to commercial to lakeshore residential with a main highway corridor running through it next to a small municipality. The proposed use thus fits into this mixed use area.

8. Does the requested use have a reasonable need to be in a shoreland location?

YES (X) NO ()

Why or why not? The property adjoins the Nevis city limits and fronts State Highway 34 and is less than a ¼ mile from the Lake Belletaine public access. Much of Hubbard County's land area is located in shoreland due to the number, location, and size of lakes and rivers within it. This property is located along a heavily traveled state highway right next to a small community of around 400 residents. There are other commercial businesses scattered along Highway 34 on either side of this property. Given this character of the area, it is reasonable to have a restaurant/bar on this backlot located ~430' from the lake to service the residents in Nevis and residing on the nearby lake lots.

9. Is the amount of liquid waste to be generated reasonable and the proposed sewage disposal system adequate to accommodate such?

YES (X) NO ()

Why or why not? The existing septic system was installed in 2014 and sized appropriately to handle the existing event center use. This system will be placed under an operating permit to allow it to also service the proposed restaurant/bar use as the two uses are said to not occur at the same time in the structure. If the monitoring data required to be provided per the operating permit shows the existing system must be modified to meet State Rule and County Ordinance requirements, the necessary upgrades will be required to be installed.

10. Will the visibility of structures and other facilities as viewed from public waters comply with Section 901 of the Ordinance?

YES (X) NO ()

Why or why not? The structure in which the restaurant/bar use will occur is ~430' from the nearest lake (Belletaine) and separated from the lake by State Highway 34, a row of residential, riparian lots, and a row of residential, nonriparian backlots. The structure also sits ~25' higher in elevation than the referenced lake and there is ample evergreen and deciduous mature tree cover separating the two along with multiple residences and their related outbuildings. The structure thus is not visible from the lake. No portion of the property lies within the shore impact zone of Lake Belletaine and thus it is not possible for the property to violate Section 901.

11. Is the site adequate for water supply and on-site sewage treatment systems?

YES (X) NO ()

Why or why not? The structure in which the use will occur is serviced by an existing well capable of supporting the existing event center use as well as the proposed restaurant/bar use. There is an existing septic system installed in 2014 that services the event center use and that will service the proposed restaurant/bar use under an operating permit. If more space is needed for septic system purposes in the future, there is ample room possessing suitable soil on the ~23 ac. property for such.

12. Are the affected public waters suited to and able to safely accommodate the types, uses, and numbers of watercraft that the use will generate?

YES (X) NO ()

Why or why not? The use is located on a non-riparian lot that is separated from the nearest lake (Belletaine) by State Highway 34 and other properties. This restaurant/bar use will not generate or involve any watercraft as it does not abut a waterbody nor does it have legal access to a waterbody.

Discharge and Release of Perpetual Wetland Conservation Easement

Enclosed Document(s):

- Perpetual Wetland Conservation Easement
- Discharge and release of easement
- Comeau Park North First Addition plat

In 2008, the County accepted a wetland conservation easement over most of the Comeau Park North First Addition plat shoreline (no money was paid or changed hands.) None of the lots within the plat have sold. The developers are thus working on a plat amendment through District Court to combine Blocks 2-4 and Outlots B and C into a single lot, and leave Blocks 1 and 5 alone. The developers are also willing to sign an affidavit rescinding their rights to a variance and conditional use permit that were granted to allow Outlots B and C to function as a controlled access lot and are open to the County releasing the easement. The easement provides no added protection of the nearshore wetland on the property as the Wetland Conservation Act (WCA) and Shoreland Management Ordinance (SMO) already heavily regulate and protect the wetland. The easement thus only serves as a liability to the County by having to administer and enforce its provisions.

The County Attorney drafted the enclosed discharge and release of perpetual wetland conservation easement document that if authorized, signed, and recorded by the Board, would effectively release the easement and the County from its administration/enforcement. Staff thus requests and recommends that the Board authorize the release document's execution. This is one of two such County-held nearshore wetland easements of which staff is aware. The other easement (which possesses the same stated WCA and SMO redundancies) does have an existing violation on it. If the Board would be interested in such, staff is happy to work with the County Attorney to research and hopefully develop the means by which to release it as well.

2019 SSTS Contracted Inspector purchase of service agreement

Enclosed Document(s):

- 2019 SSTS Inspector purchase of service agreement

We have an annual purchase of service agreement by which we secure our contracted SSTS Inspector's services. The enclosed 2019 agreement (which uses the same template as prior years) has been reviewed and approved as to form by the County Attorney. Slight compensation rate increases from 2018 (covered in the 2019 budget) are

proposed to address inflation (i.e. \$105 to \$110/insp. and \$62 to \$65/backfilled insp.) Staff respectfully requests the Board's authorization of the 2019 agreement to be entered into with Al Winterberger of Winterberger Inspections, our long-time contracted inspector.

Shoreland Management Ordinance violation – request authorization to forward to County Attorney

Staff requests authorization to forward a Shoreland Management Ordinance violation file to the County Attorney's office for further enforcement. The Commissioner in whose district the property is located has been notified of this item being placed on the agenda per standard procedure.

Other:



Conditional Use Application

Hubbard County Environmental Services
301 Court Ave., Park Rapids, MN 56470
Phone: 218.732.3890 Fax: 218.732.7993
www.co.hubbard.mn.us/environmental.htm

This form must be legibly completed in INK.

Applicant name(s): Brent Nicklason Date: January 08, 2019

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

Mailing address: 25275 State 34 Nevis MN 56467

E911 Property Address: 25275 State 34 Nevis MN 56467

Phone: 2182551483 Alt. phone: 2182552266 Email: bnicklason@arvig.net

Tax Parcel Number(s): 21.10.00410

Explain your requested conditional use: Give details of the type, size, purpose and any other relevant information regarding your proposed use. Be thorough. Attach additional sheets labeled "Conditional Use Request", if necessary.

We are requesting a conditional use permit to operate a bar/restaurant for the above parcel at which we currently operate FireFly Event Barn and Taproom and currently have a conditional permit 1-CUP-14. Please see the attached sheet which outlines our business operations and plans.

I have read and fully understand the above instructions. I am the fee title owner of the above described property or the authorized agent thereof, and I agree to this application and warrant and assert that I am authorized by ownership and/or law to apply for the permit in question. The applicant hereby certifies that the information contained in this application is a true, accurate and complete representation of facts and conditions concerning the proposed variance application. The applicant hereby makes application for a conditional use agreeing to do all such work in accordance with all Hubbard County Ordinances. Applicant agrees that application, sketch or survey, and other attachments submitted herewith are true and accurate. Applicant agrees that, in making application for a conditional use, applicant grants permission to Hubbard County, at reasonable times to enter landowner's premises, to determine compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is later found or determined by the County to be inaccurate, the County may revoke the conditional use and/or accompanying permit based upon the supplying of inaccurate information.

Signature of applicant(s): [Signature] Date: 1/08/19

For Office Use

Date of application: 1/10/2019 Filing acknowledgement by: [Signature] Receipt #: 30997 App. #: 2-CU-19



Conditional Use Application

Hubbard County Environmental Services
301 Court Ave., Park Rapids, MN 56470
Phone: 218.732.3890 Fax: 218.732.7993
www.co.hubbard.mn.us/environmental.htm

Conditional Use Application Procedure

1. In order for Hubbard County to comply with Minnesota Statute 15.99 (processing time deadlines for agency action), a pre-application meeting must be held between the applicant and Environmental Services staff to determine which of the following additional information items must be provided:

- A topographic survey showing (2 foot / 10 foot) contour intervals.
- Location and size of all wetlands.
- Subsurface sewage treatment system (site evaluation / design.)
- An approved MPCA Stormwater Permit if project disturbs over 1 acre.
- A grading and erosion control plan with itemized 3-D dimensions (in ft.) and volumes (in cu. yds.) for all proposed topographic alterations.
- Other: _____

The pre-application meeting was held on _____, 20___. It was agreed by the applicant(s) and Environmental Services staff that the items checked above are required for this conditional use application to be complete.

Signature of applicant(s):  Date: 1/08/19

Signature of Env. Services staff: _____ Date: _____

2. Submit your complete application to the Environmental Services Department along with the application fee.
3. If the Environmental Services Department determines that the application is complete, it will be placed on the next available Planning Commission meeting agenda.
4. The Planning Commission (PC) and Environmental Services Director will visit the property on which the proposed use is to be located. It is highly recommended that you be present at the site visit to explain your proposed use to the PC. You will be notified of the site visit date and time.
5. The PC will consider your application during a regularly scheduled meeting. It is highly recommended that you be present at the meeting to explain your application and answer any questions the PC has concerning your application. You will receive notice of the meeting date, time, and location. The PC may recommend approval, approval with conditions, or denial of your application. The PC may also table your application.
6. Once the PC acts on your application, it is then placed on the next available County Board meeting agenda. You will receive notice of the meeting date, time, and location. The County Board has final authority to approve, approve with conditions, table, or deny your application.
7. If the County Board approves your application, you must then obtain a \$75.00 conditional use operating permit before you can legally start your approved conditional use. The County Board may place conditions on your application's approval that must be satisfied before your operating permit can be issued. Also, be aware the Shoreland Management Ordinance contains a two year sunset clause that states the allowed conditional use must commence within two years of the County Board approval date or the conditional use permit is automatically deemed null and void.
8. Once your operating permit is issued, you may start and operate your conditional use as approved.
9. Your conditional use permit can only be modified by applying for and receiving approval of an amendment.

RECEIVED
JAN 06 2019

FireFly Event Barn LLC

Items to address in CUP app narrative

1. Identify space in and out where restaurant/bar is proposed to occur.

The bar/restaurant space will operate in the same building as the event center: share the same bathrooms, entry and egress points, and bar/prep areas. It will however have its own dining area and outdoor patio space. The parking area will also be shared. This should not be a problem as the businesses don't operate simultaneously.

2. How restaurant/bar will interact/operate with existing event center use.

Event Center is primarily booked Saturdays for weddings/other events May-Oct. The building was sitting vacant so much outside of big event use that it called for an alternative way to market/build/attract new clients. Restaurant/bar seemed to be the clear choice. Open Weds, Thurs, Fri, Sun. Event clients have paid to have a private event, therefore we are not open to the public. Open to the public hrs would be subject to change and spontaneous closures based on event bookings.

3. Typical days/hours of use.

Weds-Sunday currently with option to be open 7 days/week within the limits of the law. Weds/Thurs/Fri 4pm-10 and Sun 10-8.

4. If use will be year round or seasonal.

Seasonal May-Oct and may move to year round use at some point.

5. List vehicle entrance/exit points.

Hwy 34 entry/exit. Hwy 13 entry/exit.

6. Show vehicle parking area - # of spaces and explain your plan for keeping event center parking where that CUP allows them to park and not in restaurant/bar area.

There are approximately 16 parking spaces in the upper parking area close to barn. The businesses coincide only occasionally; Saturdays are reserved for weddings and those clients use the entire upper parking premise as well as field parking, so restaurant/bar clients are the only ones using the parking nearest the barn on the other open days (currently Weds, Thurs, Fri, Sun). There is no differentiation between event parking and bar/restaurant parking, they are one in the same.

7. What signage is proposed, look of it, placement. Provide this same info on event center signage so ordinance compliance can be determined within the limits of the sign ordinance. We currently have one 8x8 business sign along the roadway, and one lighted, changeable letter sign which we use for the bar/restaurant open dates/hours and current events.

8. Type of food/beverages to be offered.

Pizza/sandwiches/apps. Craft beer/full bar. All food is served on disposable tissue on a tin plate, minimal dish washing is associated with food services.

9. # of anticipated employees: 10. 3-6 at one shift.

10. # of restaurant seats / # of bar seats / max # of customers.

63 seats total + 6 max employees. Max customers: 63 at once The bar area consists of 12 bar stools. The restaurant seating area has 43 seats indoors and the patio has 20 seats. We have a small kitchen and no plans to expand it. Our current menu; pizzas, sandwiches and apps, are available at the bar as well.

11. Signed/dated statement and written sizing calculations from licensed SSTS designer that the existing SSTS is properly sized to accommodate the proposed restaurant/bar or a new SSTS design showing how the existing SSTS can be modified to meet proper sizing/design requirements.

12. Provide copies of MDH licensing and liquor license issued or applied for.

13. MnDOT review/approval of existing and proposed # of vehicles entering/exiting on Hwy 34 approach (to tell if turn lane needed). Checked with Stephan Frisco, project manager MNDOT Bemidji office, and he did not feel the need for any additional infrastructure at this time.

14. 1-CUP-14 Condition 10 must be compliant before taproom CUP is submitted or dept will be compelled to recommend denial of app due to open ordinance violation. Amendment submitted

Eric Buitenwerf

From: blnicklason <blnicklason@arvig.net>
Sent: Thursday, January 10, 2019 11:08 AM
To: Eric Buitenwerf
Subject: Re: restaurant/bar CUP application

Hi Eric,

Yes that is our intention to proceed with the septic system as you proposed with the use of actual flows for the system.

There are a couple questions I have regarding the operating permit and what I need to do to get that process started. I will be reviewing the ssts ordinance as you have referenced.

Thank you,
Brent Nicklason

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone

----- Original message -----

From: Eric Buitenwerf <ebuitenwerf@co.hubbard.mn.us>
Date: 1/10/19 8:38 AM (GMT-06:00)
To: "Brent Nicklason(blnicklason@arvig.net)" <blnicklason@arvig.net>
Subject: restaurant/bar CUP application

Hi Brent,

I had a chance to review the conditional use permit application you submitted yesterday for the restaurant/bar use.

The information provided looks good.

The one outstanding item on which I need confirmation from you (as the application did not speak to it) is if you are agreeable to the operating permit proposal I emailed to you regarding the septic system. The flow calculations for just the restaurant/bar (excluding the event center use) come to 2412 gpd which exceeds the 2000 gpd for which the system was designed/installed. So in order to proceed with processing the application for the February Planning Commission meeting agenda, I need confirmation you agree to the operating permit proposal as a means of addressing the application's septic system component. A reply email stating such will suffice.

Thanks,

Eric

Eric Buitenwerf

Environmental Services Director

301 Court Avenue

Park Rapids, MN 56470

218-732-3890 ph

www.co.hubbard.mn.us

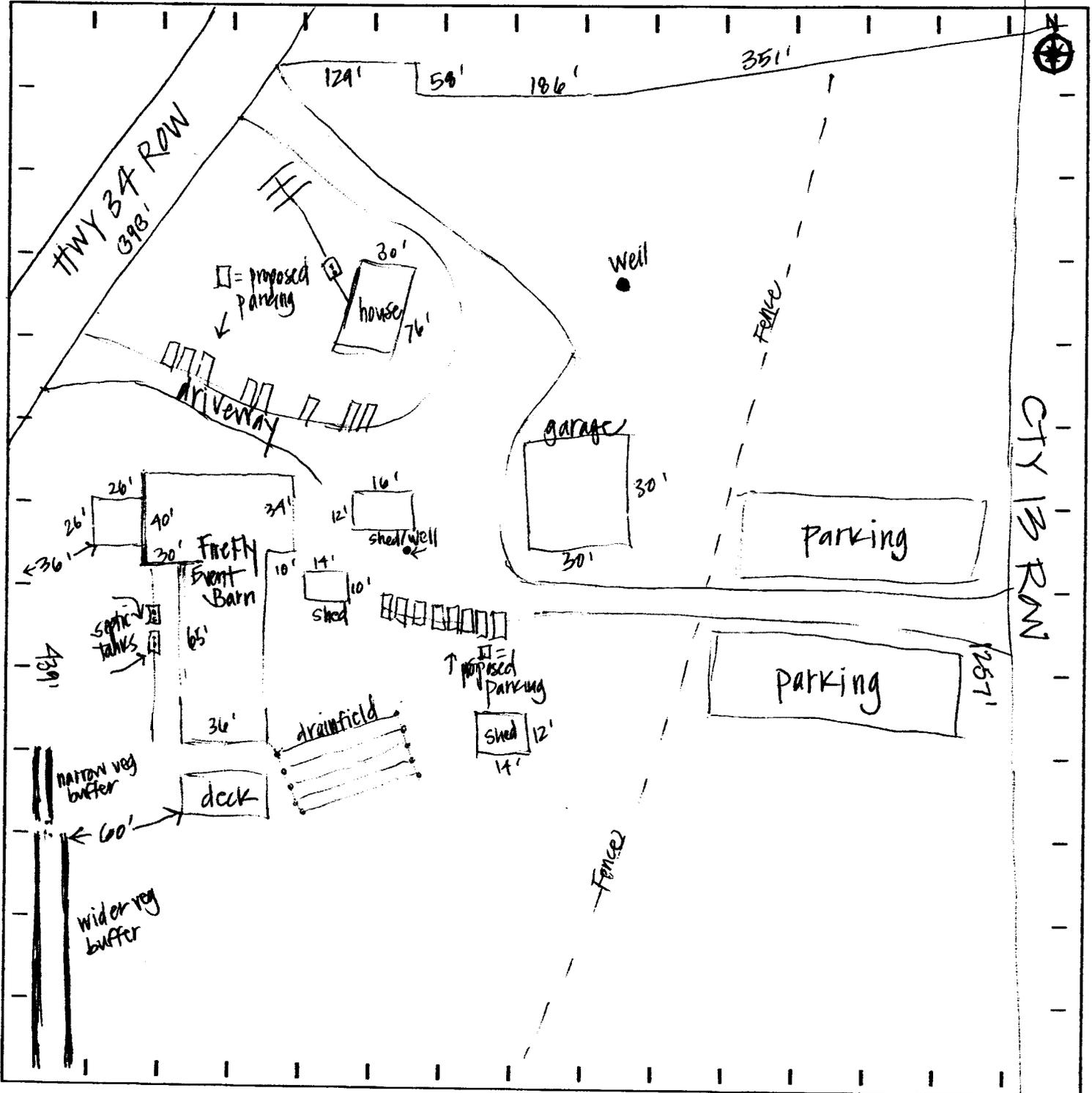
Disclaimer: This message is intended only for the use of the individual or entity to which it is addressed. Information in this message or an attachment may be government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, may be subject to attorney-client or work product privilege or may be confidential, privileged, proprietary, or otherwise protected. The unauthorized review, copying, retransmission, or other use or disclosure of the information is strictly prohibited. If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message and any attached files from your computer system and physically destroy any paper copies.

FireFly Event Barn
25275 State St
Nevis, MN
56467

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JAN 06 2010

Site Plan

Required for ALL permit applications



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

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

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

FIREFLY EVENT BARN LLC

GENERAL NOTES:

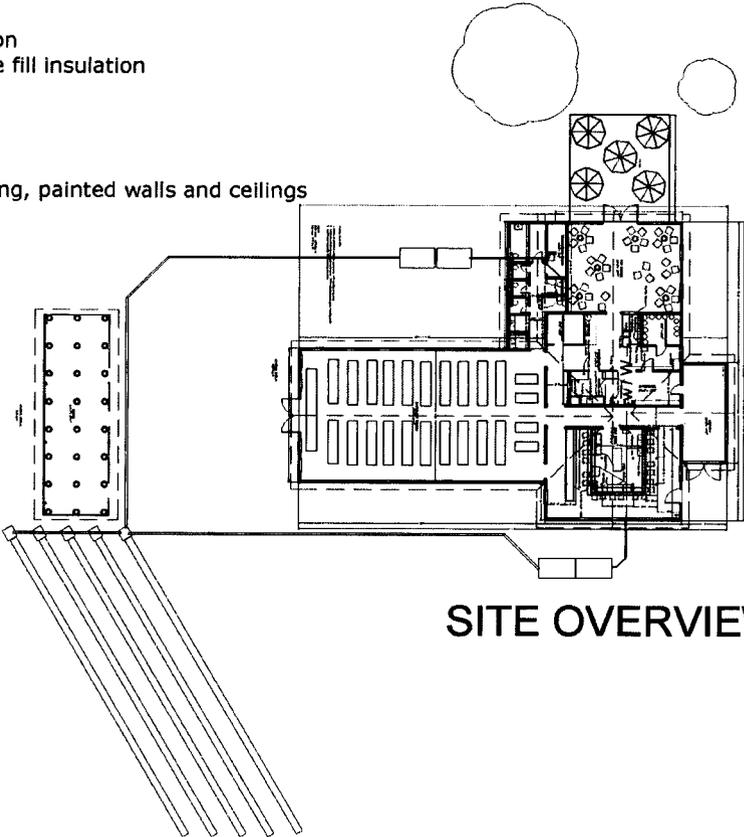
Location: 25275 State Highway 34, Nevis, MN 56467
 Municipality: Nevis Township
 Governing Building Authority: Hubbard County
 Services/Utilities: Private septic and well, MN Power (200 amps)
 Date of Original Construction: 1945
 Construction Type: Wood Frame
 Classification: A2 Assembly, Event Center
 Use: Seasonal (April - November)
 Capacity: 300 Max.

Existing Construction-Methods:

Foundation and floors- Concrete
 Walls- 2x6 studs w/ blown fiberglass insulation
 Roof- 6/12 roof trusses, flat ceilings w/ loose fill insulation

Existing Finishes:

Flooring- Raw concrete
 Interior walls- 6" v-groove wood paneling, painted walls and ceilings
 Roofing- Asphalt shingles
 Siding- 6" wood lap, painted



SITE OVERVIEW

NO.	DESCRIPTION	BY	DATE

SHEET TITLE
Rittgers Barn

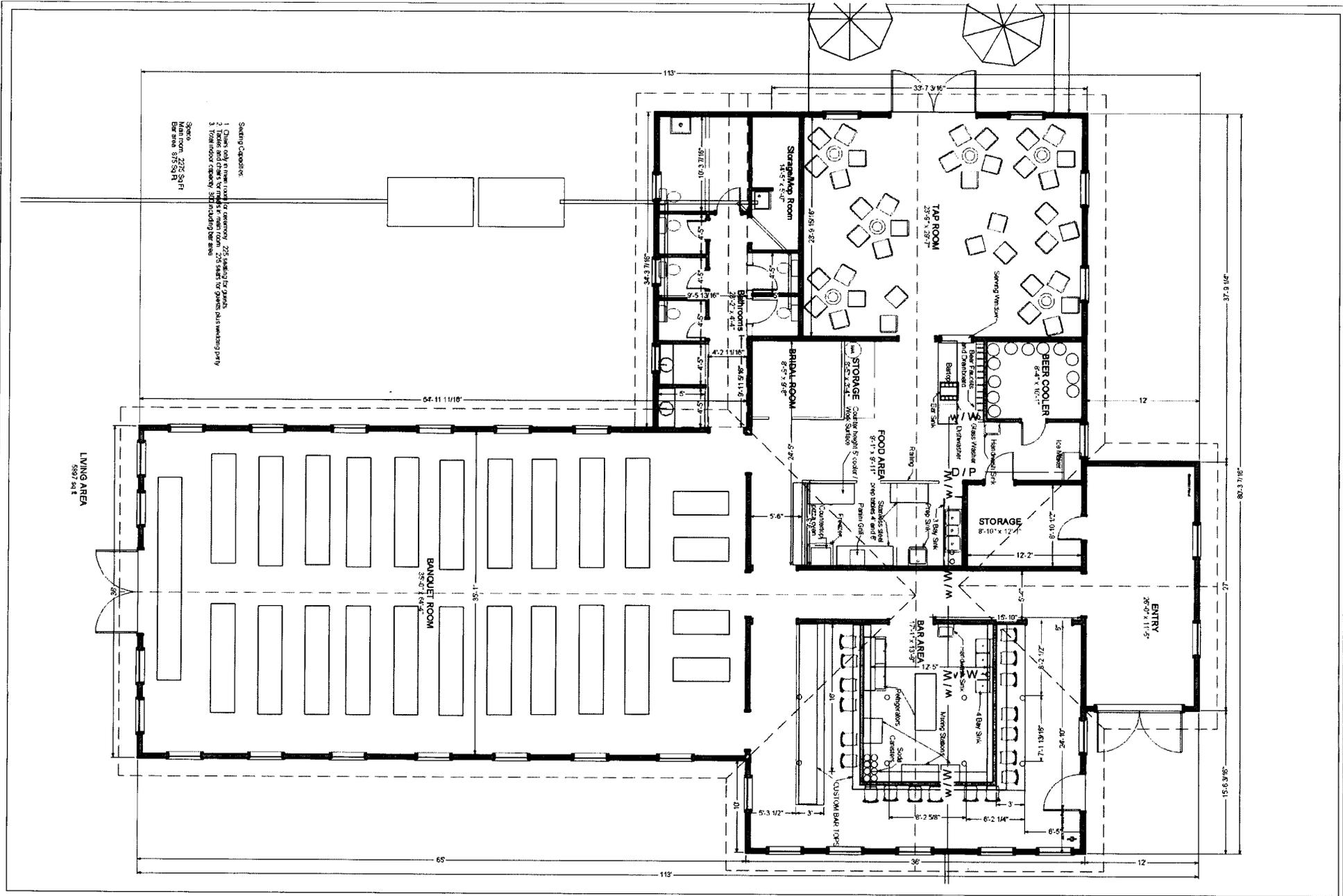
PROJECT DESCRIPTION
Rittgers Barn

DRAWINGS PROVIDED BY:
 [Signature]

DATE:
2/15/2017

SCALE:
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SHEET:
A-1



Seating Capacity:
 1. Chairs only in main hall by capacity: 225 seating for guests
 2. Tables and chairs in main room: 225 seating for guests
 3. Total indoor capacity: 300 including bar area

Space:
 Banquet: 27% S/F
 Bar area: 3.7% S/F

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
SHEET TITLE

PROJECT DESCRIPTION:
Rittgers Barn

DRAWINGS PROVIDED BY:
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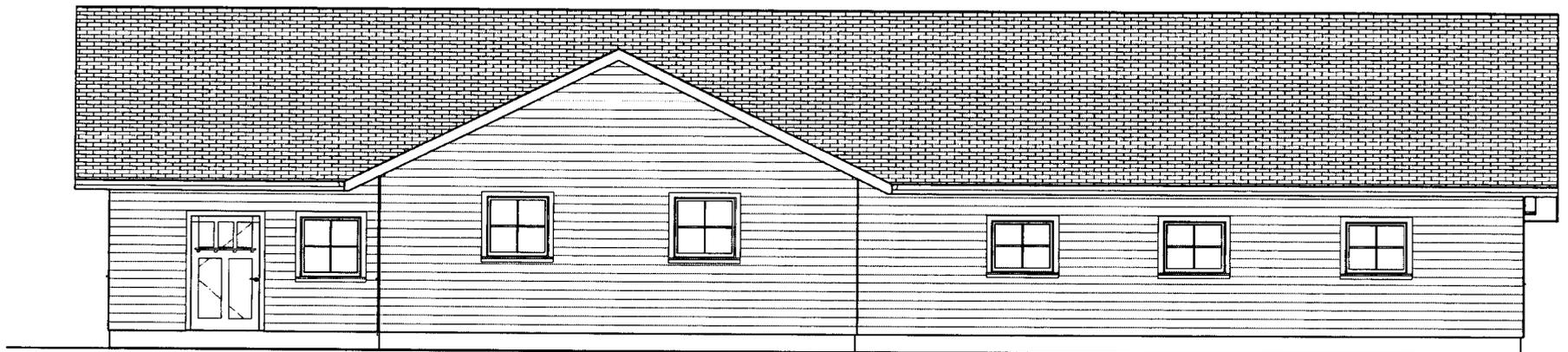
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2/15/2017

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A-2



East Elevation



North Elevation

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
Rittgers Barn

PROJECT DESCRIPTION:
Rittgers Barn

DRAWINGS PROVIDED BY:

DATE:
2/15/2017

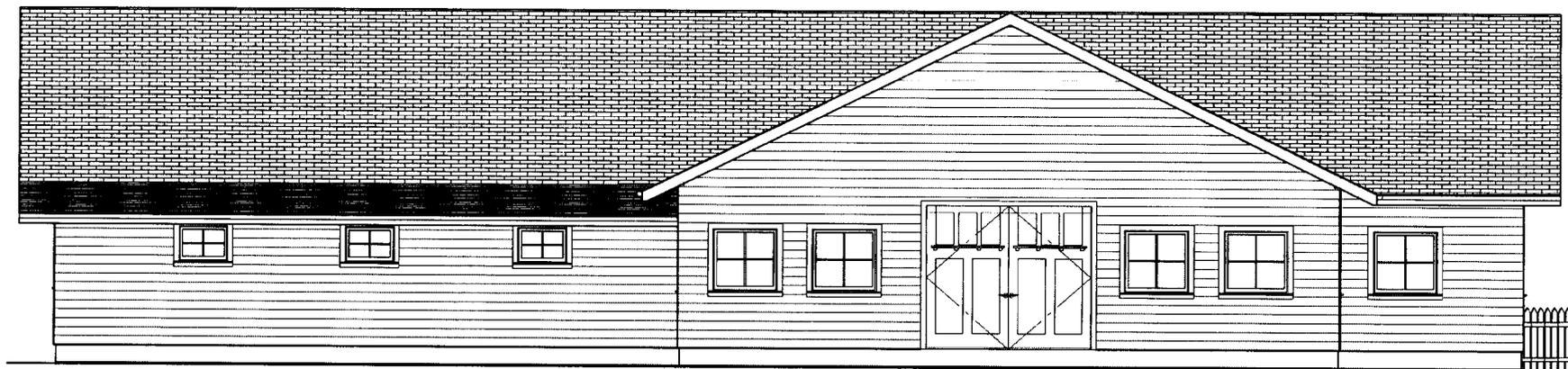
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A-3

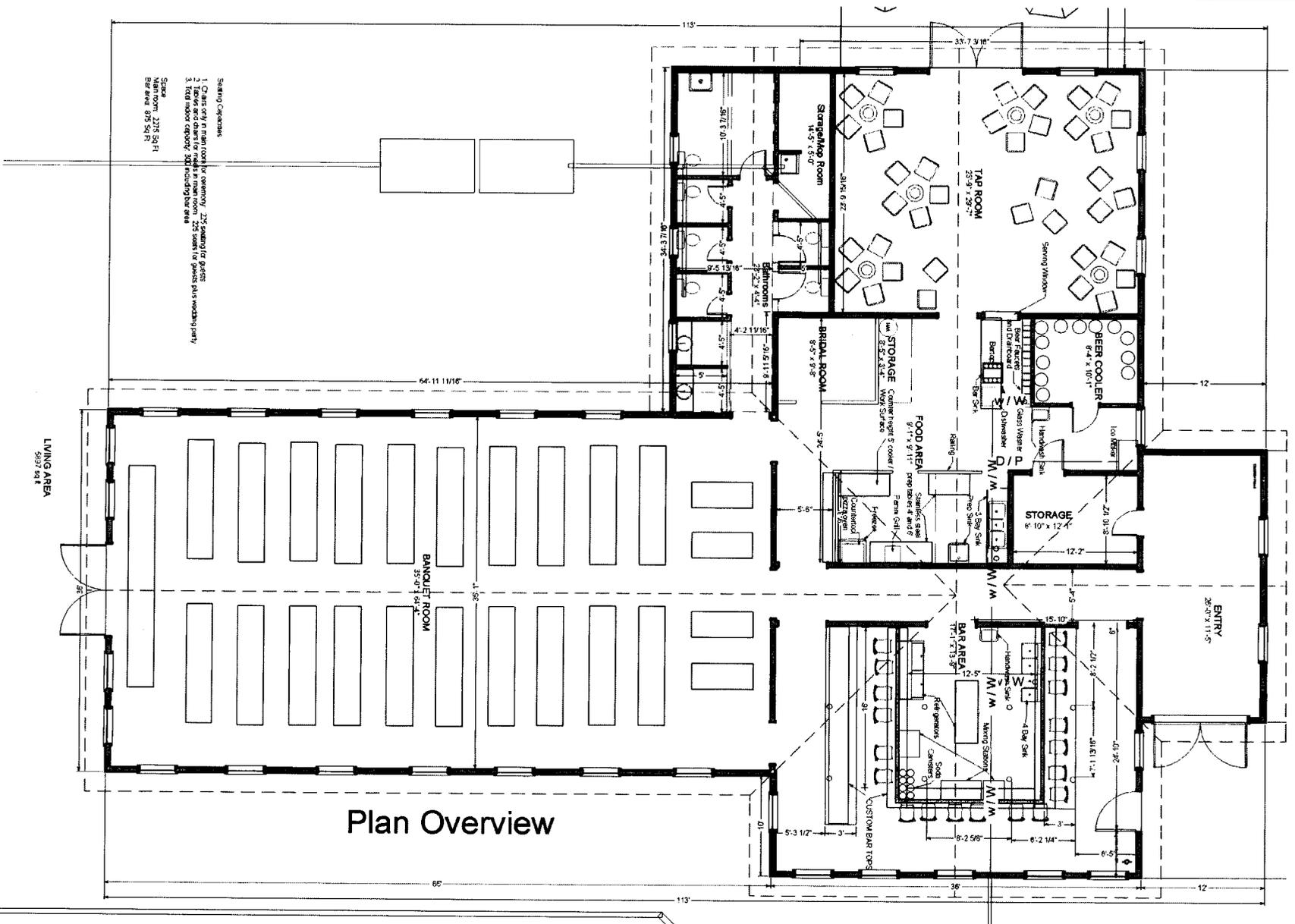


West Elevation



South Elevation

NO.	DESCRIPTION	BY	DATE
SHEET TITLE			
Rittgers Barn			
DRAWING PROVIDED BY:			
DATE:			
2/15/2017			
SCALE:			
SHEET:			
A-4			



Plan Overview

NO.	DESCRIPTION	BY	DATE

SHEET TITLE
Rittgers Barn

PROJECT DESCRIPTION
Rittgers Barn

DRAWINGS PROVIDED BY:

DATE:
2/15/2017

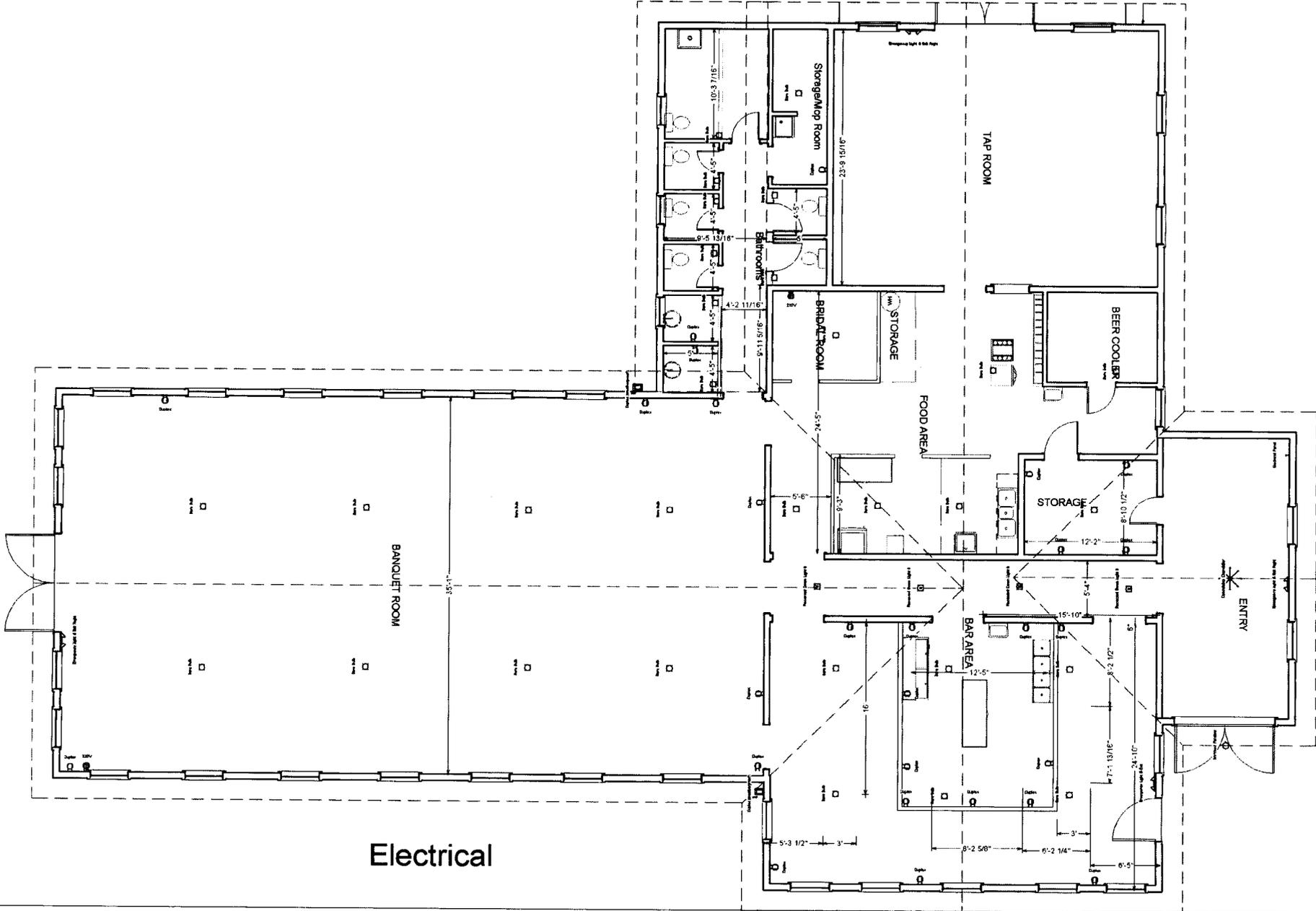
SCALE:

SHEET:

A-5

LIVING AREA
5897 sq ft

Electrical



NO.	DESCRIPTION	IN	DATE

SHEET TITLE
Rittgers Barn

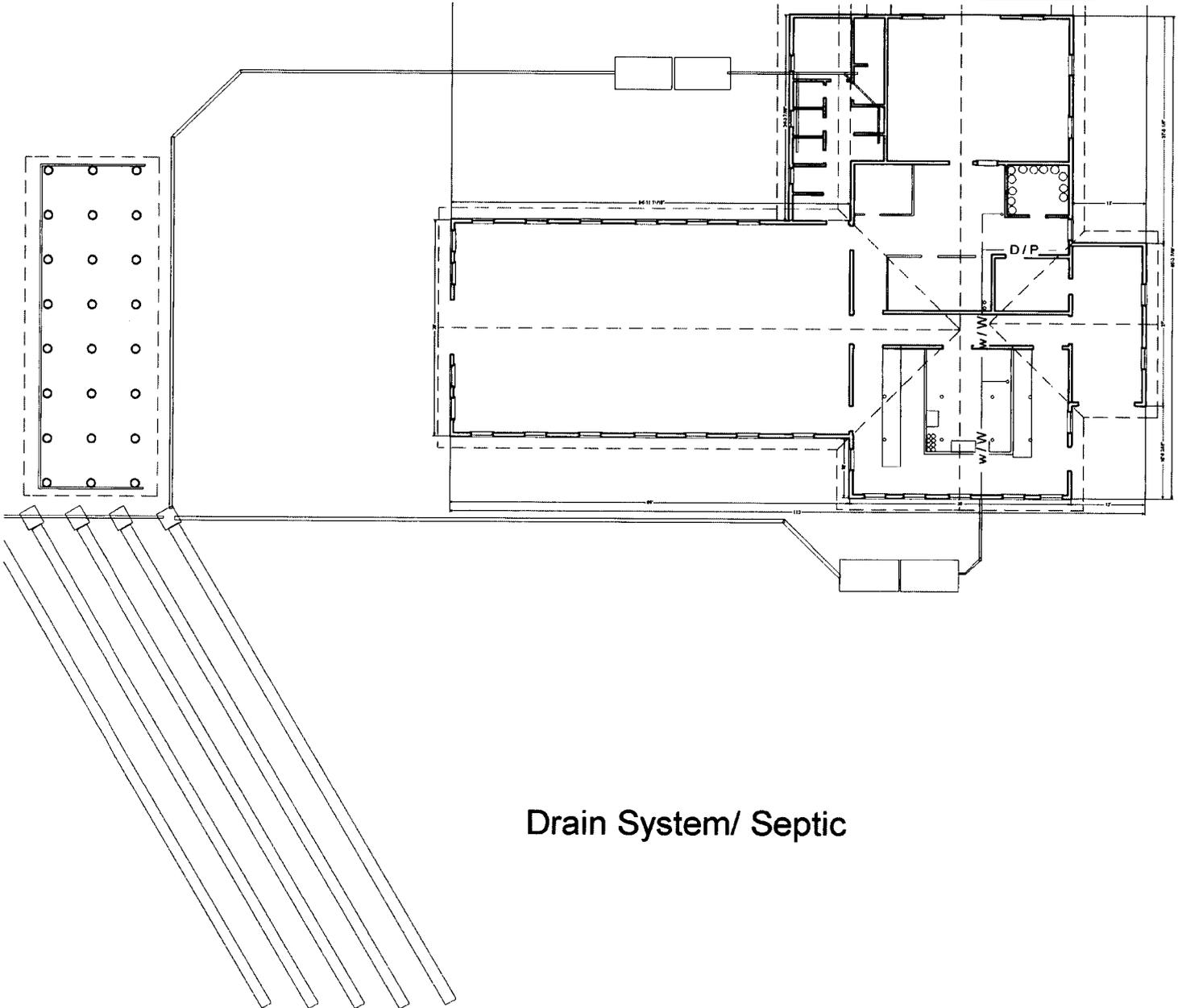
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Rittgers Barn

DRAWINGS PROVIDED BY:
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DATE:
2/15/2017

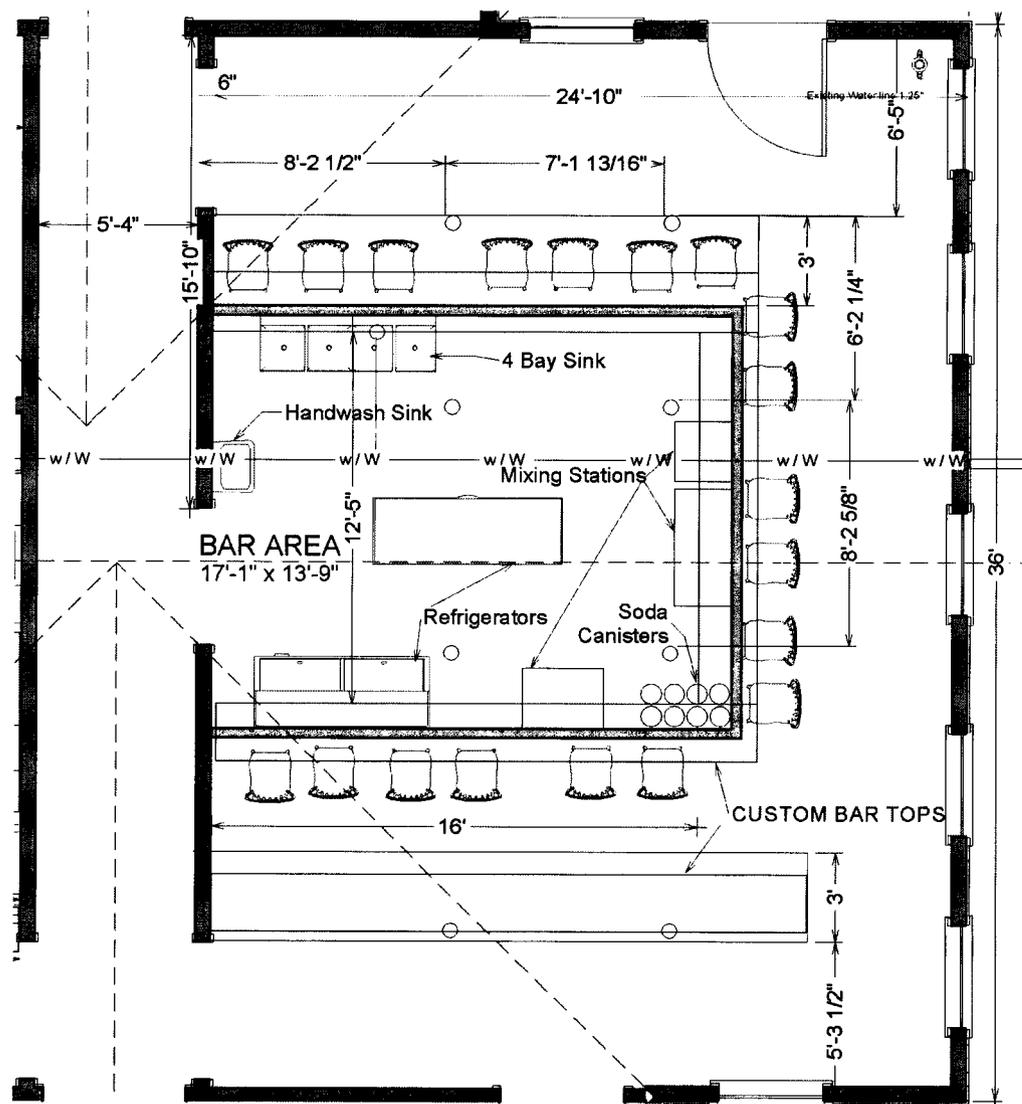
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SHEET:
A-6

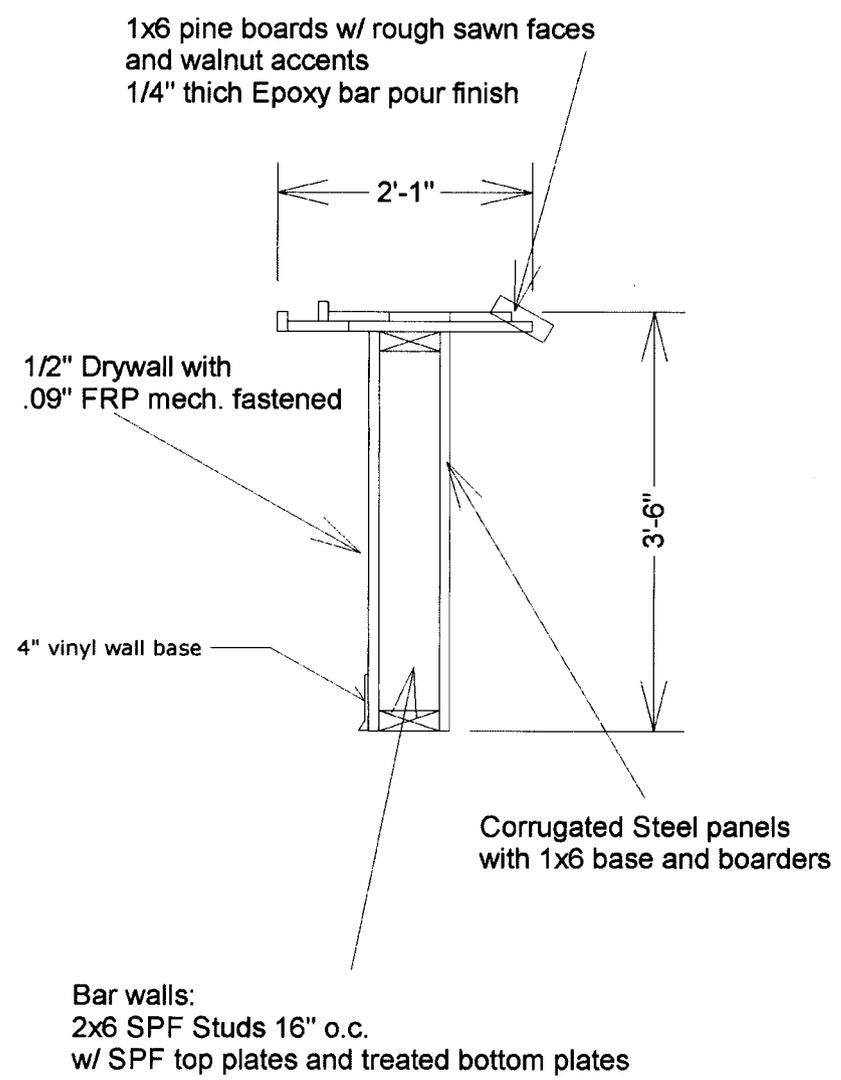


Drain System/ Septic

NO.	DESCRIPTION	BY	DATE
PROJECT DESCRIPTION		SHEET TITLE	
Rittgers Barn		SHEET TITLE	
DRAWINGS PROVIDED BY:		DATE:	
		2/15/2017	
		SCALE:	
		SHEET:	
		A-7	



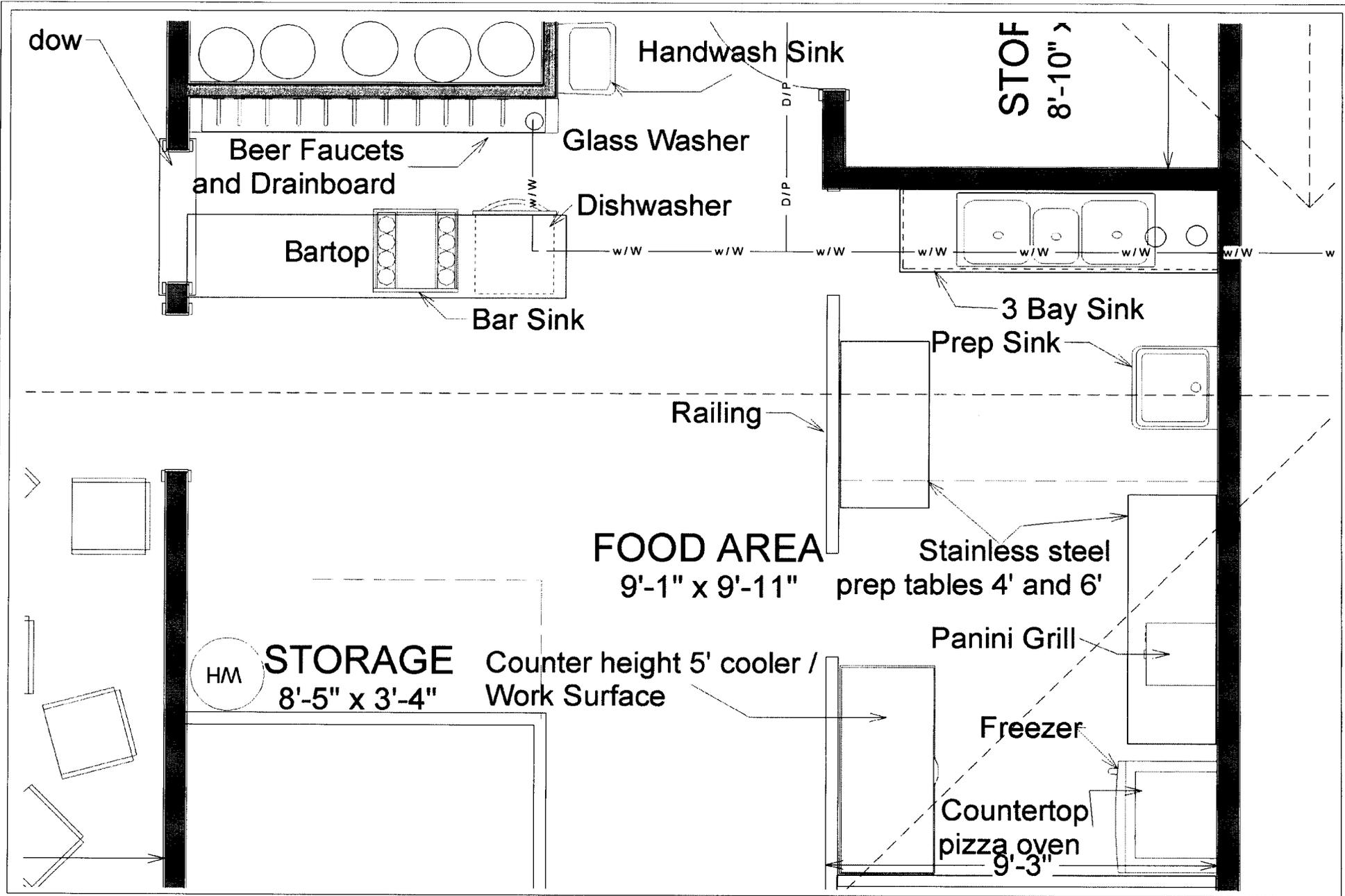
BAR AREA



Bar walls:
 2x6 SPF Studs 16" o.c.
 w/ SPF top plates and treated bottom plates

Bar Construction

NO.	DESCRIPTION	BY	DATE
PROJECT DESCRIPTION: Rittgers Barn			
SHEET TITLE: SHEET TITLE			
DRAWINGS PROVIDED BY:			
DATE: 2/15/2017			
SCALE:			
SHEET:			
A-8			



NO.	DESCRIPTION	BY	DATE

SHEET TITLE
Rittgers Barn

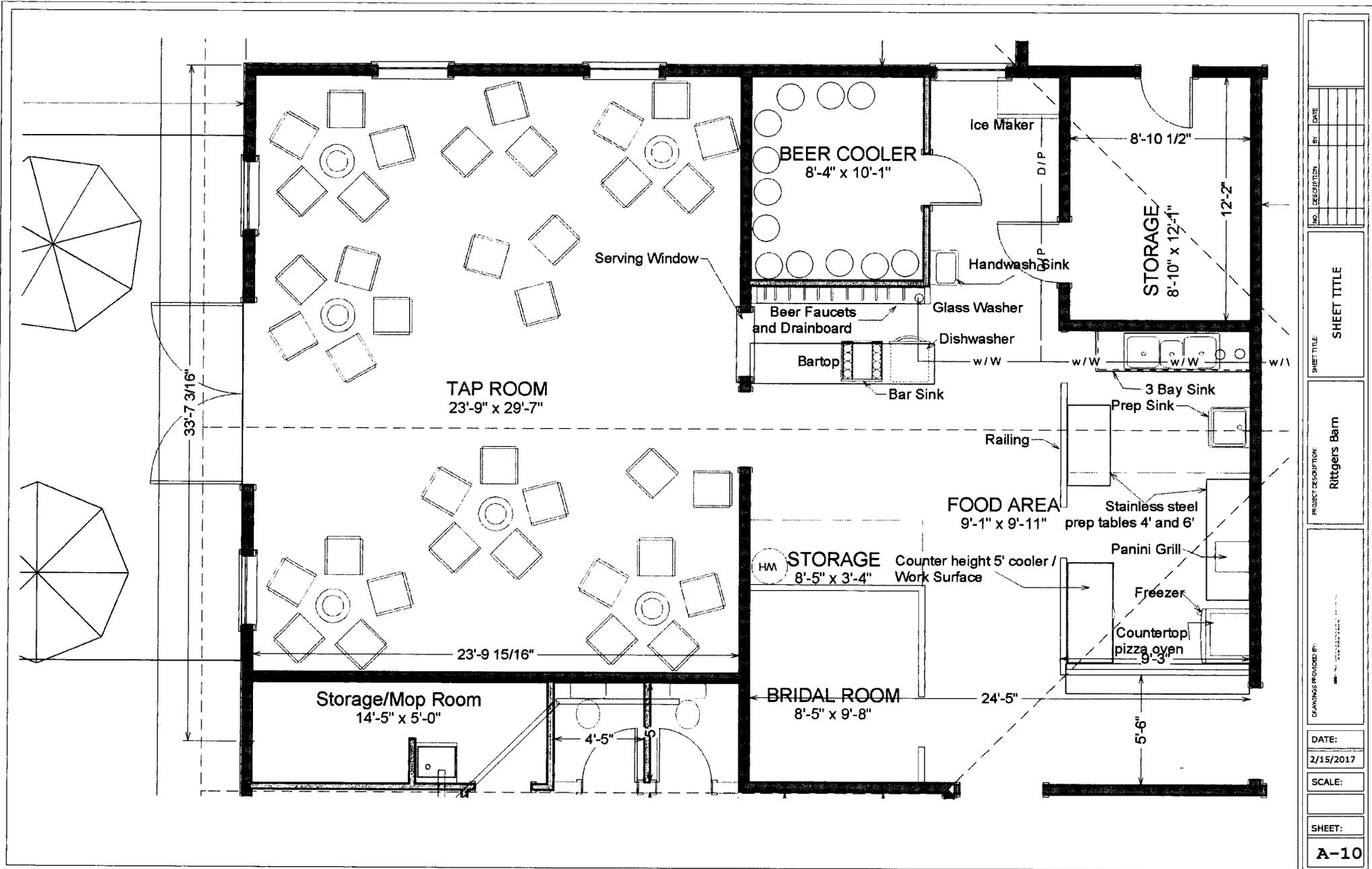
PROJECT DESCRIPTION:
Rittgers Barn

DRAWINGS PROVIDED BY:

DATE:
2/15/2017

SCALE:

SHEET:
A-9



NO.	DESCRIPTION	BY	DATE
SHEET TITLE			
Rittgers Bar			
DRAWINGS PROVIDED BY:			
DATE:			
2/15/2017			
SCALE:			
SHEET:			
A-10			

2017 RENOVATIONS

West wing renovations for a Taproom.

Adding walk in beer cooler, beer tap system, small bar and serving window, under-counter dishwasher, ice maker, outdoor patio, indoor and outdoor seating.

Plumbing- Install new cold water lines to ice maker and to SE corner of Walk in cooler for a glass washer. Install new hot water line to under-counter dishwasher. Install new PVC waste line from existing line at the 3 bay sink to the new dishwasher location and add a floor drain for the glass washer below the tap-line drain board.

Electrical- Provide power to new ice maker, dishwasher, and to condenser and evaporator of walk-in cooler. Provide additional exterior lighting on west wall for outdoor patio.

CONSTRUCTION UPDATES- 2015

Finishes:

Floors:

Banquet room concrete floors stained and sealed with 2 coats of BW (Brock White) Bright Kure and Seal.

Bars, Bathroom, and warewashing area floors: 3 coats of (Sherwin Williams) 2 part epoxy floor coating approved for food grade use.

Taproom Floor: Solid color concrete stain sealed with clear Rextthane finish

All other floors concrete

Walls:

All wood walls washed and scraped loose debris. Sprayed with 2 coats of clear polyurethane to seal wood.

Walls behind Bars and Dishwashing area to be FRP sheets glued and mechanically fastened.

Ceilings:

All Ceilings wood, sprayed with 2 coats of polyurethane to seal wood

Warewashing ceiling: FRP sheets glued and mechanically fastened

HVAC: Ductless mini-split heat pumps, (Electric)

Bar Area: 1-24,000 btu unit w/ 24,000 btu outdoor unit

Banquet Room: 2-18,000 btu units w/ 1-36,000 btu outdoor unit

Plumbing: Schedule 40 PVC Drain System to a private SSTS.

Water lines and fittings: Uponer Pex expanded rings and plastic fittings

All Plumbing plans submitted and approved by MN Dept of Labor and Industry

Electrical: All Electrical has been updated, with current electrical standards; Per use and governing codes. Final inspection complete

New 200 amp service panel. All wiring run in Rigid conduit or MC type wire. Steel boxes and only UL listed Fixtures

Installation of emergency exit lighting w/ battery backup and lights at all exits and hardwired smoke detectors as needed per code.

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
SHEET TITLE

PROJECT DESCRIPTION:
Rittger's Barn

DRAWINGS PROVIDED BY:

DATE:
2/15/2017

SCALE:

SHEET:

A-11

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JAN 08 2019



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JAN 08 2019



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JAN 08 2019



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JAN 08 2019



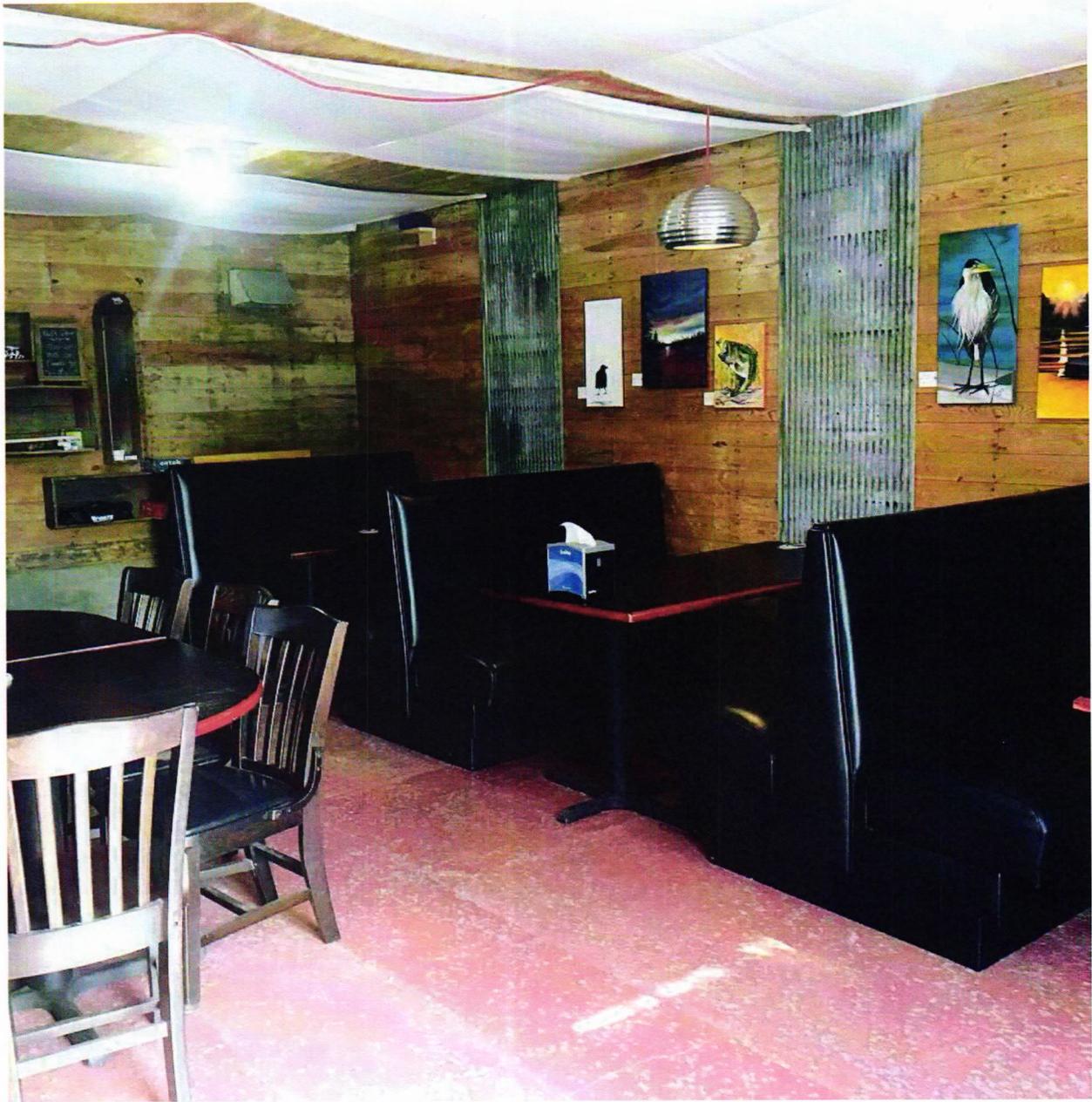
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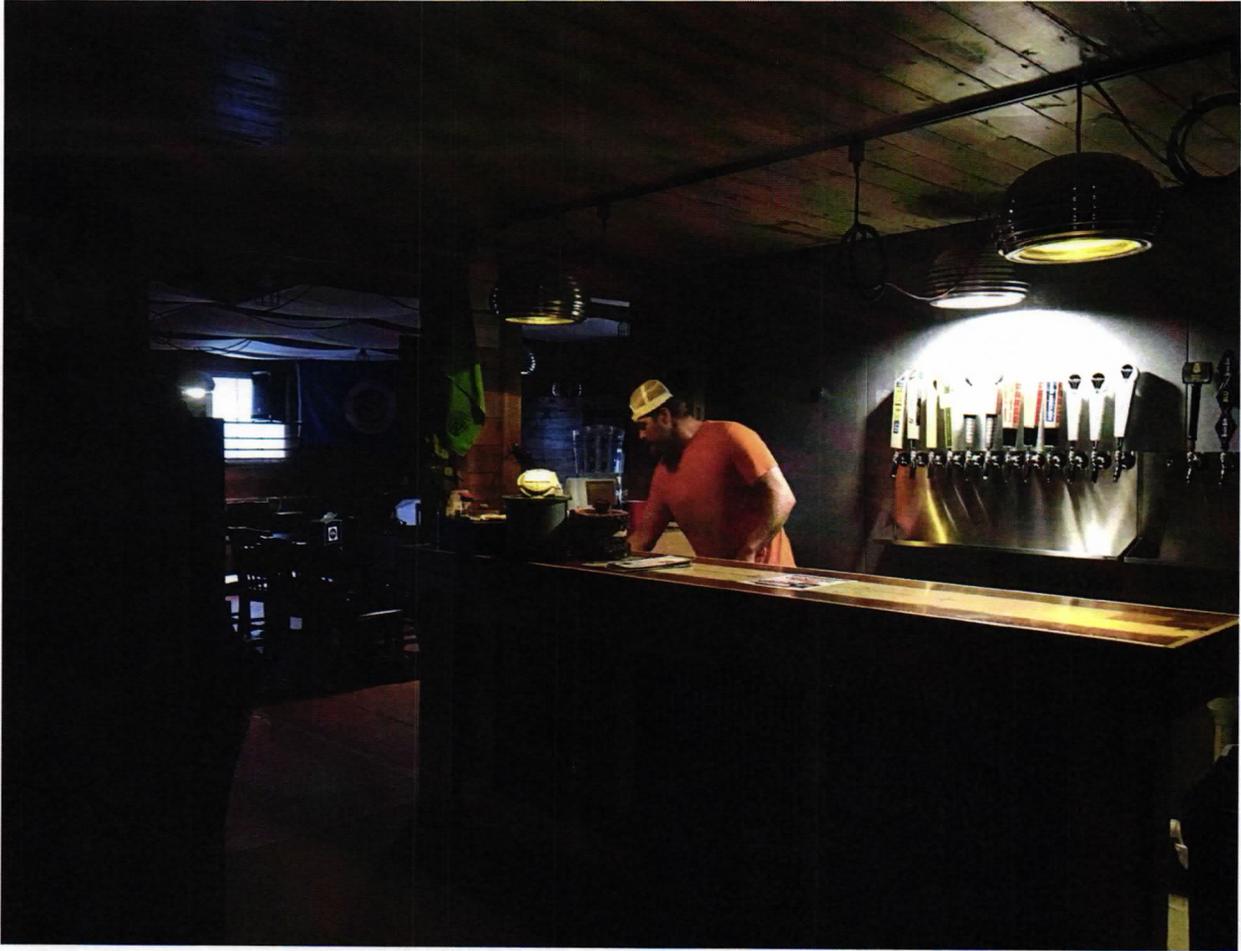
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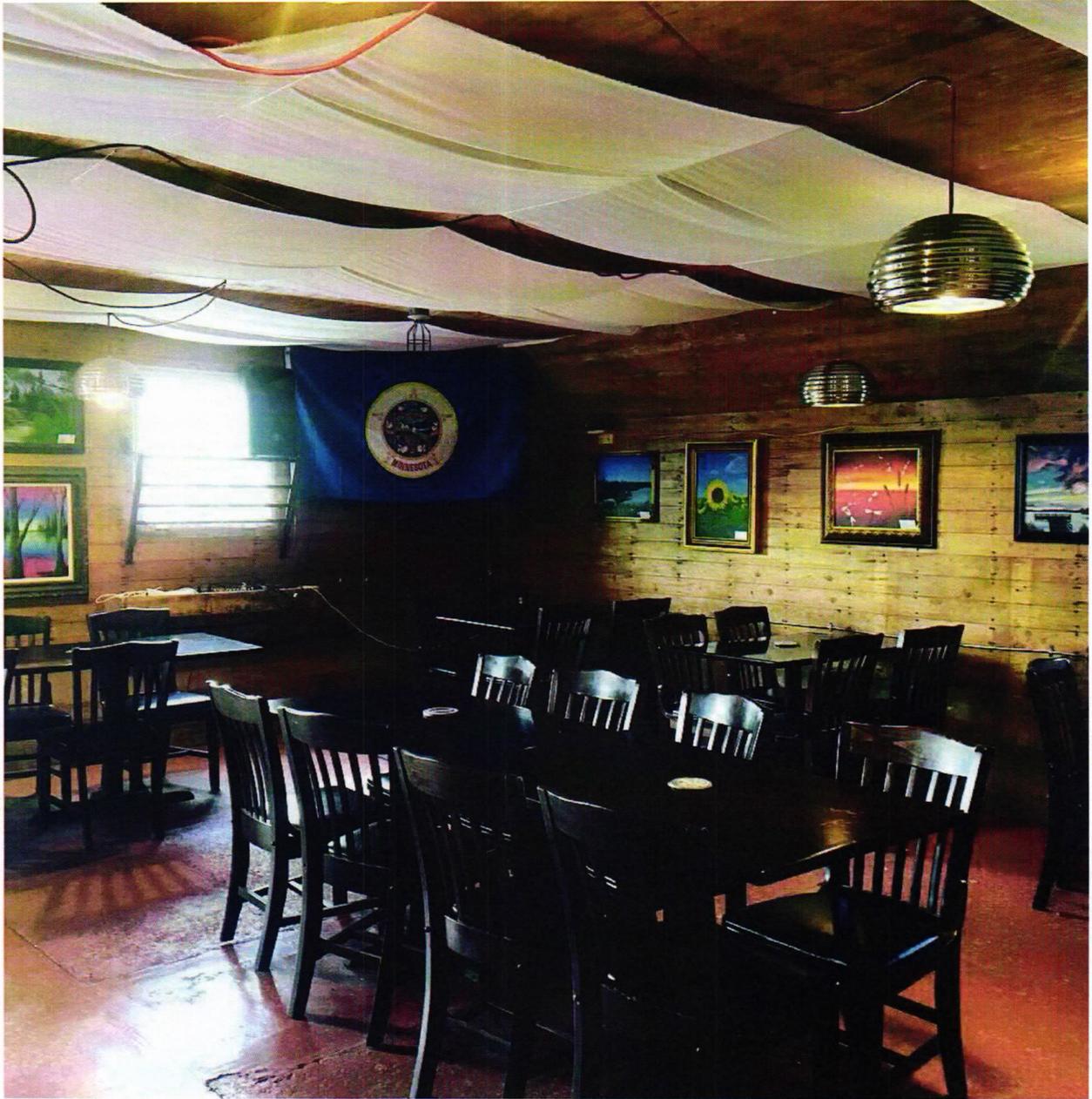
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JAN 08 2010



RECEIVED
JAN 08 2010



RECEIVED
JAN 08 2010



POST
CONSPICUOUSLY

MINNESOTA DEPARTMENT of HEALTH
625 Robert Street North, P.O. Box 64975
Environmental Health Division
St. Paul, Minnesota 55164-0975
(651) 201-4505

NOT TRANSFERABLE
AS TO PERSON
OR PLACE

Fee Paid: \$870.00

485

LICENSE NO. FBL-32971-46031 FOR THE OPERATION OF:

License Categories: 1-Additional Food Service, Alcohol Bar Service License, Base Fee -
FBL, Hospitality Fee, Medium Establishment, 0-Private Sewer, 1-Private
Water

DUPLICATE

LICENSE PERIOD: May 1, 2017 THRU December 31, 2017

ISSUED TO:

Firefly Event Barn LLC
25275 State 34
Nevis, Minnesota 56467

ESTABLISHMENT NAME:

Firefly Event Barn LLC
25275 State 34
Nevis, Minnesota 56467

License Type(s): Restaurant/Place of Refreshment

County: Hubbard

POST
CONSPICUOUSLY

MINNESOTA DEPARTMENT of HEALTH
625 Robert Street North, P.O. Box 64975
Environmental Health Division
St. Paul, Minnesota 55164-0975
(651) 201-4505

NOT TRANSFERABLE
AS TO PERSON
OR PLACE

Fee Paid: \$1,035.00

547

LICENSE NO. FBL-32971-46031 FOR THE OPERATION OF:

License Categories: 1-Additional Food Service, 2-Additional Food Service Bar, Base Fee -
FBL, Category 2 Establishment, Hospitality Fee, 0-Private Sewer,
1-Private Water

LICENSE PERIOD: May 11, 2018 THRU December 31, 2018

ISSUED TO:

Firefly Event Barn LLC
25275 State 34
Nevis, Minnesota 56467

ESTABLISHMENT NAME:

Firefly Event Barn LLC
25275 State 34
Nevis, Minnesota 56467

License Type(s): Restaurant/Place of Refreshment

County: Hubbard



**Minnesota Department of Public Safety
Alcohol and Gambling Enforcement**
445 Minnesota Street, Suite 222
St. Paul, MN 55101
651-201-7500

RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approved or released until the \$20 Retailer ID Card fee is received by Alcohol and Gambling Enforcement

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. City Clerk/County Auditor are also required by M.S. 340A.404 S.3 to report any license cancellation.

License Code CTONSS License Period Ending 12/31/2019 ID# 64239

ISSUING AUTHORITY Hubbard Co

Licensee Name FireFly Event Barn LLC

Trade Name FireFly Event Barn

City, State, Zip Code 25275 State 34

Nevis MN 56467

Business Phone 2182551483

License Fees: Off Sale On Sale \$1,500 Sunday \$100

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

Applicant's signature on this renewal confirms the following: Failure to report any of the following may result in civil penalties.

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. \$100,000 in cash or securities or \$100,000 surety bond may be submitted in lieu of liquor liability. (3.2& liquor licenses are exempt if sales are less than \$25,000 at on sale, or \$50,000 at off sale).

Licensee Signature _____ DOB _____ SS# _____ Date _____
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature _____ Date _____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature _____ Date _____
County Board issued licenses only (Signature certifies licensee is eligible for license).

Police/Sheriff Signature _____ Date _____
Signature certifies licensee or associates have been checked for any state/local liquor law violations (criminal/civil) during the past five years. Report violations on back, then sign here.



A000371302

HUBBARD COUNTY, MINNESOTA
CERTIFIED, FILED, AND/OR
RECORDED ON
4/11/2014 4:00:37 PM

NICOLE K. LUETH
HUBBARD COUNTY RECORDER

BY RLB Dep PAGES: 3

WELL CERT RCVD

MTG REG TAX PD \$

DEED TAX PD \$ 970.86

TAX EXEMPT

Transfer Entered On APR 11 2014

CRV No. 16079 () N/A

() No Delinquent Taxes () N/A

() Current Taxes Paid in Full () N/A

Nicole K. Lueth, Hubbard County Recorder

By 026, Deputy

21.10.00410

(Top 3 Inches reserved for recording data)

well
↓

WARRANTY DEED
Individual(s) to Joint Tenants

Minnesota Uniform Conveyancing Blanks
Form 10.1.5 (2013)

eCRV number: 213519

DEED TAX DUE: \$970.86

DATE: April 11, 2014
(month/day/year)

FOR VALUABLE CONSIDERATION, Ralph A. Rittgers and Arlene Rittgers, husband and wife ("Grantor"), hereby convey(s) and warrant(s) to Brent W. Nicklason and Lindsey A. Nicklason ("Grantee"), as joint tenants, real property in Hubbard County, Minnesota, legally described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

Ralph A. Rittgers

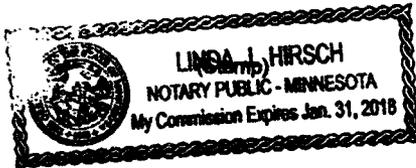
 Ralph A. Rittgers

Arlene Rittgers

 Arlene Rittgers

State of Minnesota, County of Hubbard

This instrument was acknowledged before me on April 11, 2014, by Ralph A. Rittgers and Arlene Rittgers, husband and wife.



Linda J. Hirsch

 (signature of notarial officer) Linda Hirsch

Title (and Rank): Escrow Officer

My commission expires: January 31, 2018

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Linda Hirsch
 LEER Title Services
 104 Park Avenue N, Ste 201
 Park Rapids, MN 56470

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN
 THIS INSTRUMENT SHOULD BE SENT TO:

(insert legal name and residential or business address of Grantee)
 Brent W. Nicklason
 25275 State 34
 Nevis, MN 56467

EXHIBIT "A"
LEGAL DESCRIPTION

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Ten (10), Township One Hundred Forty (140), Range Thirty-three (33), lying Southeast of the Southeasterly right of way line of County Highway Number 34.

LESS AND EXCEPT: That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section Ten (10), Township One Hundred Forty (140) North, Range Thirty-three (33) West, said County, described as follows: Beginning at the Northeast corner of said Northeast Quarter of the Southwest Quarter; thence South 0 degrees 40 minutes 40 seconds East, assumed bearing along the East line thereof 31.55 feet; thence South 86 degrees 23 minutes 02 seconds West 351.94 feet; thence South 89 degrees 24 minutes 49 seconds West 186.24 feet; thence North 0 degrees 18 minutes 35 seconds East 58.54 feet, more or less, to the North line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 41 minutes 28 seconds East along said North line 536.80 feet to the point of beginning. Subject to County State Aid Highway Number 13 right of way.

ALSO LESS AND EXCEPT: That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section Ten (10), Township One Hundred Forty (140), Range Thirty-three (33), described as follows: Commencing at the South Quarter corner of said Section 10; thence on an assumed bearing of South 88 degrees 57 minutes 29 seconds West along the South line of said Section 10 a distance of 767.76 feet; thence North 00 degrees 07 minutes 20 seconds West a distance of 1916.21 feet; thence South 84 degrees 00 minutes 39 seconds West a distance of 56.20 feet to the point of beginning of the tract to be described; thence continuing South 84 degrees 00 minutes 39 seconds West a distance of 223.46 feet; thence North 28 degrees 15 minutes 20 seconds West a distance of 186.31 feet to the Southeasterly right-of-way of Minnesota Trunk Highway 34; thence Northeasterly along said right-of-way to its intersection with a line that bears North 11 degrees 45 minutes 17 seconds West from the point of beginning; thence South 11 degrees 45 minutes 17 seconds East to the point of beginning and there terminating.

ALSO LESS AND EXCEPT: All that part of the Southwest Quarter (SW $\frac{1}{4}$), Section Ten (10), Township One Hundred Forty (140), Range Thirty-three (33), described as follows: Commencing at the Northeast corner of said Southwest Quarter; thence on an assumed bearing of South 0 degrees 8 minutes 14 seconds East along the East line of said Southwest Quarter a distance of 1289.46 feet to the point of beginning of the tract to be described; thence continuing South 0 degrees 8 minutes 14 seconds East along said East line a distance of 936.22 feet; thence North 87 degrees 56 minutes 44 seconds West a distance of 628.08 feet; thence South 58 degrees 14 minutes 21 seconds West a distance of 161.95 feet; thence North 0 degrees 13 minutes 0 seconds East a distance of 998.15 feet; thence North 89 degrees 56 minutes 22 seconds East a distance of 759.77 feet to the point of beginning and there terminating.

ALSO LESS AND EXCEPT: All that part of the Southwest Quarter and Outlot 1, Plat of Pine Beach, Section 10, Township 140 North, Range 33 West, Hubbard County, Minnesota, lying Southeasterly of the Southeasterly right-of-way of Trunk Highway 34 as it now exists and Northerly of the Northerly right-of-way line of Hubbard County Road 33 as it now exists, and Westerly, Southerly and Southeasterly of the following described line: Commencing at the South Quarter Corner of said Section 10; thence on an assumed bearing of South 89 degrees 17 minutes 31 seconds West along the South line of said Section 10 a distance of 767.69 feet; thence North 0 degrees 13 minutes 00 seconds East a distance of 101.48 feet to the Northerly right-of-way of said Hubbard County Road 33 and the point of beginning of the line to be described; thence continuing North 0 degrees 13 minutes 00 seconds East a distance of 1814.45 feet; thence South 84 degrees 20 minutes 59 seconds West a distance of 279.66 feet; thence North 27 degrees 55 minutes 00 seconds West to the Southeasterly right-of-way of said Trunk Highway 34 and there terminating.

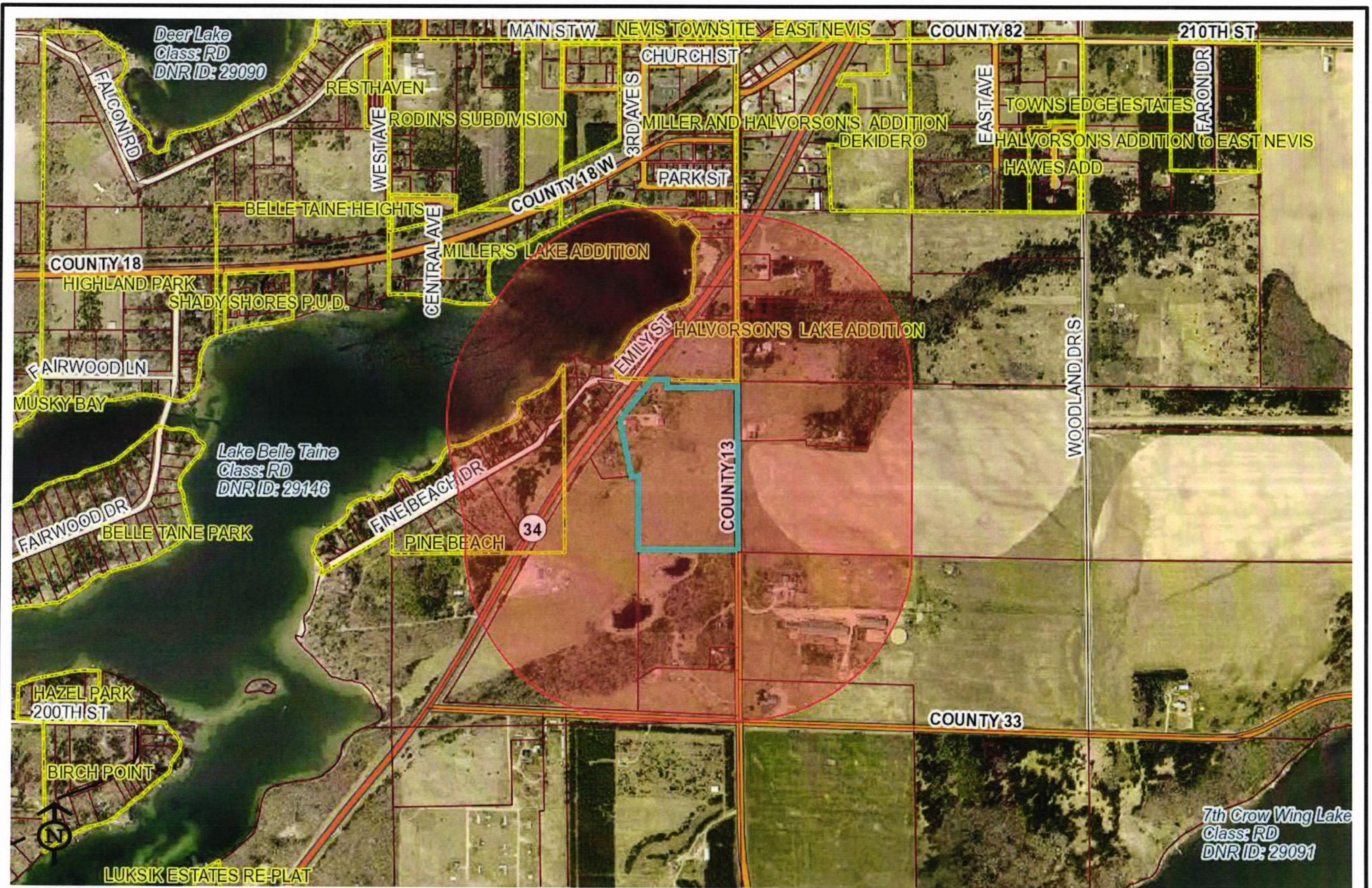
Abstract property in Hubbard County

From Park Rapids

25275 State 34
Newis MN 56467

Drive East on State 34 approx 11 miles
to Newis City Limits

Blue # will be on right hand side



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2-CU-19 Nicklason

PARCEL ID	TAXPAYER NAME 1	TAXPAYER NAME 2	TAXPAYER ADDRESS 1	TAXPAYER CITY	TAX TAXPA	zip
31.10.00800	RONALD & GRACE ALBERG		114 COUNTY 13	NEVIS	MN	56467
31.10.00900	DANIEL P & CHARLENE D ALTO		P O BOX 374	BARNESVILLE	MN	56514
21.10.01200	ANNE L BEDFORD TRUST		25082 STATE 34	NEVIS	MN	56467
21.37.00300	DANIEL D & MARY KAY BILLADEAU		2697 MONROE DR NW	ROCHESTER	MN	55901
21.37.00400	RICHARD W & CAROLYN J BOEHMER		20301 FINE BEACH DR	NEVIS	MN	56467
31.43.00200	LORI A BUCHNER		703 108TH AVE NW	COON RAPIDS	MN	55448
31.43.01200	JAN CARSON		112 EMILY ST	NEVIS	MN	56467
21.37.00800	JOANNA S CHALSON		30 CHINA COCKLE LANE	HILTON HEAD	SC	29926
31.43.01300	CHRIS CARSON & KARLA CARSON	C/O JAN CARSON	9923 LAWSON LN	EDEN PRAIRIE	MN	55347
21.10.00300	COPPERSMITH LLC	ATTN: KATE KELLY	17310 5TH AVE N	PLYMOUTH	MN	55447
31.43.02010	DNR-PUBLIC ACCESS	ATTN TAX SPECIALIST	500 LAFAYETTE RD BOX 45	ST PAUL	MN	55155 4045
21.10.00100	MARK & JOAN DOERNER		PO BOX 1621	BISMARCK	ND	58502
21.10.01000	DOUBLE BAR B LLC		24759 FANTAIL DR	NEVIS	MN	56467
31.43.00400	KAREN J DREGSETH		922 UNIVERSITY DR N	FARGO	ND	58102
21.10.00700	E & T ASSOCIATES LLC		1217 1ST ST E	PARK RAPIDS	MN	56470
21.37.00900	EDWARD R & SALLY E FROELICH		20263 FINE BEACH DR	NEVIS	MN	56467
31.43.00600	JEFFREY & LEA GALLAGHER TR	JEFFREY J & LEA A GALLAGHER TTE	10254 W TUMBLEWOOD DR	SUN CITY	AZ	85351
31.43.00800	BENJAMIN L HADDEN	JENNIFER HADDEN	642 WILLOUGHBY WAY W	HOPKINS	MN	55305
21.37.03310	SEAN & JENNIFER HANLEY	JAMES & MICHELLE HANLEY	315 5TH ST S	MOORHEAD	MN	56560
31.43.00500	HAWES RENTAL INC		PO BOX 354	NEVIS	MN	56467
21.10.01010	HEARTLAND CONTRACTORS INC		25438 COUNTY 33	NEVIS	MN	56467
21.10.01300	TIMOTHY D & JERI S JOHANNING		10675 COUNTY 106	PARK RAPIDS	MN	56470
21.37.00700	GUY KEELER ETAL		5580 E LANSING WAY	FRESNO	CA	93727
21.10.00200	ROBERT R & JANE W KEELER		5580 LANSING WAY	FRESNO	CA	93727
21.37.00200	ROGER A KEEPERS JR		511 CEDAR STREET	CHADRON	NE	69337
31.43.01000	WASSANA KIEWNOI		607 MAIN ST W	NEVIS	MN	56467
21.10.00411	DAVID J KOCER	BARBARA M KOCER	3761 MAYO LAKE RD SW	ROCHESTER	MN	55902
31.40.00700	MELVIN R LEE JR		8351 W 145TH PL	ORLAND PARK	IL	60462
31.43.00300	DONALD C & BERTHA M MILLER		410 WEST MULBERRY ST	STILLWATER	MN	55082
21.10.00800	PETER L NELSON		PO BOX 96	NEVIS	MN	56467
31.43.03021	NEVIS CITY	C/O CITY CLERK	PO BOX 108	NEVIS	MN	56467
21.10.01110	NICKLASON ENTERPRISES LLC		19813 EMERALD DR	NEVIS	MN	56467
21.10.00410	BRENT W & LINDSEY A NICKLASON		25275 STATE 34	NEVIS	MN	56467

21.10.01310 SHANNON L & BOBBIE JO OMBERG		20414 COUNTY 13	NEVIS	MN 56467
31.10.02400 BENJAMIN OTT		102 COUNTY 13	NEVIS	MN 56467
21.10.00900 BLAIR J REUTHER		607 MAIN ST W	NEVIS	MN 56467
21.10.00400 PERRY & DENISE RITTGERS		19851 COUNTY 13	NEVIS	MN 56467
21.10.00500 RALPH A RITTGERS	ARLENE K RITTGERS	20097 COUNTY 13	NEVIS	MN 56467 5002
21.37.00500 ROBERT J & KATHY J RUSCH		603 37TH ST NW	BEMIDJI	MN 56601
21.37.01300 SCHOEN REVOCABLE TRUST		6501 WOODLAKE DR #227	RICHFIELD	MN 55423
21.37.03340 AMY L SCHUTZ		20163 FINE BEACH RD	NEVIS	MN 56467
21.10.00600 STEVEN C & DIANE L SELSETH		20179 COUNTY 13	NEVIS	MN 56467
31.10.02500 PATRICIA C SPURLIN		104 COUNTY 13	NEVIS	MN 56467
31.10.02800 KEITH & RENEE THIELEN		623 PARK AVE SE	PIERZ	MN 56364
31.43.00100 JEANNE & ROBERT S THOMPSON		103 BUNYAN TRAILS DR	NEVIS	MN 56467 4243
31.10.02510 TRUSTAR FEDERAL CREDIT UNION		601 FOURTH ST	INTL FALLS	MN 56649
31.43.00700 RONALD & LINDA UELAND		36484 130TH AVE NW	NEWFOLDEN	MN 56738
21.10.00413 JOHN C & JODY L WIZIK		25243 STATE 34	NEVIS	MN 56467

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, February 25, 2019

Chairman Mark Petersen opened the meeting with the following additional members present: Ken Grob, Tim Johnson, and Veronica Andres. Also present were Environmental Services Director Eric Buitenwerf and County Board Commissioner David DeLaHunt.

Petersen started the meeting by reading the procedure by which the meeting of the Planning Commission/Board of Adjustment will be conducted to the audience.

Planning Commission:

Approval of Minutes: January 28, 2019

Andres stated I did find a correction needs to be added by inserting on the conditional use permit 2-CU-14 to "recommend approval" to the Hubbard County Board of Commissioners on number seven and number ten.

Andres made a motion to approve the minutes with the two corrections.

Petersen seconded the motion that carried unanimously 4 – 0.

Old Business: None.

New Business:

Conditional Use Application 1-CU-19 by Brent Nicklason: Part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 140, Range 33, Nevis Township on Lake Belle Taine, a recreational development lake. Parcel 21.10.00410. Applicant is requesting a conditional use permit to operate a restaurant/bar use.

Brent Nicklason, 25275 State Hwy 34, Nevis, MN, presented app.

Nicklason stated currently we have our event center and we would like to have an additional use for a bar/restaurant for summer months. We have the capital, we have a liquor license and all the pieces are there. We are needing to use it more than one or two days a week so the bar/restaurant use is the best use of the property and the assets that we have to continue and grow our business.

Grob said I would like to get clarification on what exactly you are proposing in your application. It is important that we be clear about it so that if we put conditions on, it is consistent with what you are asking for and not put you back here in six months to redo it. I wanted to start with item three in your application, where you talked about typical days and hours of use. It says Wednesday through Sunday with an option for seven days a week. Then it talks about Wednesday, Thursday, Friday, and gives some hours for Sunday. Do you want the application to be for potentially seven days a week for the

restaurant/bar use or do you want it for the number of days that you put in the application?

Nicklason replied I think I want it seven days a week. To back up just a minute, I didn't probably understand when I filled out the application and Buitenwerf helped me get through it. I tried to get through it to the best of my ability. A number of my answers are of current operation; that is what I put down and that is the way I answered them. I didn't understand that it is what I would limit myself to by answering the question that way. I was trying to provide information as to how we are operating. I would like to have the capability to operate seven days a week if possible.

Grob asked what hours would you propose? You have mentioned Wednesday, Thursday, Friday; 4-10 p.m. Would Monday, Tuesday, Wednesday, Thursday, Friday be then appropriately 4-10? Are those the hours you would like to put on it? You say Wednesday, Thursday, and Friday 4-10. Sunday 10-8.

Nicklason said if I have to come back here to change my hours, I would say let's put it at 11 a.m. or noon. Is there a problem that you see with broadening it a bit?

Grob responded we would have to consider noise and what hours you are allowed to have any outdoor activity. If you say 4-10 and we know you are going to be done at 10, then we might not have to do anything about noise.

Nicklason added what I would like, and I was thinking about it after our site visit, is there some way to reference the conditional use 2-CU-14 that has all the conditions for our event center? To date, we followed all of those stipulations with all of our operations.

Grob stated for your event center, your hours are 7 a.m. to 1 a.m. Buitenwerf, the current event center CUP, does it allow him to operate the bar and the tap room while he has an event going on? They were not part of the thinking when we did the conditional use permit for the event center, but is there anything that constrains him from using those during an actual event now?

Buitenwerf replied there is nothing in that permit that prohibits the use of the space that is proposed to be used as the restaurant/bar. I would have to give it some thought, but I think that having people eat in that area or consume beverages at the bar wouldn't be prohibited. I don't recall a condition in the event center CUP speaking to those items. What wouldn't be allowed would be to have the restaurant and the bar, or one or the other, operate with standing hours that are available for the public. They would have to be part of an event.

Grob clarified they could operate, but they would have to be part of the event center? It couldn't be open to the public to use those facilities. The people attending a wedding could use the bar and taproom area under his current conditions?

Buitenwerf answered I believe so, yes, without looking through all this.

Grob asked is it appropriate for us to put a condition on the hours that he can operate the bar/restaurant? Is it important that we lock down on that as part of the conditions for this?

Buitenwerf replied I would just say, as it would be with any possible item that you would make a condition with, if you feel that it would be appropriate to ensure the public health, safety and welfare, and then also that the surrounding residential property uses, that their ability to enjoy their property is not harmed by the operation of the business. If that is able to be more assured with a condition that would limit hours of operation, then it would be appropriate. If that isn't an issue, then it wouldn't necessarily be required. It is kind of a case by case basis.

Nicklason said I am just looking at it black and white. Your job is to be the voice of reason and make sure that things aren't getting out of hand. I have an approved use to operate that event center from 7 a.m. to 1 a.m., seven days a week and I understand the bar/restaurant issue. We are really just talking about how they got there. I don't see how that is a big problem. If they had an invitation to come, then it is ok. But if they didn't, then it is a problem. I am just trying to understand.

Grob explained that is the complication. If you got approval to have an event center seven days a week from 7 a.m. to 1 a.m. and you can use that bar/restaurant, you can say you are open for an event every day.

Nicklason replied I can right now basically. It is interpretation of what is an event center. We need to use our business more than we currently are. One way or the other we are going to be using that building. If it is going to be more events, because we are not allowed to have a bar/restaurant, then we are going to have to change our business model a little bit.

Petersen asked Buitenwerf it seems to me that you have got two business models going on here, your event center and now your bar/restaurant. To me, I would wonder what parameters there are for other restaurants? If you are operating as a bar/restaurant, I don't know that I would want to be necessarily more restrictive than any other bar/restaurants operating in the general area. Can you give me any guidelines? I am not familiar with any restriction they might have that we might be thinking about putting on him just so that he is in the same boat as everybody else for the bar/restaurant aspect of his business.

Nicklason added you are saying I have two separate business models; I have had to retrain my brain to think about it that way. In my mind I have one business and business model. I have an event center. As we have navigated this process, in my mind I was operating an event center, because that is my interpretation and I was operating in my allowed use to have people coming and going. I guess I do have two separate business models and I am trying to put them together.

Petersen asked Buitenwerf we do have some distinctions here between an event center and a bar/restaurant. Does my question make sense? I am struggling on what to restrict him on; maybe I use the model of other bar/restaurants in the area? Are there hours of operation that other bar/restaurants in the area are held to? Do we want to use that as an example?

Buitenwerf answered it certainly is helpful to look at and ask the question of what ways others are regulated. It is also case specific from a zoning law standpoint. Because of how past practice has been, does not mean that you have to do the same in this case, if you feel that there are unique circumstances here that warrant certain attention. That said; time of year, in terms of months of operation as well as days and hours, are certainly reasonable things that are not atypical to see on a conditional use permit for this type of a business or any other business. Similar to scope of how many people can be there, a small restaurant that serves 100 people is much different than a large buffet that serves 500 people as far as its impact on the surrounding area with vehicle traffic for example.

Grob commented it seems to me that this has been evolving into he wants to run a bar/taproom/restaurant. He has made an application, 75 people maximum. That is the normal operation of business. When he books an event, he will fall under the requirements of the event center, which is 300 people and different hours. Under normal operation, we are assuming you are running a bar/restaurant with a limit of 75 people. We should put conditions as to what a bar/restaurant should be to go with it. When you declare an event, someone books an event, and then the conditions of the conditional use permit for the event center come into play. I am saying you can't leave it open. If you are running a bar/restaurant that is the normal, for you to exceed 75 capacity, you have to declare or somehow record that it is an event.

Nicklason asked how do I do that?

Grob said I assume someone calls you up and you write down that it is an event center. I would say there is a certain amount of trust put on you, it is a formal booked event and then it comes under the event center. What we are trying to guard against, is that your bar/restaurant becomes a 300 person dance hall. The conditions for a bar/restaurant are different.

Johnson added I think that is exactly what we are talking about is that it could be that 300 person dance hall. It is going to be a bar/restaurant, which is what he is asking for a conditional use on. We talk about what is going to be allowed for outside activity. What did we allow for the events?

Nicklason replied 11 p.m. outdoor activities cease.

Grob agreed no outdoor activity after 11 p.m.

Nicklason added outdoor music ending is what it was.

Grob clarified it says any outdoor event center activity must cease at 11 p.m.

Johnson added that is our template for the bar/restaurant because anytime I go there it is going to be an event.

Grob commented why isn't there one conditional use permit that could be used for the whole thing? It's because they are two different uses in the Ordinance?

Petersen asked Johnson since the occupancy is 300 on the event center; we might as well go with that on the bar/restaurant?

Johnson answered I am proposing we go with what the building can legally have by fire code.

Andres added I am the same because as we were there during the lot viewal, you are going to have spill over. The event center can use the whole building and you are not going to want to turn away patrons and ask them to come back in an hour because you are at capacity. He is going to want to keep generating business and his patrons to come, so they are probably going to have some spill over into that room. So we basically have to look at the whole building.

Grob said if you look at 300, how does that influence the septic system requirements?

Johnson answered that is going to be taken care of under the operating permit that has been proposed by Environmental Services. It will be monitored and if it exceeds what is existing, then he will have to update.

Grob continued the bar/restaurant calculation is close to what they currently have. If you combine, it is going to immediately put a much higher requirement on his septic system.

Johnson added as he grows, the State gives us numbers to go by when designing septic. I wouldn't want him to go in and spend another \$15,000 - \$20,000 on a septic that may never hit that, when I can use information that is going to be gathered over time to tell me what I need to do.

Grob stated the actual septic size that is going to be required is going to be based on the data that is collected. You are assuming he is going to be running events that year that in fact will give you a good measure. If he is running smaller events and getting less output, you determine the size, and then his business grows and he exceeds that; how do you handle that?

Johnson replied he is the owner and will be responsible. He might have to get savvy about using satellites during a big event so his numbers don't show overuse of his system.

Nicklason added this is our fifth year and we have a full slate of events booked. I am not going to turn away business to make the numbers look better. I am trying to grow a business and if the numbers show that I need a bigger system, I will put in a bigger system. I just personally know what my size of my system is and the amount of water that is going into it. We aren't even using 25% of that system currently. And we are going to be operating the same way we were operating last year. There is no additional water going into that system that is any larger than last year's number. It will be a good snap shot.

Johnson stated numbers are going to change according to how you use it and those numbers are going to show that.

Grob said with your proposal, we are not going to try to distinguish how he is operating any day of the week. He can have 300 people there seven days a week. The septic system is an issue; we will do the measurement and figure out what size it has to be. Then, looking at the proposed conditions that the staff put together, the only thing that it would come down to is we need to be sensitive to noise and probably the only additional condition should be that certain days of the week there should be no outdoor activity.

Johnson added the lighting would be a big issue for me. I wouldn't want that shining across to people.

Grob mentioned people can put street lights all the way around the lake and we don't have any control over that.

Johnson said they can only shine down; we can make a condition of that.

Grob continued the thing that we should be the most sensitive to then is, what things we should limit on the outside; noise, lighting, etc., that would be offensive to the neighbors. Those are the conditions that we should be looking at.

Petersen added what about hours of operation? Stick with what he has got for the event center; is that what you asked for?

Nicklason replied yes.

Grob stated the only thing is that, in the summer, the neighbors across the road on the lake are going to have windows open or be outside; is maybe 10:00 p.m. for outside noise a better thing, during the week at least?

Johnson asked Nicklason do you have any ideas about making the neighbors happy?

Nicklason answered I think that outdoor activities, we have the patio space. Is 10 p.m. okay or would you rather say 11 p.m.

Andres asked are you talking a.m. or p.m.?

Nicklason replied p.m. You are saying the outdoor patio would need to be cleared off by a certain time or are we talking maybe just no music out there; what are we talking about for activities?

Grob added as long as we are trying to play one to one with the event center, all outdoor activity must cease after 11 p.m. which would mean activity and music at 11 p.m. I am trying to make it consistent. If we have said in there previously that outdoor activity has to cease at 11, then why don't we put the condition on this one too that under the bar/restaurant that all outdoor activity and music must cease at 11 p.m. daily. That is consistent.

Buitenwerf stated in light of the fact that we don't have anyone in the audience; I would suggest asking for public comment, knowing that there isn't any, since the conversation is migrating towards discussions of what a recommendation might look like. Then we have made sure that we have gotten the public comment component taken care of.

Petersen asked for public comment.

No oral public comment was given.

Written public comment received:

- Karen Dregseth, 922 N University Drive, Fargo, ND 58102, letter

Petersen said if we are discussing these hours, are we going to keep uniform then with the event conditions starting time?

Grob asked Buitenwerf how is the 300 capacity controlled?

Buitenwerf replied 300 is the maximum occupancy allowed in the building for the event center CUP. I believe the Fire Marshal has a slightly lower number that they would allow based on the square footage and I believe Nicklason may have that number at the ready that he could share with you.

Nicklason responded that is a dynamic number, right now we are working with the Fire Marshal. You guys were there on Thursday, they came afterwards, and based on certain requirements we are looking at certain spaces and the occupant load of each space and we are trying to lower that slightly by different means to eliminate certain requirements; fire sprinkler system specifically. That is all being handled with the State Fire Marshal and conversations are going. What the final number ends up being, I am not sure exactly where it is going to end up at.

Andres asked isn't it close to 300?

Nicklason responded I don't know the number so I am not going to just say a number.

Grob added so basically, the number would come under the requirement that he has to meet for the Fire Marshal, Department of Public safety, etc, codes. We wouldn't have to worry about that.

Buitenwerf stated yes, any condition entertained toward max occupancy; I would just say that you are requiring it to comply with the State Fire Marshal's requirements, whatever they end up being.

Andres asked have you made any corrections to the current violations from the letter dated September 28, 2018? Have you corrected any of those violations?

Nicklason asked which letter are you referencing? I never received a violation letter. They did a consultation walk through, there were no "violations". I have contracted with an electrician. Travis and Ryan Whiting were both out there again on Thursday and rather than doing a consultation this time, they did an inspection. They are in the process of writing the violation, but they said it is easily remedied with a few things we talked about doing. I have got the plan to remedy those.

Petersen said this notice that is up on the screen right now, you have replied to it and it is either being updated or has been?

Nicklason replied yes.

Grob asked Buitenwerf can you go back to the conditions? I would propose we add a fifth condition that any outdoor bar/restaurant/music and activity must cease by 11 p.m. daily.

Petersen asked is that in addition to this list?

Grob answered yes, I am calling it condition five because there are four of them here that have been proposed and are all reasonable and consistent with the event center ones.

Petersen clarified these were in the staff report.

Johnson asked which four are you talking about?

Grob said on the screen. These are the proposed conditions. The first one is standard, the second has to do with the septic system, and the third has to do with the closeness to the highway, which is typical. The next one deals with public safety, State Fire Marshal and fire codes. As for five, we would add the condition that all outdoor bar/restaurant music and activity would cease at 11 p.m.

Johnson added he has got five up there, so it has to be six.

Grob explained five is just suggested things. It says we need to consider other possible conditions that might come up in our discussion. So that would be five. For six, the lighting one, you need to come up with something for lighting.

Andres added what about expansion? Expanding the business itself, do we need to put limitations on that? If he wanted to build on or add any additions? That is going to change occupancy.

Grob asked what would you suggest Andres?

Andres said my suggestion was that I didn't know if we needed to put any type of condition on the expanding of the building itself or any accessory structures. That is going to change the occupancy. If you decide to grow, that is great. But right now, it just covers the current structure.

Petersen asked do you understand where we are going with that?

Nicklason clarified so if I wanted to add on, I would have to come and amend my use.

Grob answered yes.

|

Andres stated because right now, everything that you are building up to has occupancy maximums already, so it is going to change everything again.

Grob added all the issues of parking and septic come up. What words would you suggest?

Andres replied I didn't get that far, I just thought of expansion.

Nicklason asked would the normal building permit address the septic issue and the Fire Marshal's office would regulate the occupancy?

Petersen answered I don't know if that would be covered under a conditional use, would it Buitenwerf? If she is trying to take into account for instance, if you were planning in the future, to expand the building; we would need to take that into account by an amended CUP.

Buitenwerf responded that is up to the Commission and the County Board how you want to look at things. For example, a gravel pit, if a gravel pit is 10 acres that is an entirely different thing than a 100 acre gravel pit. If you feel a 10 acre pit would be okay in the area it is located, but 100 acres wouldn't be, that would be a case that you would want to restrict it to 10 acres and require an amendment process if/when they wanted to expand. If you are out in the middle of North Dakota and there is not a neighbor for 100 miles in any direction, then a 100 acre pit isn't going to be a big deal either, so you wouldn't necessarily limit it in size. It all depends on the location and you would have to think to yourself, if the sizing is appropriate or too much for what the surrounding property uses can accommodate.

Petersen added my question is, for instance, right now we are looking at a 300 person occupancy rating for his existing building. For me it would make sense that if you added on, you would naturally want the occupancy to go up. That would not be able to be done under a building permit; it would have to be done under this process if he wants to increase the occupancy?

Buitenwerf replied in terms of the existing CUP for the event center, yes it would require an amendment application to be approved to allow that to be enlarged beyond the 300.

Petersen said ok, that is what I was getting at.

Nicklason clarified an expansion of the building that would increase the occupancy, it would be required. But if I wanted to add on a kitchen, my kitchen is quite limited, do I need to go through this process if I am not expanding my occupancy?

Johnson added or to cover a patio?

Buitenwerf answered again, that is entirely up to the Commission and the County Board.

Grob said my attitude is creeping elegance is a bad thing and I would propose that this conditional use permit is for operating a bar/restaurant in the current building facility. Any expansion of the current building facility would require applying for the necessary conditional use permit. If you are going to do something, you have something else in mind and all of the factors: noise, visibility, parking, septic, road access, all those kinds of things should be readdressed. If you are going to build a whole new kitchen, that means something else is happening.

Petersen commented my view is we are trying to accommodate you, but we can't anticipate every change you might make in the future. That is the difficulty. The one you just asked about, a kitchen, I don't know if the County Commissioners would have to address that. I don't personally know if that is something that would require an amendment to the CUP or not.

Buitenwerf stated that is entirely dependent on whether or not you would make a condition that would address that in some way, along the line of what Andres was indicating. Whether or not you want to address expansion and how that is allowed or not allowed.

Andres added what Grob has proposed, the verbiage that he used, nothing really can be expanded without coming back. If you are going to build a 15'x20' kitchen, you are going to have all the water appliances and everything. That makes a big difference with the septic that you would possibly have to change anyhow.

Petersen said it is just hard for us to answer those because we don't really know, unless you do have specific plans, it is really hard to give you an answer to something that is abstract at this point.

Nicklason clarified if we are talking about a condition and we have an operating permit for the septic, it seems like we keep coming back to the septic thing, those changes that we would propose in the future would mostly impact the septic system. We already have 300 people there potentially any day of the week. We are really concerned about the load on the septic. My sentiment, I don't have a problem coming back to amend this if I am adding occupancy to my building and adding to that load. If I have those people there already and we are monitoring the septic system, I would prefer to see that I don't need to amend this use to add a kitchen. But that is obviously your decision to make.

Andres commented the only other thing that I would see also, is if you are going to add a kitchen, it is going to change a little bit of your parking too that we have already just amended for the additional parking spaces. I could see it changing that, changing your fire lanes, that sort of thing. Again, it just depends on what you are going to expand. The occupancy is the main thing. You might find the tap room needs more seating, you need a larger space, or you want to cover the patio; we are trying to cover those bases as well.

DeLaHunt asked would you be talking about adding a kitchen inside the existing footprint of the building? If you expand outside of the footprint, it could impact more than just the septic.

Nicklason agreed. I had a plan for a kitchen and we eliminated it because it was far too complicated. I can say that plan was not impacting any of the parking or the existing septic system. It is not that relevant because it is not what we are talking about right now. To facilitate this process, I am not going to worry about it too much. You know how I feel about it, I am trying not to have to keep coming back here doing this as my business changes, but if you feel it is necessary.

Petersen added my feeling is, since your plans aren't definitive there as to what you would do, I think it is really hard to address that. For expediting this process, maybe we should continue with what we do know here and get the conditions put on and get you going, unless you feel differently. It sounds to me like those plans are a bit up in the air yet and from my stand point up here, I think it would be hard to address a 'what if'; hard to contain that in the conditions. If you are good with that, I think we should try to proceed with getting this process done here with what we know. If you have to come back, I don't know any other way to do it without something concrete in front of me that I am looking at to put conditions on and decide things.

Johnson said you are not talking about any restrictions on changing things inside though, of the existing footprint? So if he did have a design to do a new kitchen in that existing footprint, there wouldn't be a problem?

Petersen stated we are already going to be monitoring the flow, to me that takes care of that. So if that were the case, that would be different and we wouldn't have to deal with that.

Grob added we could say "footprint" rather than "changes to the current facility".

Petersen said Buitenwerf it sounds to me like we are leaning towards using your staff proposed conditions here and adding to them, would the way to do that be to make a motion and just bring these into the record with the additions? Is that the process if that is what we want to do?

Buitenwerf agreed. There is nothing saying you can't continue to brainstorm and refine your conditions that you are looking at, and then when you make the motion, recite those additional conditions.

Discussion ensued about creating the Commission's recommended conditions to the conditional use permit.

Grob asked Johnson do you want to address the lighting?

Johnson asked do you have an idea about that Nicklason? Flood lighting to not be intrusive to the neighbors?

Nicklason responded to my knowledge I have not received any complaints about my current lighting, unless you guys know of some. I don't have any plans to add any additional lighting. I have two coach lights that hang off the side of the building and I have a flood light that points down and illuminates my sign on the gable end of my building that faces the highway. I have string lights on the top of the patio. That is the extent of our lighting.

Johnson asked is it dark in your parking lot at night?

Nicklason said my parking lot is illuminated by two parking lot lights that automatically come on, one on my building facing the parking lot and then on my detached garage that faces the field parking, I have another flood light there. Those are all flood lights that are angled toward the ground.

Grob asked there have been no complaints about those?

Nicklason replied not to my knowledge. Unless the Board has heard some.

Johnson said that is fine with me if it is not included.

Andres asked Nicklason do you plan on installing any signs for your taproom?

Nicklason answered currently we have the FireFly sign on the highway and we have the lighted arrow sign and when we are open to the public, not a private event, that sign in lit up to indicate that we are open for business. That is the extent of our signage. I don't have any plans to add any signage.

Grob asked Buitenwerf on the property, he is allowed two signs? There are certain area requirements. So he can't add any more signs than he has? Maybe a little more area, but what he has got is what he can have?

Buitenwerf responded right, he could potentially modify to have two different signs, but the current round sign and the portable sign beneath it, technically called a temporary sign, in this case if it is used on a more permanent basis, I am willing to allow that; I just wouldn't allow an additional portable sign to be placed without it complying with the time duration criteria that apply to them.

Grob said we shouldn't have to make a condition that he has to meet the County Ordinance on signs; that is just overkill.

Johnson asked Nicklason did you read and understand the operating permit conditions for the septic?

Nicklason replied I did. And I am up to the challenge.

Petersen asked Buitenwerf if we were to make a motion now, we would need to read into the record all of these conditions in addition to the two or three that were just added as part of that motion?

Buitenwerf answered since you have not altered the four that were proposed in the staff report, in your motion you can then say as far as conditions, we adopt the four conditions listed in the staff report and then we add an additional two, and then read proposed conditions five and six into the record.

Nicklason asked item four, in speaking with the Fire Marshal's office, I have been given a timeline to get these items remedied and most of them are not a problem. The way that they operate, if you are making progress towards compliance, then we are fine with you operating and at some point they may require a fire watch if we are not in full compliance during operating hours. My only question is, item four, Hubbard County is going to withhold their approval until the Fire Marshals have finalized theirs?

Grob stated that is Buitenwerf's department's call. He issues the permit. If the Fire Marshal does an inspection and asks that before you can operate that you have to do certain things, he is going to look for validation of that, right Buitenwerf? What is your view of what he has to provide?

Buitenwerf replied I understand what Nicklason is getting at, in light of his indicating the Fire Marshal is willing to let him progressively implement the necessary things to meet code, he is wanting to be able to be open during that time. It sounds like the Fire Marshal is ok with that and he is concerned that this condition could be interpreted and applied in a way that would say he has to completely implement all of the code requirements before he can open. I think that is what his question was.

Andres added it is also concerning about the timeline.

Grob asked how would you change it, if you are ok with it from your office's standpoint, how would you change it to read differently? Or is it just in how you would implement it?

Buitenwerf replied that is what I am looking at.

DeLaHunt suggested must comply with the directives of the Minnesota Department of Public Safety?

Andres asked Nicklason what timeline did they give you?

Nicklason answered they didn't come up with a date, and we are still working on what exactly the steps are going to be required. That is my concern; it was a topic of discussion on Thursday with them. We have got events coming in May and he said this comes up all the time and they are not going to shut a business down because of a violation that they

didn't know about or that they are trying to work on. I am on their radar at this point and they have been to my place twice now. They are directly working with me and we are going to get this whole thing resolved.

Discussion ensued about changes in wording to condition four from the staff report.

Petersen asked Buitenwerf if the changes would suffice?

Buitenwerf responded I am comfortable with how it is worded. The only question then would be, for clarification as to the Commission's intent, would it be that you would want something in writing from the Fire Marshal saying that he is allowed to progressively be working on this prior to the operating permit being issued, or not make that a requirement before the operating permit can be granted? Basically, do you want proof that where he is at prior to opening for business is okay with the Fire Marshal's office? If so, requiring that documentation before the operating permit can be issued would be appropriate.

Grob stated if I were you and you had a permit, you would want documentation that he is or has satisfied all of the requirements, right?

Buitenwerf replied it depends. Sometimes conditions need to be satisfied before an operating permit, other times they are just conditions of how the use is allowed to operate once the operating permit is in place. I just want to make sure I would administrate the way that you would want it to be done.

Grob said this gives you no teeth whatsoever to not issue him a permit, the way this is written.

Buitenwerf answered correct. I just want clarity either way as to what your intent is and we can make sure that it is worded accordingly.

Discussion continued about the correct wording for the conditions of the conditional use permit.

Grob commented the issue with the Commissioners as well as with us is, do we only want to be half there and risk safety issues as opposed to being fully compliant? I don't know where you are in that process. It is a Fire Code issue, right? It is not a health issue; the Fire Code is the open issue?

Buitenwerf added I am not aware of any Department of Health issues.

Grob continued what are the current code deficiencies?

Nicklason stated the simple remedies are panic hardware on the doors, which is no big deal. The second gets quite complicated in the fire suppression system, whether it is needed or not. There is no good way to install a fire sprinkler system in that building, but by code it is required. There are allowances in the code for fire separation, fire walls that

could be built, and you can eliminate the need for a fire sprinkler system by fire separation walls. The complexity of putting in a fire sprinkler system in our location, there is no water supply and it is a seasonal use.

Grob said it is a five foot, one inch pipe that is required to feed all of the water you need.

Nicklason responded yes and we have considered trying to connect to city water because the amount of water that is required is quite large.

Johnson replied thousands of gallons of storage tank.

Nicklason added that needs to be drained every year.

Johnson added that can't be dependent on the power of the structure.

Nicklason said so there is a pump and a generator. The city water supply is inadequate and there are not enough gallons because I am on the city limits and Nevis is not going to be improving or expanding their water distribution system anytime soon. So right now it is already lacking in its pressures and volumes where I am at. That is not a good option. The Fire Marshals came and they understand that is not an ideal situation and it is almost counterproductive to put a sprinkler system in the building, however the code is written for structures that are in municipalities and we get what we get where we are at. To answer your question, there is an alarm system that goes along with that, but if I have a sprinkler system, the alarm system isn't needed. We are trying to navigate and try to come up with a solution. We think that we have a solution in that the sprinklers have been eliminated if we can build the separation wall. We are still looking at what that partition looks like and we need fire doors and a fire alarm system that will automatically close doors in the event of a fire. It is complicated and it is not just going to happen in a month or two.

Petersen asked this is a back and forth between you and the Fire Marshal to come up with an alternative solution to the sprinkler system?

Nicklason agreed.

Petersen clarified they are fine with you going ahead and operating. They are not stopping you as you try to come up with the solution.

Nicklason replied correct. They want the alarm system installed as soon as we can. That will be a very large improvement from the basic smoke detectors. Perhaps the easiest way to write that is just that the written documentation from the Fire Marshal must be submitted prior to issuing a permit.

Johnson asked what is the intent of condition number five? Are we going to say that he can't have a conditional use permit if he doesn't get that done, or do we leave it in the State's hands to deal with the fire problem?

Grob stated they will reach some compromise situation, and if they can't, you shouldn't probably be operating.

Nicklason responded if I am reading it correctly, you would want a document from the Fire Marshal's office stating that they are satisfied with the current status of the structure and that there is a plan to bring it into full compliance. I would certainly think that the Fire Marshal would issue a document stating such, based on my conversation with him on Thursday.

Buitenwerf added I have been in frequent contact with the Fire Marshal's staff and I would anticipate that they wouldn't have any reluctance in giving us something along this line.

Petersen asked does anyone else have any other conditions to look at? Are we ready to make a motion on this?

Discussion ensued about the proper wording to make a motion with the conditions.

Grob made a motion to recommend to the County Board of Commissioners that the conditional use application be approved using staff conditions 1, 2, and 3 and the Planning Commission providing conditions 4, 5, and 6 and adopting the staff report findings of fact as presented.

Andres seconded the motion that carried unanimously 4-0.

Conditions

1. This conditional use permit (CUP) is for the operation of the entire premises as one restaurant/bar use venture. As such, any land, that through subdivision or addition to the property to which the CUP is granted, is added or subtracted, is/are not granted or allowed the right to operate in accordance with the CUP without first applying for and obtaining the necessary CUP from the County.
2. As the existing septic system servicing the structure in which the existing event center use and this proposed restaurant/bar use is undersized according to the standard SSTS Rules design standards, a second system design option allowed by said Rules will be utilized to determine the system's required design/sizing by requiring an operating permit (OP) on the system. The OP will have the following minimum conditions with any additional conditions determined by the Environmental Services Director (ESD):
 - a. The initial permit will be valid for one year. Permit length thereafter will be determined by the ESD based on system performance and other factors.
 - b. A grease trap must be installed in the event center/restaurant/bar structure or a grease tank must be installed and plumbed in between the structure and first septic tank.
 - c. Biochemical oxygen demand (BOD) and total suspended solids (TSS) samples will be collected during the second weekend in the months of June, July, August, and September by a licensed service provider and lab results sent to the ESD as soon as they are available.
 - d. A water meter must be installed in the event center/restaurant/bar structure (if not already present) so that all water usage entering the septic system servicing the

- structure runs through the meter with daily photos taken of the meter reading and submitted weekly by email to the ESD.
- e. The effluent filters placed in the existing septic tanks during installation must remain in effective use.
 - f. If the measured flow data from the initial year of the restaurant/bar use's operation exceeds the system's 2000 gpd sizing, the system will need to be upgraded to appropriate sizing. Also, if the BOD/TSS reports show high strength waste, system component (e.g. pretreatment) and or sizing adjustments must be implemented to lower waste strength to proper levels.
3. The existing driveway approaches on State Highway 34 located just north of the event center/Taproom structure and County 13 located east of said structure as shown on the application site plan sketch are the only two means by which vehicles related to this use (i.e. customers, vendors, etc.) may enter/exit the property.
 4. The use must be brought into compliance with the State Fire Code according to directives/timelines from the Minnesota Department of Public Safety, State Fire Marshal's Division. Written documentation from the State Fire Marshal's Division that it is satisfied with the current status of the structure and plan for bringing it into full compliance with the Code must be submitted to the Hubbard County Environmental Services Department prior to the operating permit being issued.
 5. Any outdoor bar/restaurant/music/or other activity must cease by 11:00 p.m. daily.
 6. This CUP is for operating the restaurant/bar use in the current facility. Any footprint expansion of the facility will require applying for the appropriate CUP amendment.

Findings of Fact

1. Is the requested use consistent with public health, safety, and welfare?
YES (X) NO ()

Why or why not? The property is located along a highly traveled State highway and abuts the City of Nevis. It is located in an area of mixed property uses ranging from lakeshore residential on Lake Belletaine to commercial business property along Highway 34 to agricultural properties/uses on the east side of this property. An event center use has been occurring on this property since 2014 without incident regarding compatibility with the area or safety issues and it generates a higher-intensity use of the property than what is proposed with the restaurant/bar use. The property's location is well suited to the proposed use.

2. Is the requested use consistent with the goal of preventing and controlling water pollution, including sedimentation and nutrient loading?
YES (X) NO ()

Why or why not? The use will occur within the existing event center structure and the immediately surrounding outdoor area, and utilize the existing driveways/parking areas. No grading or vegetative alteration work is proposed as part of the use. The soil on the property is sandy and thus precipitation infiltrates the ground readily. The property lies ~425' from Lake Belletaine and is separated from it by the Highway 34 corridor which

acts as a berm between the property and the lake. There is no evidence that the property has any stormwater-related pollution issues currently. No issues are anticipated as the existing event center use generates much greater traffic in a smaller time window than the proposed restaurant/bar use.

3. Will the requested use not adversely affect the site's existing topography, drainage features, and vegetative cover?

YES (X) NO ()

Why or why not? The use will occur in the existing event center structure and utilize existing access roads and parking areas. No changes to the property's terrain or vegetative cover are proposed. The soil on the property is sandy and thus allows precipitation to infiltrate the ground readily. The existing roads/parking areas are not paved. The area surrounding the structure and parking area is well vegetated in perennial grass cover with a small amount of evergreen trees.

4. Is the requested use's site location reasonable in relation to any floodplain and/or floodway of rivers or tributaries?

YES (X) NO ()

Why or why not? Hubbard County does not have any FEMA designated floodplains.

5. Has the erosion potential of the site based upon the degree and direction of slope, soil type, and existing vegetative cover been adequately addressed for the requested use?

YES (X) NO ()

Why or why not? The proposed use does not involve any grading or vegetative cover disturbance as it will utilize and largely occur within the existing event center structure and the immediately surrounding outdoor area. Permanent vegetation covers the ground around the structure and driveways/parking areas. The soil on the property is sandy and thus precipitation infiltrates the ground readily which reduces any erosion potential.

6. Is the site in harmony with existing and proposed access roads?

YES (X) NO ()

Why or why not? The property fronts State Highway 34 which is a heavily traveled corridor and also has an access on County 13 which is a two-lane paved road. The Minnesota Department of Transportation has reviewed the use and found the existing approach on Highway 34 to be satisfactory and sufficient for providing safe ingress/egress to the property without need of a turn lane. These two accesses have been in use since 2014 for the event center use of this property which generates a greater volume of traffic in a given amount of time than the proposed restaurant/bar use.

7. Is the requested use compatible with adjacent land uses?

YES (X) NO ()

Why or why not? The use will occur in an existing structure located in the northwest corner of this ~23 ac. property. State Highway 34, a heavily traveled corridor, is nearest

the structure and runs along the northwest side of the property. Small riparian and nonriparian residential lots lie on the other side of Highway 34 between this property and Lake Belletaine. The north side of the property is bordered by a ~6 ac. residential tract. County 13 runs along the property's east boundary. Two residences and an agricultural field lie across County 13 to the northeast and east of the property. A 70 ac. residential /agricultural property is located southeast of the property. A 15+ ac. residential property lies south of the property. To the west of the property is a ~1.8 ac. residential property whose residence is closest to the proposed use structure at ~240'. Southwest of the property is a large ~39 ac. tract on which is located a commercial structure construction business of which the applicant is a part. The feel of the area is thus one of a mixture of uses ranging from agriculture to commercial to lakeshore residential with a main highway corridor running through it next to a small municipality. The proposed use thus fits into this mixed use area.

8. Does the requested use have a reasonable need to be in a shoreland location?

YES (X) NO ()

Why or why not? The property adjoins the Nevis city limits and fronts State Highway 34 and is less than a ¼ mile from the Lake Belletaine public access. Much of Hubbard County's land area is located in shoreland due to the number, location, and size of lakes and rivers within it. This property is located along a heavily traveled state highway right next to a small community of around 400 residents. There are other commercial businesses scattered along Highway 34 on either side of this property. Given this character of the area, it is reasonable to have a restaurant/bar on this backlot located ~430' from the lake to service the residents in Nevis and residing on the nearby lake lots.

9. Is the amount of liquid waste to be generated reasonable and the proposed sewage disposal system adequate to accommodate such?

YES (X) NO ()

Why or why not? The existing septic system was installed in 2014 and sized appropriately to handle the existing event center use. This system will be placed under an operating permit to allow it to also service the proposed restaurant/bar use as the two uses are said to not occur at the same time in the structure. If the monitoring data required to be provided per the operating permit shows the existing system must be modified to meet State Rule and County Ordinance requirements, the necessary upgrades will be required to be installed.

10. Will the visibility of structures and other facilities as viewed from public waters comply with Section 901 of the Ordinance?

YES (X) NO ()

Why or why not? The structure in which the restaurant/bar use will occur is ~430' from the nearest lake (Belletaine) and separated from the lake by State Highway 34, a row of residential, riparian lots, and a row of residential, nonriparian backlots. The structure also sits ~25' higher in elevation than the referenced lake and there is ample evergreen and deciduous mature tree cover separating the two along with multiple residences and their related outbuildings. The structure thus is not visible from the lake. No portion

of the property lies within the shore impact zone of Lake Belletaine and thus it is not possible for the property to violate Section 901.

11. Is the site adequate for water supply and on-site sewage treatment systems?

YES (X) NO ()

Why or why not? The structure in which the use will occur is serviced by an existing well capable of supporting the existing event center use as well as the proposed restaurant/bar use. There is an existing septic system installed in 2014 that services the event center use and that will service the proposed restaurant/bar use under an operating permit. If more space is needed for septic system purposes in the future, there is ample room possessing suitable soil on the ~23 ac. property for such.

12. Are the affected public waters suited to and able to safely accommodate the types, uses, and numbers of watercraft that the use will generate?

YES (X) NO ()

Why or why not? The use is located on a non-riparian lot that is separated from the nearest lake (Belletaine) by State Highway 34 and other properties. This restaurant/bar use will not generate or involve any watercraft as it does not abut a waterbody nor does it have legal access to a waterbody.

Board of Adjustment:

Approval of Minutes: January 28, 2019

Andres made a motion to approve the minutes as presented.

Petersen seconded the motion that carried unanimously 4 – 0.

Old Business: None.

New Business: None.

Miscellaneous:

Communications:

Grob stated I won't be here in March, but what is on the agenda?

Buitenwerf said that remains to be seen. Today was the application deadline day. We have a handful of applications that were submitted. Only one of them was complete so it is a matter of, in the next few days before the agenda has to be set, if they can get what is outstanding in their applications submitted. There are a few applications I have not had a chance to look at yet. One would be Foxy's outdoor use. That would potentially be on the agenda. We have a conditional use permit that was accepted for taking the Budget Exteriors Business on 34, midway between Nevis and Park Rapids, and converting that to an outdoor trailers and other licensable items retail shop use. Another CUP for the ropes

RECEIVED
FEB 13 2019

Hubbard County Environmental Services
301 Court Avenue
Park Rapids, MN 56470

February 7, 2019

Planning Commission,

As the owner of neighboring property of Parcel 21.10.00410, 25275 State 34, Nevis, MN, I would like to go on record as opposing the conditional use permit they are requesting. I have opposed this from the start, with their request for the property to be re-zoned. At that time mainly because I was told they would not provide information regarding what type of a business they were planning to use the property for. After the re-zoning was passed by the City of Nevis, I was told they were 'thinking' of using it for a hardware store. I questioned the use of the word 'thinking' then and found I was right to question it when I received your notice of the meeting regarding this issue that is to be held on February 25th, where the use permit is stated to be for a restaurant/bar.

As the third generation owner of the neighboring property at 101 Highway 13, I do not want to have a restaurant/bar as a neighbor. The additional traffic in the area that such a business could generate, as well as potential damage to surrounding property by intoxicated patrons (and there WILL be intoxicated patrons!) is NOT something I want to deal with. While I do not currently reside at 101 Highway 13, it has always been my plan to rebuild my grandparents little house there as my quiet retirement get-away, and this coming summer has been my target date to start working on that plan.

PLEASE consider denying this request for the conditional use permit Mr. Nicklason is asking for. While I am sure a restaurant/bar could be a very profitable business for this gentleman, I ask you to consider the traffic issues it could generate. Highway 34 is very busy in the summer, especially with the public access to the lake being along that stretch of the road. In addition, the fact that he was not up-front in revealing his plans for this property last fall when the initial request for re-zoning was made raises concerns with me as to what type of a business owner he will be.

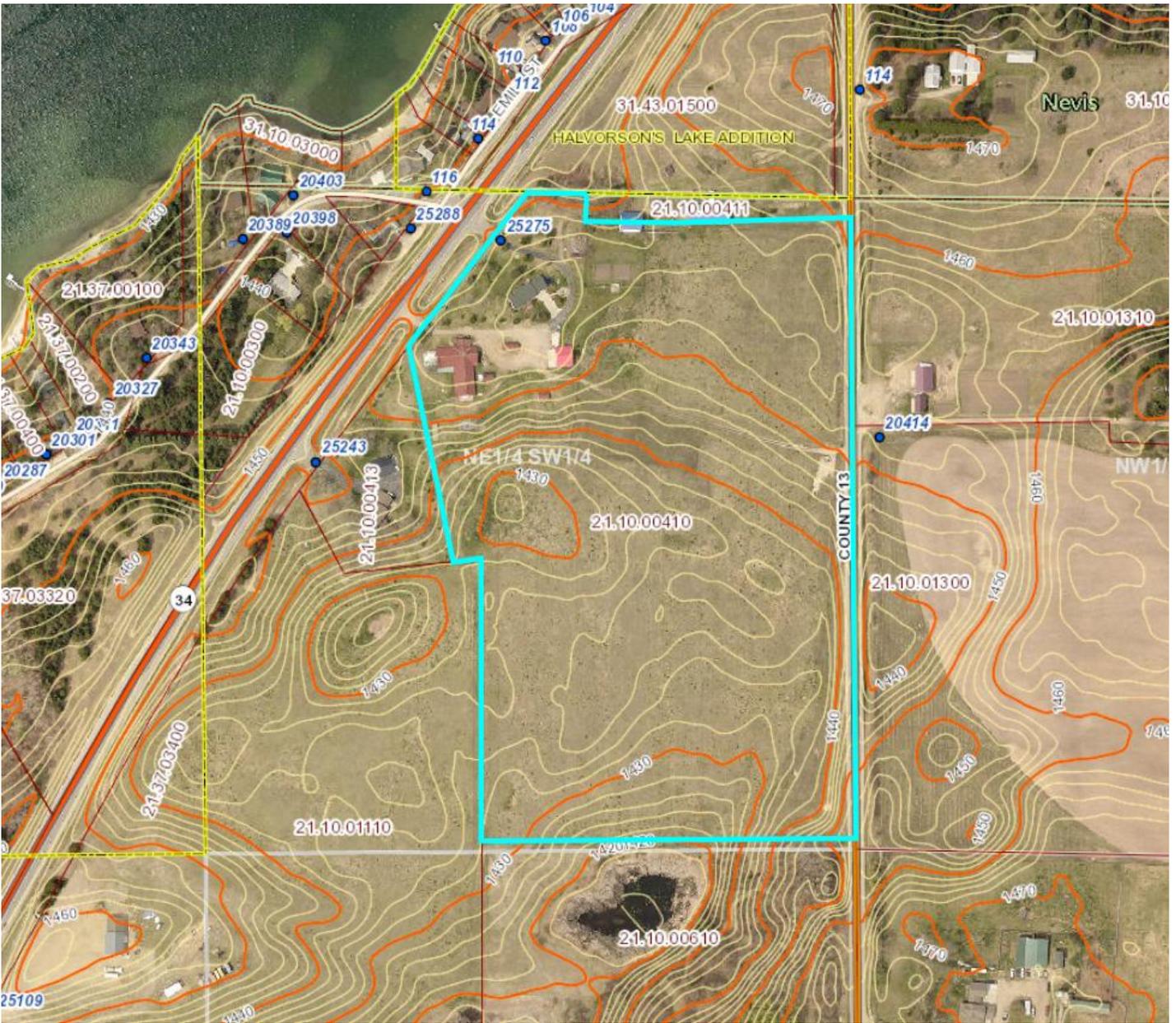
Thank you for the opportunity to voice my opposition. As much as I would like to be able to attend this meeting and voice my opposition in person, I can't count on our weather to co-operate.

Sincerely,



Karen J. Dregseth
Owner – 101 Highway 13, Nevis, MN

922 N University Drive
Fargo, ND 58102
(701) 232-0863



Conditional Use Permit 2-CU-14 Amendment Application by Brent Nicklason

18 Events

Events

+ Create Event



MAY 26 FireFly Taproom Grand Opening!
Public · Hosted by FireFly Event Barn & Taproom

★ Interested

May 26, 2017 at 2:00 PM – May 27, 2017 at 11:00 PM CDT
More than a year ago

FireFly Event Barn & Taproom
25275 State 34, Nevis, Minnesota 56467 [Show Map](#)

65 Went · 318 Interested
Share this event with your friends

Details

We're so excited to welcome you to our COOL NEW Taproom!!!! Stop by for the grand opening to sample our lineup of tasty Minnesota craft brews, relax inside or out on the new patio, listen to music & play yard games, or sit by a fire! Regular summer hours will be W/Th/F 2-11pm.

Email or Phone

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Do you want to join Facebook?

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Français (C...

Privacy - ...
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Facebook



23

3 Comments 4 Shares

Like

Comment

Share



FireFly Event Barn & Taproom

October 14 at 9:29 PM

...

🍁 OPEN Friday evening 4-12(only one more open Friday nite until May!)...> 3 craft beers all evening//pair with insane pizzas 🍕 by Roadhouse @roadhousesandwiches 🍷🍷 NO more Sunday hours for 2018!



6

2 Comments 3 Shares

Like

Comment

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FireFly Event Barn & Taproom

October 12 at 12:24 PM

...

❤️ Our hearts sing to see such happiness! Drew & Alyza. ✨ They've known each other since daycare and next weekend they'll be married at FireFly! 🥰 We wish them all the joy & brightness. 🍁 📷: Nicole Midwest Photography & Media

Jackie Brakke and 19 others

18 Comments 4 Shares

Like

Comment

Share



FireFly Event Barn & Taproom

November 27 at 9:45 PM

...

❤️ Dear FireFly Friends, thank you so very much for supporting us in 2018! It was a delightful season and we're excited to see you back here in May 2019. 🙌 Happy Holidays! ❄️ Brent, Lindsey, Sawyer, Stella & Buggy Nicklason



Linda Marie Pusc Sjodin and 106 others

1 Comment 1 Share

Like

Comment

Share

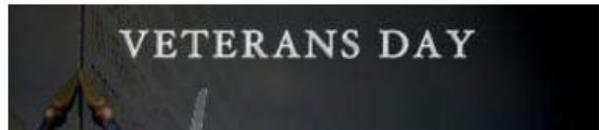


FireFly Event Barn & Taproom

November 11 at 9:02 PM

...

🇺🇸 Thank you to all who serve. Your dedication is astounding and inspiring! 🙏❤️





Environmental Services

301 Court Avenue, Park Rapids, MN 56470

Phone: 218.732.3890

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

July 31, 2018

Brent and Lindsey Nicklason
25275 State 34
Nevis, MN 56467

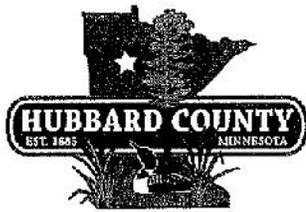
Re: Parcel 21.10.00410 – Shoreland Management Ordinance violations and Conditional Use Permit 2-CU-14 Condition # 10 noncompliance

Dear Mr. and Mrs. Nicklason,

I am writing in regard to matters involving your property located at 25275 State 34 (parcel 21.10.00410).

A recent site visit and compliance determination revealed the following two Shoreland Management Ordinance violations and noncompliance with Condition # 10 of Conditional Use Permit (CUP) 2-CU-14:

1. A 26' x 26' concrete platform was installed on the west side of the event center structure without a land use permit as required by Section 1104 of the SMO (photo enclosed).
 - The platform must be brought into compliance with the SMO by August 31, 2018. This can be done by either obtaining an after-the-fact land use permit for it (\$160 fee) or removing it from the property.
2. A new "Taproom" use consisting of an eatery and full bar and open to the public Wednesday, Thursday, and Friday from 4:00 p.m. to close and Sunday from 10-8 is taking place in the event center structure per the FireFly Event Barn website and customer testimonials. This restaurant/bar use is separate from and not included in the 2014 event center conditional use permit (CUP) and does not have its own restaurant/bar conditional use permit as required per Section 401, Table 1 of the SMO.
 - The "Taproom" use must cease immediately and cannot occur unless/until a CUP to operate a restaurant/bar use on the property is sought/granted.
3. The two rows of trees required to be planted and maintained as a vegetative buffer per Condition # 10 of the event center CUP are noncompliant. The inner row of white spruce is missing and the outer row of Norway pine has less than a handful of trees remaining that do not meet the 18" minimum height requirement. A copy of the CUP operating permit that includes Condition # 10 is enclosed for reference.



Environmental Services

301 Court Avenue, Park Rapids, MN 56470

Phone: 218.732.3890

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

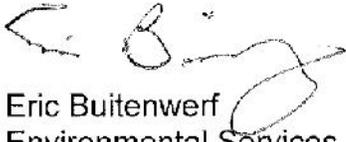
- The vegetative buffer must be brought into compliance with Condition # 10 of the event center CUP by September 28, 2018 and before a CUP application for the "Taproom" use can be submitted.

Failure to bring these matters into compliance will result in their being forwarded to the County Attorney's office for further enforcement action. Such action could include the County considering a CUP revocation hearing on the event center CUP for failure to comply with the permit conditions.

Thank you in advance for your cooperation in bringing these matters into timely compliance with the SMO and thereafter maintaining SMO compliance on the property.

Please feel free to contact me with any questions you may have regarding this letter's content.

Most sincerely,



Eric Buitenwerf
Environmental Services Director

Enc.

Hubbard County Environmental Services

301 Court Avenue
Park Rapids, MN 56470

Conditional Use Permit

Parcel #: 21.10.00410
Date: 7/28/2014
Permit Number: 1-CUP-14

NICKLASON, BRENT W & LINDSEY A

Owner Name- Last, First, MI

25275 STATE 34 NEVIS, MN 56467

Mailing Address- Street, City, State, and Zip Code

On the date of 7/28/2014

the Hubbard County Board of County Commissioners approved a Conditional Use Permit in accordance with the provisions of the Hubbard County Shoreland Management Ordinance and pursuant to the requirements of Minnesota Statutes.

The approved Conditional Use Permit authorizes the above named party to use the land described below for the following purposes:

Applicants are requesting a conditional use permit for an event center per Section 401 of the Shoreland Management Ordinance.

on the parcel of land legally described as follows:

Sect-10 Twp-140 Range-033 22.65 AC 10-3B P/O NE1/4 OF SW1/4 FR S SEC 1/4 COR W767.76 N1916.21 PB SW56.2 NW439.44 TO SE HWY R/W NE AL R/W TO N LN E129.43 AL N LN S58.54 E186.24 NE351.94 TO E LN S1257.91 W759.77 N TO PB

and subject to the following conditions:

Approved application for Conditional Use Permit #2-CU-14 to operate an event center use on Parcel 21.10.00410 per Section 401 of the Shoreland Management Ordinance with the following conditions:

1. This conditional use permit (CUP) is for the operation of the entire premises as one event center use venture. As such, any land, that through subdivision or addition to the property to which the CUP is granted, is added or subtracted, is/are not granted or allowed the right to operate in accordance with the CUP without first applying for and obtaining the necessary CUP from the County.
2. The subsurface sewage treatment system (SSTS) that is to service the event center use structure must be installed and receive a certificate of compliance before the CUP operating permit will be issued.
3. Written proof of the required driveway access permit from the Minnesota Department of Transportation for the access onto State Highway 34 must be submitted to the Environmental Services Department before the CUP operating permit will be issued.
4. This event center use can only operate between the hours of 7:00 a.m. and 1:00 a.m.
5. The maximum number of occupants allowed to be in the event center structure at any given time is 300 people.
6. The event center use's indoor activities are only allowed to occur in the structure proposed as the event center in this application.
7. Vehicles of event center use patrons must be parked in the area marked as "event center parking - approx. 2 acres" on the application site plan sketch. The parking area must remain fully vegetated in the 100% grass cover present at the time this conditional use permit is issued. Patron vehicles can only enter/exit the property at the two access points designated on the application site plan sketch as the "CR 13 road approach" and the south of the two driveways shown accessing State Highway 34.
8. Any outdoor event center activity must cease at 11:00 p.m. daily.
9. The parking lot must be adequately lighted for safety.
- 10. A vegetative buffer shall be planted in the area of the property highlighted with a blue line on Exhibit A (see attached aerial photo with the blue line labeled "Vegetative buffer location"). The buffer shall consist of two parallel rows of trees planted parallel with the property line. The outer row of trees shall be located 15' away from the property line and consist of Norway pine trees that are at least 18" in height and spaced 10' apart within the row. The inner row of trees shall be located 20' in from the outer row of Norway pine trees and consist of white spruce trees that are at least 18" in height and spaced 20' apart within the row. Any tree that dies in a given year must be replaced within that same calendar year with a newly planted tree per the details specified in this condition. This buffer must be established by October 1, 2014 and remain in place as long as the conditional use is occurring.

This is in accordance with Section 1105 of the Hubbard County Shoreland Management Ordinance and the findings of fact on file with the Land Records - Environmental Services Department.

Hubbard County Environmental Services

301 Court Avenue
Park Rapids, MN 56470

Conditional Use Permit

The recipient of this Conditional Use Permit should take notice that failure to follow any of the imposed conditions upon which this Conditional Use Permit is issued may, at the discretion of the Hubbard County Board of Commissioners, result in the revocation of this Conditional Use Permit. Upon revocation of the Conditional Use Permit, any continuance of an activity for which it is required shall constitute a violation of the Hubbard County Shoreland Management Ordinance and thereby become subject to the remedies available on violation of such ordinances.

Agreement: I the undersigned hereby certify that the information contained herein is correct and agree to do the work in accordance with the provisions of the Ordinances of Hubbard County, MN.

11/10/14



Dated:

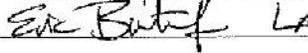
Signature of Owner:

Permit: Permission is hereby granted to the above named owner to perform the work described in the above statement. This permit is granted upon the express condition that the person to whom it is granted, and his agent, employees and workmen shall conform in all respects to the Ordinances of Hubbard County, MN.

Dated: 11/10/14

Environmental Services Officer

Permit Fee: \$75.00





07/03/2018 15:52

Firefly Event Barn LLC - Lic # 32971**MN Dept. of Health log of licenses issued to FireFly Event Barn LLC as of 09192018**

Printed: 9/19/2018 08:10:11

Credential or Fee Type	License Year	Receipt Date	Multi	Fee Amt	Deposited	Deposit #
Alcohol Bar Service License	2016	09/01/2016	Y	165.00	Y	87
Base Fee - FBL	2016	09/01/2016	Y	150.00	Y	87
Hospitality Fee	2016	09/01/2016	Y	35.00	Y	87
Limited Food Menu	2016	09/01/2016	Y	60.00	Y	87
Private Sewer	2016	09/01/2016	Y	0.00	Y	87
Private Water	2016	09/01/2016	Y	60.00	Y	87
Additional Food Service	2017	05/19/2017	Y	150.00	Y	556
Alcohol Bar Service License	2017	04/17/2017	Y	165.00	Y	485
Base Fee - FBL	2017	04/17/2017	Y	150.00	Y	485
Hospitality Fee	2017	04/17/2017	Y	35.00	Y	485
Medium Establishment	2017	05/19/2017	Y	190.00	Y	556
Private Sewer	2017	04/17/2017	Y	0.00	Y	485
Private Water	2017	04/17/2017	Y	60.00	Y	485
Small Establishment	2017	04/17/2017	Y	120.00	Y	485
Additional Food Service	2018	05/04/2018	Y	175.00	Y	547
Additional Food Service Bar	2018	05/04/2018	Y	350.00	Y	547
Base Fee - FBL	2018	05/04/2018	Y	165.00	Y	547
Category 2 Establishment	2018	05/04/2018	Y	245.00	Y	547
Hospitality Fee	2018	05/04/2018	Y	40.00	Y	547
Private Sewer	2018	05/04/2018	Y	0.00	Y	547
Private Water	2018	05/04/2018	Y	60.00	Y	547

Insp. No.:	55479		
File No.:	DC-35072		
Insp. Date:	9/28/2018		
Insp. Time:	1.00	Travel:	2.00
Inspector:	Cole, Travis		
Occupied:	<input type="checkbox"/>		
*Recommendations:	<input checked="" type="checkbox"/>		

State Fire Marshal Division
 Minnesota Department of Public Safety
 445 Minnesota St., Suite 145
 St. Paul, MN 55101-5145



Inspection and Compliance Orders

Property:
 FireFly Event Barn
 25275 State 34
 Nevis, MN 56467
 Contact: Contact Name/Phone: Brent and Lindsey Nicklason
 Contact E-mail: Lindsey@fireflyeventbarnmn.com
 Property Phone:

Owner:
 Brent and Lindsey Nicklason
 25275 State 34
 Nevis, MN 56467
 Contact: Contact Name/Phone: Lindsey@fireflyeventbarnmn.com
 Contact E-mail: blnicklason@arvig.net
 Owner Phone:

Agency Req.: Scheduled: Complaint: Permit/Plan Review: Owner Requested: Inspector Initiated: Consultation:

Item #	Ref #	Code	Section	Days to Correct	Violation	Remarks
--------	-------	------	---------	-----------------	-----------	---------

Inspection Remarks:
 This inspection report is for a consultation of an event center called the Firefly Event Barn in Nevis, MN. This consultation was to look at a barn that was converted into an event center. This change was made by a CUP approved on August 19th, 2014 by Hubbard County. A new alteration creating a tap room and restaurant this past year has resulted in the application for a new/amended CUP. I was accompanied by Deputy State Fire Marshal Ryan Whiting, Nevis Fire Chief Mike Marchell, and the building owner Brent Nicklason. Upon our walkthrough of the event center, we found several code violations that will need to be addressed by local AHJ. This report will help Chief Marchell with those violation items we found and discussed on site. Violations observed include a lack of exit signs throughout each space and room (1104.3), lack of or missing emergency lights throughout spaces(1104.5), extension cord issues (605.5) required exit door swing and panic hardware (1104.7), a lack of a required fire alarm system (1103.7.1) interior finishes (803), occupant load signs in event room, bar, and tap room (1104.1.1) pellet stove vent pipe (603.6) and sprinkler system which was previously discussed and told was a requirement in 2014 by MN State Fire Marshal staff. (903.2.1.2.) We also recommended a fire watch for this event center until these items can be completed or the building closes for the season at the end of October as mentioned by the building owner. If you have any questions in regards to this report, please feel free to ask. Thank you for allowing the MN State Fire Marshal to be of service.

Owner/Representative:

Inspector: DSFM Travis Cole - 651.769.7785 - Travis.Cole@state.mn.us

A variance procedure is available. Please contact the inspector named for further assistance with this or any other matter.

* Items that are a result of a recommendation do not require days to correct.

Fire Department:
 Nevis
 R 3, Box 230
 Nevis, MN 56467

Licensing Agency:

FireFly website content on 12182018



The image is a screenshot of the FireFly Event Barn website. At the top left is the logo for FireFly Event Barn, featuring the name in a stylized font with fireflies and the text 'NEVIS, MINNESOTA'. To the right is a navigation menu with links for Home, About, FAQ, Gallery, Rates, Contact, and a partially visible 'M'. The main content area is split into two columns. The left column shows a black and white photograph of the interior of the barn, with a white curved structure and several large, ribbed metal pendant lights hanging from the ceiling. The right column has a yellow background and contains the following text:

T A P R O O M
(NOTE: open MAY-OCTOBER)
Eatery // Full Bar // Local Craft Beer

Open to Public FALL HOURS
F 4-12 & Sun 10-3
Oct 28 is our last day open for 2018!
(Closed most Saturdays for weddings!)
FAMILY FRIENDLY!
EATERY! OUTDOOR GAMES!

Our FireFly Events (open to public)
July 7 - FireFly Brewfest
August 3 - Baywatch Beach Party 9pm
August 31 - Roadhouse Shrimp Boil 6:30
September 9 - Customer Appreciation 12-3
September 29 - FireFly Oktoberfest
(FREE ENTRY. Starts 4pm. 5pm Bemidji Travelers
(Polka band), Steele River Band after, German food,
German brewhaus style)
**October 13 - Northwoods Bank presents the
Nevis Fireman's Ball 7-12pm! 2 bands! Drinks!
\$12 at the door!**

Some Wednesdays (May-Oct)
Local Charity Night! (more to come)
(So far this year, we've hosted Headwaters Animal
Shelter, CHI Community Health FATHER Project

FireFly website content on 12182018



[Home](#) [About](#) [FAQ](#) [Gallery](#) [Rates](#) [Contact](#)



Some Wednesdays (May-Oct)
Local Charity Night! (more to come)
(So far this year, we've hosted Headwaters Animal Shelter, CHI Community Health FATHER Project & Northern Lights Dance Academy)

Thursdays (June, July, August)
Open Mic/Music Trivia 7pm

Fridays (May-August)
LIVE MUSIC in Taproom (approx 7-9pm)
Occasional music Fridays in Sept/Oct
September 14 - Brian Skinness
September 21 - Paul Nye & Jeff Menten

Sundays
BRUNCH! 10-1
Mimosa/Bloody Bars 10-3!
Small made to order menu
(think smoked salmon, arugula, everything bagels, egg/bacon pizza, deliciousness!!)
\$5 Mimosa Bar
\$8-14 Bloody Mary Bar

Happy Hour (W/Th/Fr/Sun)
\$2 off pints 4-5pm
\$1 off pints 5-6pm

Call Lindsey for answers! ;)
218.255.2266

FireFly website content on 07122018



Home About FAQ Gallery Rates Contact Local Food



TAP ROOM
(NOTE: open MAY-OCTOBER)
Eatery // Full Bar // Local Craft Beer

Open to Public W/Th/F 4-close & Sun 10-8
(Closed most Saturdays for weddings!)
FAMILY FRIENDLY!

Our FireFly Events (open to public)
July 7 - FireFly Brewfest
September 29 - FireFly Oktoberfest

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Thursdays (May-Oct)
Open Mic/Music Trivia 7pm
Beginner Dance Lessons 2 Thursdays/month
\$20/couple per evening 7-9pm
May 31, June 14/28, July 19, August 2/16

Fridays (May-August)
LIVE MUSIC in Taproom (approx 7-9pm)
July 13 - Ricky Halverson



Home About FAQ Gallery Rates Contact Local Food



& Northern Lights Dance Academy)

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July 13 - Ricky Halverson
July 20 - Tim Eggebratten

Sundays
BRUNCH! 10-2
Small made to order menu
(think smoked salmon, arugula, everything bagels, egg/bacon pizza, deliciousness!!)
\$5 Mimosa Bar
\$8-14 Bloody Mary Bar

Happy Hour (W/Th/Fr/Sun)
\$2 off pints 4-5pm
\$1 off pints 5-6pm

Call Lindsey for answers! :)
218.255.2266

FireFly website content on 07122018



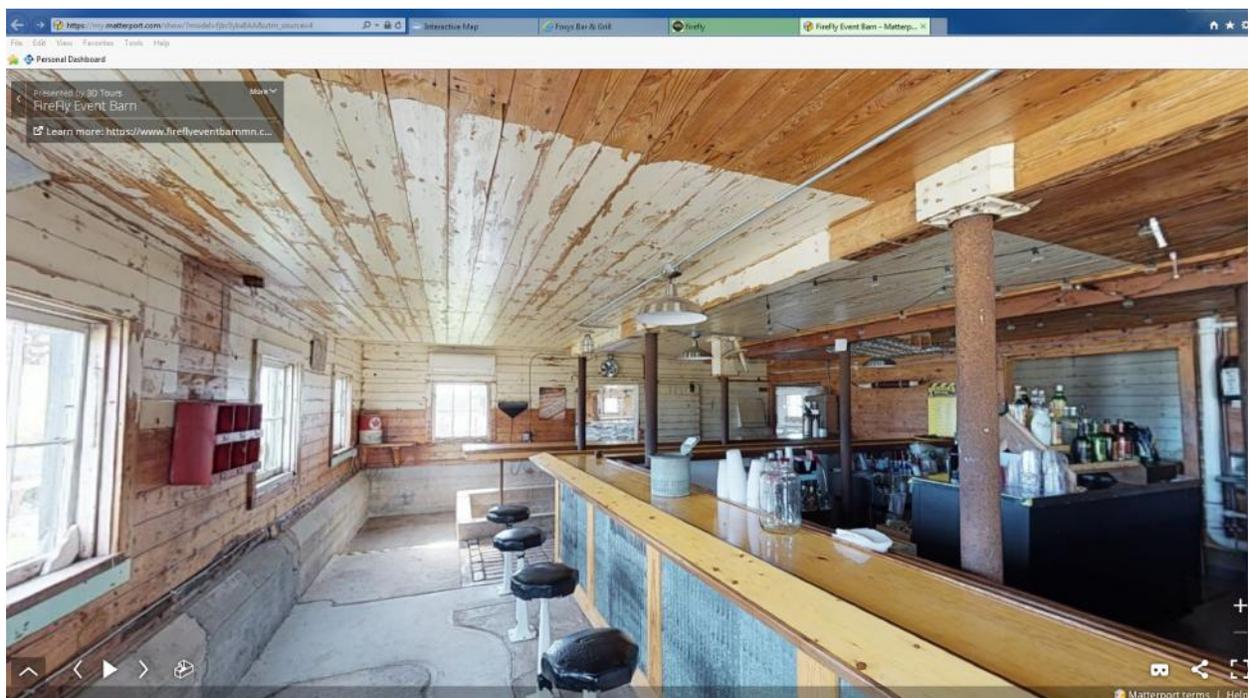
Home

Q: How do we fit a group of over 200 in the barn?

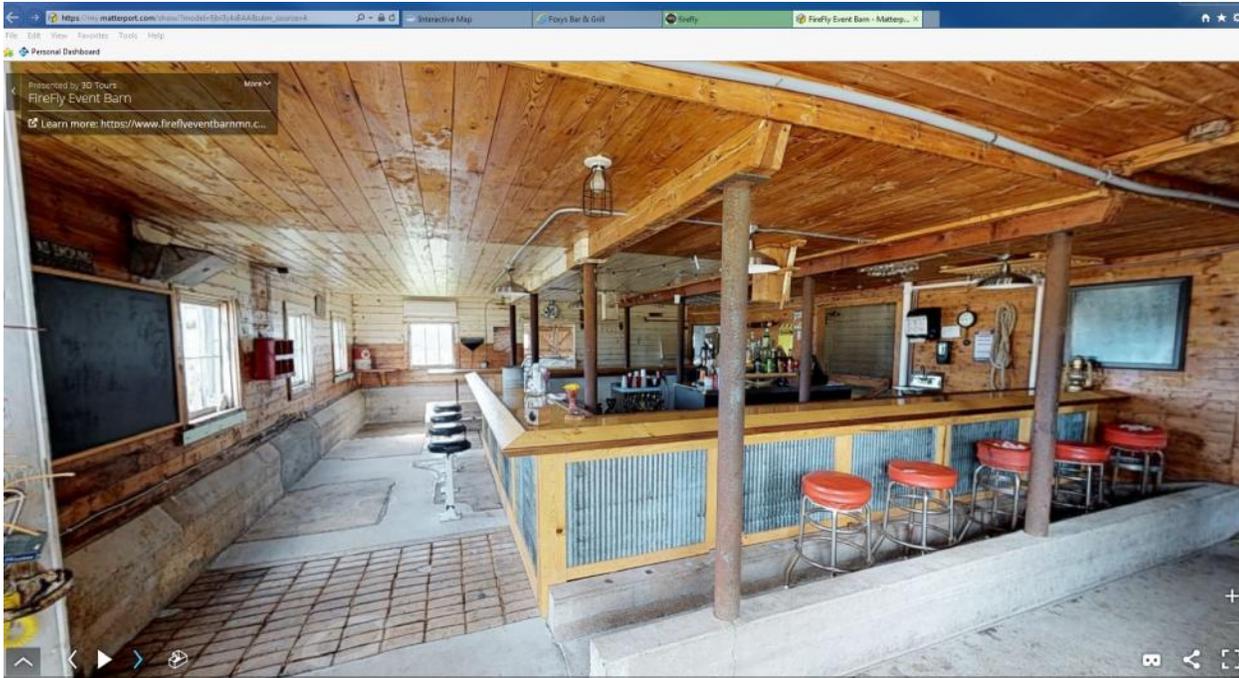
A: 200-250 can fit nicely in the grand room. There are 50 seats available for use in the Taproom. Clients can also choose to rent a tent for outside.

Q: How many people/table?

A: 6/table for 6ft tables, 8/table for 8ft tables (we have 30 of the 6ft tables and 6 of the 8ft tables) This equals about 250. We have tables/chairs for 250 the barn can fit 300. The Taproom has seating for 50.



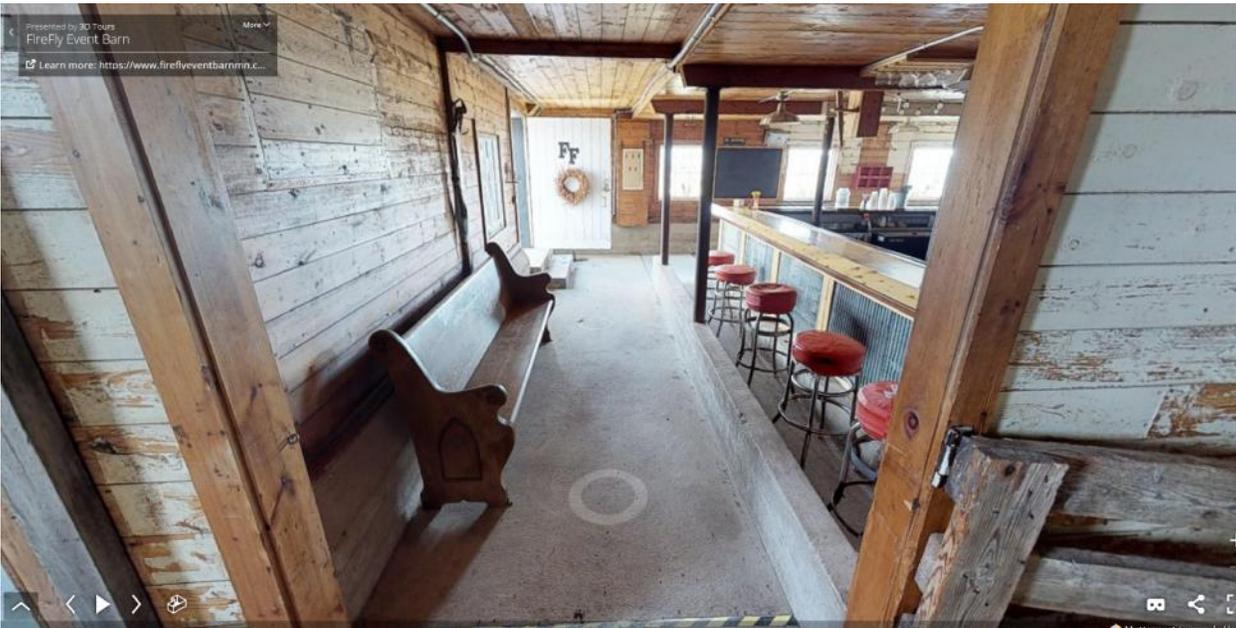
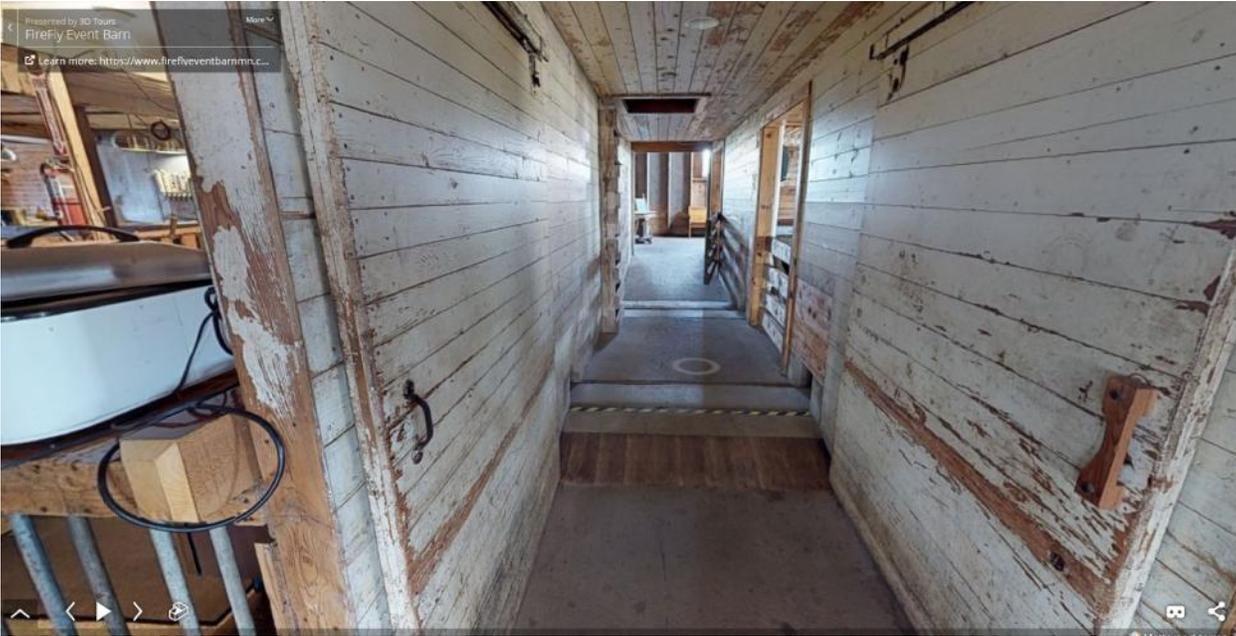
FireFly website content on 07122018



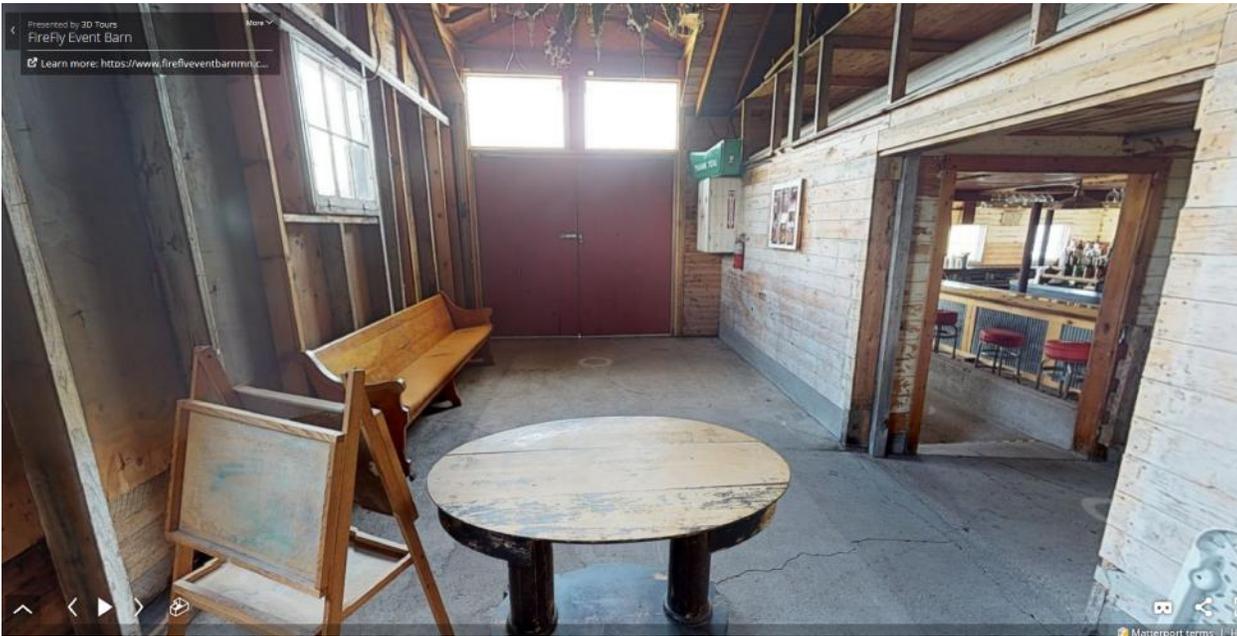
FireFly website content on 07122018



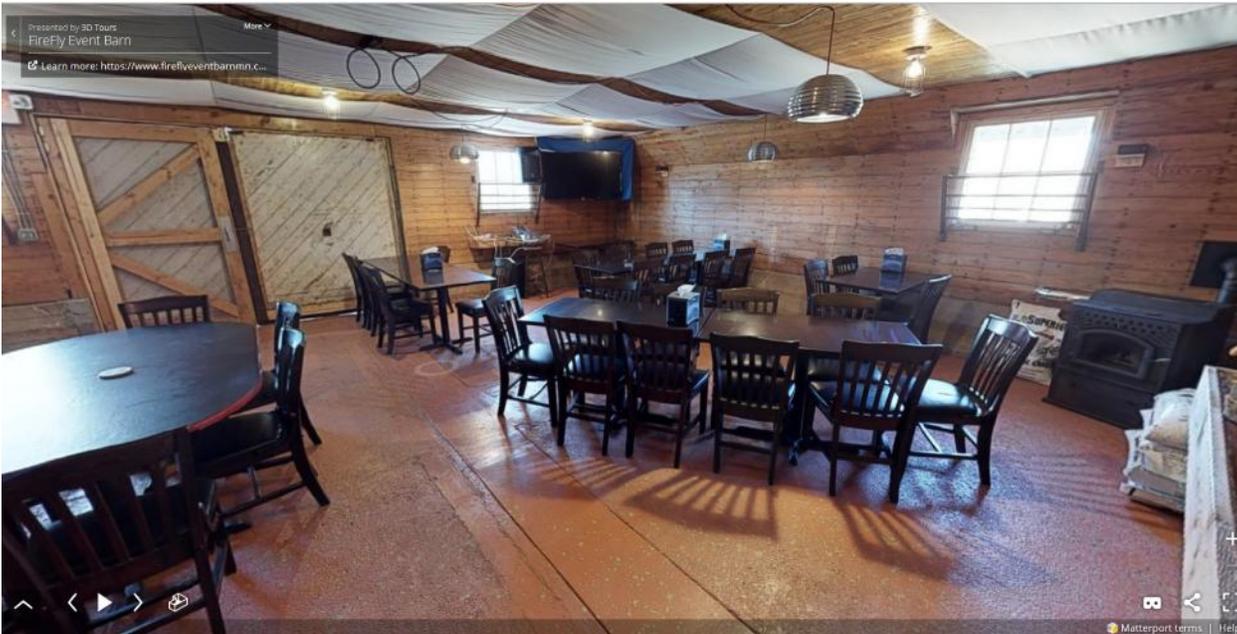
FireFly website content on 07122018



FireFly website content on 07122018



FireFly website content on 07122018



FireFly website content on 07122018



**HUBBARD COUNTY ENVIRONMENTAL SERVICES
UNIFORM RECORD OF INDIVIDUAL SEWAGE TREATMENT SYSTEM**

DATE	11/5/2014	PERMIT NO.	201-SS-14
OWNER	Brent Nicklason		
LAKE NAME	Belle Taine	PARCEL NO.	21.10.00410
LEGAL DESCRIPTION	P/O NE1/4 - SW1/4 Sec 10 T140 R33		
INSTALLER	Scouton # 758		
# NEW TANKS INSTALLED	4		
SEPTIC TANKS			
a. Permit required (size)	6000 gal.		
b. Size/Type/Manufacturer	2-1500 gal. precast tanks, & 2-1000/500 precast tanks - Thelen		
c. Distance from well	59ft		
d. Distance from building	see back		
e. Distance from property line	100ft+-		
ABSORPTION AREA			
	Sized for: 2000 gpd flow		
a. Permit required (size)	1,333 sqft - 445 Lnft		
b. Elevation of trench bottom to water table	3ft+		
c. Distance from lake	150ft+		
d. Distance from building	50ft		
e. Distance from well	73ft		
f. Distance from property line	100ft+		
g. Distance from wetland	N/A		
PUMPING STATION			
	N/A		
a. Permit required (size)			
b. Distance from well			
c. Distance from house			
d. Distance from property line			
TRENCH			
	GRAVELLESS[] ROCK [*] Q-4 [] H-10 [] OTHER []		
a. Type of loading	DROP BOX [*] TOP LOAD [] OTHER []		
b. Length	#1= 90ft #2= 90ft #3= 90ft #4= 90ft #5= 90ft		
c. Width	36"		
d. Inches of rock under pipe	12"		
e. Depth of backfill	#5= 9" (25" total depth)		
f. Amount of rock	75 cu yds		
PRESSURE BED/AT GRADE			
	N/A		
a. Length			
b. Width			
c. Depth of backfill			
d. Amount of rock			
PUMPING STATION			
	N/A		
a. Pump model & size			
b. Distance to absorption			
c. Size of line			
d. Total dynamic head			
DISTRIBUTION PIPES			
	N/A		
a. Size of line			
b. Perforations & spacing			
c. Distance between laterals (60" max)			
d. Distance from rock bed edge (12" min, 30" max)			
TYPE OF SOIL/SLR	1.2 sand		

SEE REVERSE SIDE FOR PLAN LAYOUT

DISTANCE TO NEIGHBORS' WELL

N/A

[] NEIGHBORS' WELL DRAWN

SEPTIC TANKS: 2-1500 + 2-1000/500

- *] DRAIN HOLES SEALED
- *] OUTLET SCH. 40 (SEALED)
- *] INLET SCH. 40 (SEALED)
-] 6" INSP. PIPES (SEALED)
- *] RISERS ON MANHOLE (IF NEEDED)

TANKS INSULATED [*] YES [] NO

-] PUMP CURVE
-] PRESSURE TEST BLDG SEWER
-] PRESSURE TEST PUMP LINE

PUMP TANK N/A

-] MANHOLE AT GRADE (REQUIRED)
-] ALARM SYSTEM

DRAINFIELD

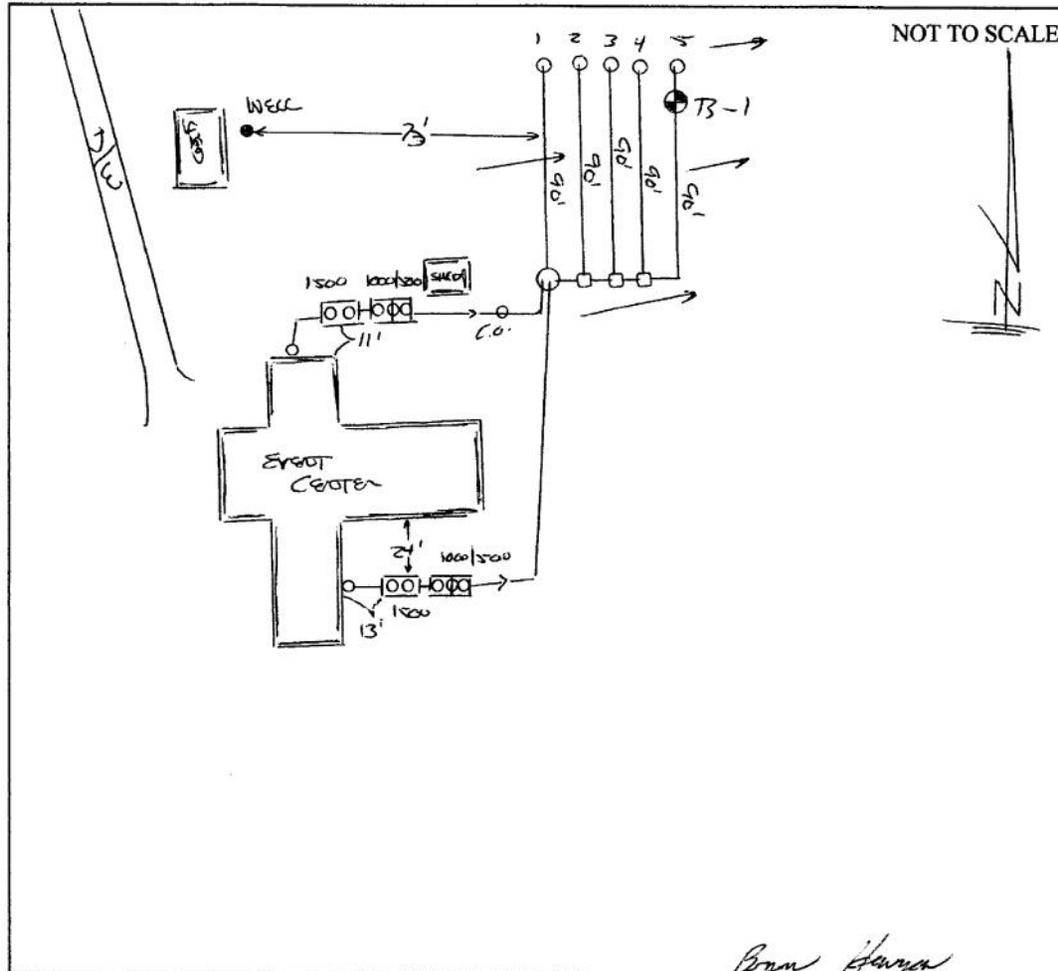
- *] 4" INSP. PIPES ON LATERALS

COMBO TANKS w/filter in each

- *] MANHOLE IN EACH COMPARTMENT

STATUS OF OLD TANKS/SYSTEM

N/A



Byron Hanna

INSPECTOR: Al Winterberger MPCA # 1565

OTHER INSP. # C9531

SIGNATURE: *[Signature]*

SYSTEM: APPROVED
 NOT APPROVED

WINTERBERGER INSPECTIONS

Al Winterberger-Inspector/Designer

State License #1565

24685 Washington Drive

Osage, MN 56570

Telephone: (218) 573-2275

E-mail: winterberger@arvig.net

Date 11/5/14

Property owner B. Nicklasen

Permit # 201-SS-14

Parcel # 21.10.00416

Installer Sewer #750

Soil Verified

B-1

DEPTH, INCHES	TEXTURE	MUNSELL COLOR
0-6	F.S.L.	10R 3k
6-25	med. sand	10R 4/6
25-65	med. sand	10R 5/6

Depth to system bottom 25"

auger Pit _____

B-2

DEPTH, INCHES	TEXTURE	MUNSELL COLOR

Depth to system bottom _____

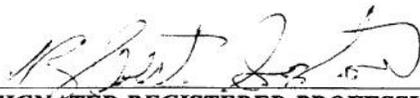
auger _____ Pit _____

This report satisfies the requirements as outlined in Minnesota rules chapter 7082.0700 Inspection Program subpart 4, item B, sub item 2.

CERTIFIED STATEMENT

I, the undersigned Designated Registered Professional Installer party to Minnesota State Licence # 758, do hereby certify that the installation of this onsite system is in accordance with all provisions of ISTS Minnesota Rules Chapter 7080 and all applicable Hubbard County Ordinances. I also certify that the inspectors as-built schematic will serve as the construction as-built schematic.

11/5/14
DATE

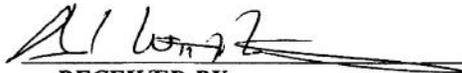

DESIGNATED REGISTERED PROFESSIONAL INSTALLER

SANITARY PERMIT # 201-SS-14

PROPERTY OWNER B. Nicklason

LAKE / RIVER NAME Belle Lake

LEGAL DESCRIPTION # 21.10.00410


RECEIVED BY

HUBBARD COUNTY

CERTIFICATE OF COMPLIANCE OR NOTICE OF NONCOMPLIANCE
FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS (ISTS)

PROPERTY OWNER BRENT NICKLOSEN
ADDRESS 25275 STATE 34 NEVIS MN
LEGAL DESCRIPTION P10 NE 1/4 SW 1/4 SEC 10 T140 R33
PARCEL NUMBER 21.10.00410
LAKE NAME BELLE LAKE

STATUS OF SYSTEM:

Based on the compliance inspection conducted on 11/5/14 the ISTS is,

IN COMPLIANCE, therefore, this document is a
(Choose: in compliance OR failing)

CERTIFICATE OF COMPLIANCE
(Choose: Certificate of compliance OR notice of noncompliance)

CERTIFICATION:

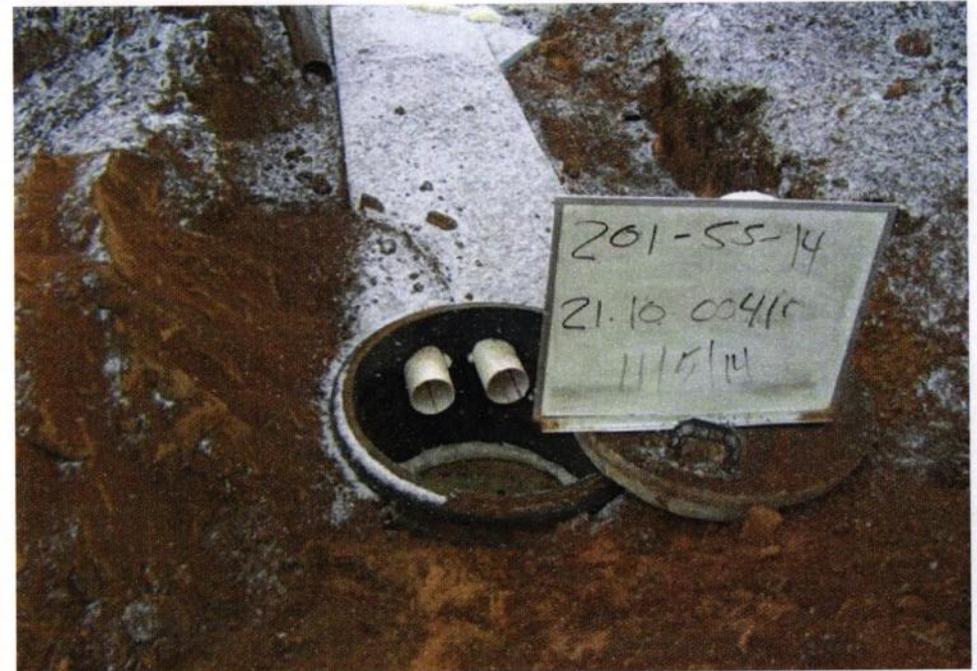
I hereby certify as a State of Minnesota Licensed Inspector, Designer I, or qualified employee that my observations recorded on this form are accurate as the inspection date of the individual sewage treatment system for the site stated above. This certificate is valid for 5 years from the date of issuance unless the L.U.G. finds evidence of imminent threat to public health or safety. No determination of future hydraulic performance can be made due to unknown conditions during system construction, future water usage over the life of the system, abuse of the system, and/or inadequate maintenance all of which will adversely affect the life of the system.

Electrical components and systems must be compliant with applicable rules and regulations of the State of Minnesota, as detailed in Minnesota Rule Section 7080.0700. It is the owners responsibility to insure that any electrical work is compliant with the law and inspected as required under state law. This certificate of compliance does not extend to any electrical components and work and the County has undertaken no inspection of any electrical system or components thereof.

INSPECTOR'S NAME: AL WINTERBERGER PHONE: 218-573-2275

LICENSE AND/OR REGISTRATION NUMBER: 1565

INSPECTOR'S SIGNATURE Al Winterberger DATE: 11/5/14





Nevis Fire and Rescue

Memorandum

To: Ryan Whiting

From: Chris Norton

CC: Tom Jensen, Travis Cole, and Brent Nicklason

After reviewing Inspection # 55479 / File # DC-35072 completed by Deputy State Fire Marshal Travis Cole on 09/28/2018. I would like to ask the Minnesota State Fire Marshal's Office to take over the case and follow-up as needed/required.

If you should have any questions please do not hesitate to contact me at Nevisfire@arvig.net or my personal cell 218-366-1609

Chris Norton

A000331742

OFFICE OF THE COUNTY RECORDER
HUBBARD COUNTY, MINNESOTA

CERTIFIED, FILED, AND/OR
RECORDED ON
04/28/2008 @3:26PM
AS DOC #: A000331742

NICOLE K. LUETH
HUBBARD COUNTY RECORDER

BY *[Signature]* DEPUTY

PAGES: 3

02.59.00900 - 02.59.01300

PERPETUAL WETLAND CONSERVATION EASEMENT

Pursuant to Minnesota Statutes, Chapter 84C, in consideration and as a condition of subdivision and/or development of the property described below, the owner(s) hereby convey a perpetual wetland conservation easement on all wetlands, as defined in Minnesota Rules part 8420.0110, on said property to the easement holder, Hubbard County, through its agents, employees, departments, or assigns.

These restrictions and covenants shall run with the land, to-wit: The owner(s) and their successors or assigns shall not drain, fill, or otherwise alter in any way wetlands on the property described below. Notwithstanding the foregoing, deadfall and noxious weeds may be removed from Wetlands. Further, the owner(s) of this property and their successors or assigns shall grant reasonable access to authorized personnel of the easement holder, Hubbard County, through its agents, employees, departments, or assigns for inspection, monitoring, and enforcement of this agreement, the wetland laws pursuant to the Minnesota Wetland Conservation Act of 1991 as amended, and all Hubbard County Ordinances.

LEGAL DESCRIPTION: SEE ATTACHED EXHIBIT "A"

Dated: 4/24/08

Robert L. Comeau

Robert L. Comeau, Owner

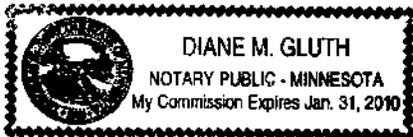
Dated: 4/24/08

Joan K. Comeau

Joan K. Comeau, Owner

STATE OF MINNESOTA)
)ss.
COUNTY OF HUBBARD)

The foregoing instrument was acknowledged before me this 24 day of April,
2008 by Robert L. Comeau and Joan K. Comeau, husband and wife, Owners.



Diane M. Gluth
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

THOMASON LAW OFFICE
Mark Thomason, Attorney at Law
Edgewater Office Plaza, Suite 1
107 South Grove, PO Box 87
Park Rapids, MN 56470
Tel. 218-732-7236
Atty. I.D. #109174

mail:
Bob Comeau
12565 Jefferson St. NE
Blaine, MN 55434

EXHIBIT A

Conservation Easement

A conservation easement of all that part of Government Lots 3 and 4, Section 23, Township 141 North, Range 35 West, Hubbard County, Minnesota described as follows:

Lots 1 and 2 Block 3 and Lots 1,2,3,4 and 5 Block 4 of the plat of COMEAU PARK NORTH FIRST ADDITION on file of record in the office of the recorder. Containing 2.45 acres, more or less.

DISCHARGE AND RELEASE OF PERPETUAL WETLAND CONSERVATION EASEMENT

FOR VALUABLE CONSIDERATION, the COUNTY OF HUBBARD, a sovereign body, hereby discharges and releases their interest in the following Perpetual Wetland Conservation Easement originally created April 24, 2008, described:

These restrictions and covenants shall run with the land, to-wit: The owner(s) and their successors or assigns shall not drain, fill, or otherwise alter in any way wetlands on the property described below. Notwithstanding the foregoing, deadfall and noxious weeds may be removed from Wetlands. Further, the owner(s) of this property and their successors or assigns shall grant reasonable access to authorized personnel of the easement holder, Hubbard County, through its agents, employees, departments, or assigns for inspection, monitoring, and enforcement of this agreement, the wetland laws pursuant to the Minnesota Wetland Conservation Act of 1991 as amended, and all Hubbard County Ordinances.

The Perpetual Wetland Conservation Easement herein is located on the following described legal property, situated in Hubbard County, Minnesota:

A conservation easement of all that part of Government Lots 3 and 4, Section 23, Township 141 North, Range 35 West, Hubbard County, Minnesota described as follows:

Lots 1 and 2 Block 3 and Lots 1, 2, 3, 4, and 5 Block 4 of the plat of COMEAU PARK NORTH FIRST ADDITION on file and of record in the office of the recorder. Containing 2.45 acres, more or less.

The Perpetual Wetland Conservation Easement dated April 24, 2008 is herein discharged and released.

Dated: _____

Daniel Stacey, Hubbard County Board Chairperson

Subscribed and sworn to before me this ____ day of _____, 2019.

NOTARY PUBLIC

THIS INSTRUMENT DRAFTED BY:
Jonathan D. Frieden, Hubbard County Attorney
Hubbard County Courthouse, Park Rapids MN 56470
Atty # 387692

KNOW ALL MEN BY THESE PRESENTS; That Robert L. Comeau and Joan K. Comeau, husband and wife, owners and proprietors of the following described property situated in the County of Hubbard, State of Minnesota, to wit:

All that part of Government Lot 3 and Government Lot 4, Section 23, Township 141 North, Range 35 West, Hubbard County, Minnesota, EXCEPT the following described tracts:

All that part of Government Lot 4, Section 23, Township 141 North, Range 35 West, Hubbard County, Minnesota described as follows:

Beginning at the northwest corner of said Government Lot 4; thence on an assumed bearing of South 01 degrees 02 minutes 27 seconds East along the west line of said Government Lot 4 a distance of 322.02 feet to the centerline of County Road 40; thence North 89 degrees 38 minutes 20 seconds East along said centerline a distance of 53.93 feet; thence easterly and northeasterly along a tangential curve concave to the northwest, radius of 718.99 feet, and a central angle of 46 degrees 34 minutes 23 seconds a distance of 584.43 feet (the chord of said curve bears North 66 degrees 21 minutes 09 seconds East); thence South 48 degrees 15 minutes 57 seconds East not tangent to last described line a distance of 977.25 feet to the east line of said Government Lot 4; thence North 00 degrees 58 minutes 36 seconds West a distance of 782.76 feet to the northeast corner of said Government Lot 4; thence South 88 degrees 17 minutes 55 seconds West along the north line of said Government Lot 4 a distance of 1297.01 feet to the point of beginning and there terminating. Containing 10.89 acres, more or less.

Subject to easement for County Road right-of-way. Subject to any and all easement of record.

All that part of Government Lot 3, Section 23, Township 141 North, Range 35 West, Hubbard County, Minnesota lying easterly of the following described line:

Commencing at the southeast corner of Government Lot 4, said Section 23; thence on an assumed bearing of South 89 degrees 28 minutes 14 seconds West along the north line of said Government Lot 3 a distance of 170.58 feet to the point of beginning of the line to be described; thence South 15 degrees 18 minutes 14 seconds East a distance of 66.02 feet; thence South 21 degrees 17 minutes 24 seconds West a distance of 264.14 feet; thence South 16 degrees 21 minutes 57 seconds West to the water's edge of Potato Lake and there terminating.

Subject to easement for Township Road right-of-way. Subject to any and all easements of record.

Plat contains 30.54 acres, more or less.

Have caused the same to be surveyed and platted as COMEAU PARK NORTH FIRST ADDITION and do hereby donate and dedicate to the public for public use forever the Utility Easements, Township and County Roads as shown on the plat, and do hereby donate and dedicate to all lot owners within the plat an undivided interest in Outlot A, HOLIDAY ROAD and HOLIDAY LANE, for private roadway purposes. And also dedicating the easements as shown on this plat for utility and drainage purposes only to serve the land encompassed within the plat.

In witness whereof said Robert L. Comeau and Joan K. Comeau, husband and wife, have hereunto set their hands this 14th day of APRIL, 2008.

Robert L. Comeau Joan K. Comeau
Joan K. Comeau

STATE OF MINNESOTA
COUNTY OF ANOKA

The foregoing instrument was acknowledged before me this 14th day of APRIL, 2008 by Robert L. Comeau and Joan K. Comeau, husband and wife.

DIANE M. GLUTH
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2010

Diane M. Gluth
Notary Public, ANOKA County, MN
My Commission Expires JAN. 31, 2010

I hereby certify that I have surveyed or directly supervised the survey of the property described on this plat; prepared this plat or directly supervised the preparation of this plat; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of the surveyor's certification are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Ronald L. Camell Sr.
Ronald L. Camell Sr., Professional Land Surveyor
Minnesota License No. 43415

KARLA KAY SIMPSON
NOTARY PUBLIC - MINNESOTA
My Commission Expires 1-31-2009

STATE OF MINNESOTA
COUNTY OF HUBBARD

The foregoing Surveyor's Certificate was acknowledged before me this 3rd day of March, 2008 by Ronald L. Camell Sr., Minnesota License No. 43415.

Karla Simpson
Notary Public, Hubbard County, MN
My Commission Expires 1-31-2009

This plat of COMEAU PARK NORTH FIRST ADDITION is hereby approved by the Town Board of the Township of Arago this 3rd day of March, 2008.

Adrian J. Stedid Raymond Eishens
Clerk Chairperson

This plat of COMEAU PARK NORTH FIRST ADDITION is hereby approved by the Hubbard County Public Works this 5th day of March, 2008.

David A. Olsonawski, P.E. George E. R. Coulombe
Hubbard County Engineer Hubbard County Surveyor

This plat of COMEAU PARK NORTH FIRST ADDITION is hereby approved by the Hubbard County Planning Commission this 5th day of April, 2008.

Secretary Chairperson

This plat of COMEAU PARK NORTH FIRST ADDITION is hereby approved by the Board of Commissioners of Hubbard County, Minnesota this 16th day of April, 2008.

Chairperson of County Board County Coordinator

I hereby certify that proper evidence of title has been presented to and examined by me this 3rd day of March, 2008.

Attorney

No delinquent taxes and transfer entered this 16th day of April, 2008.

County Auditor Deputy

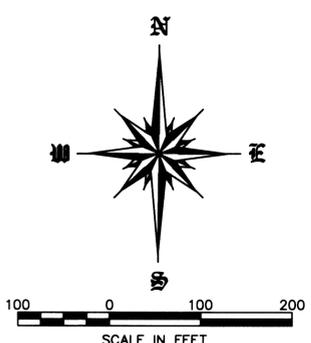
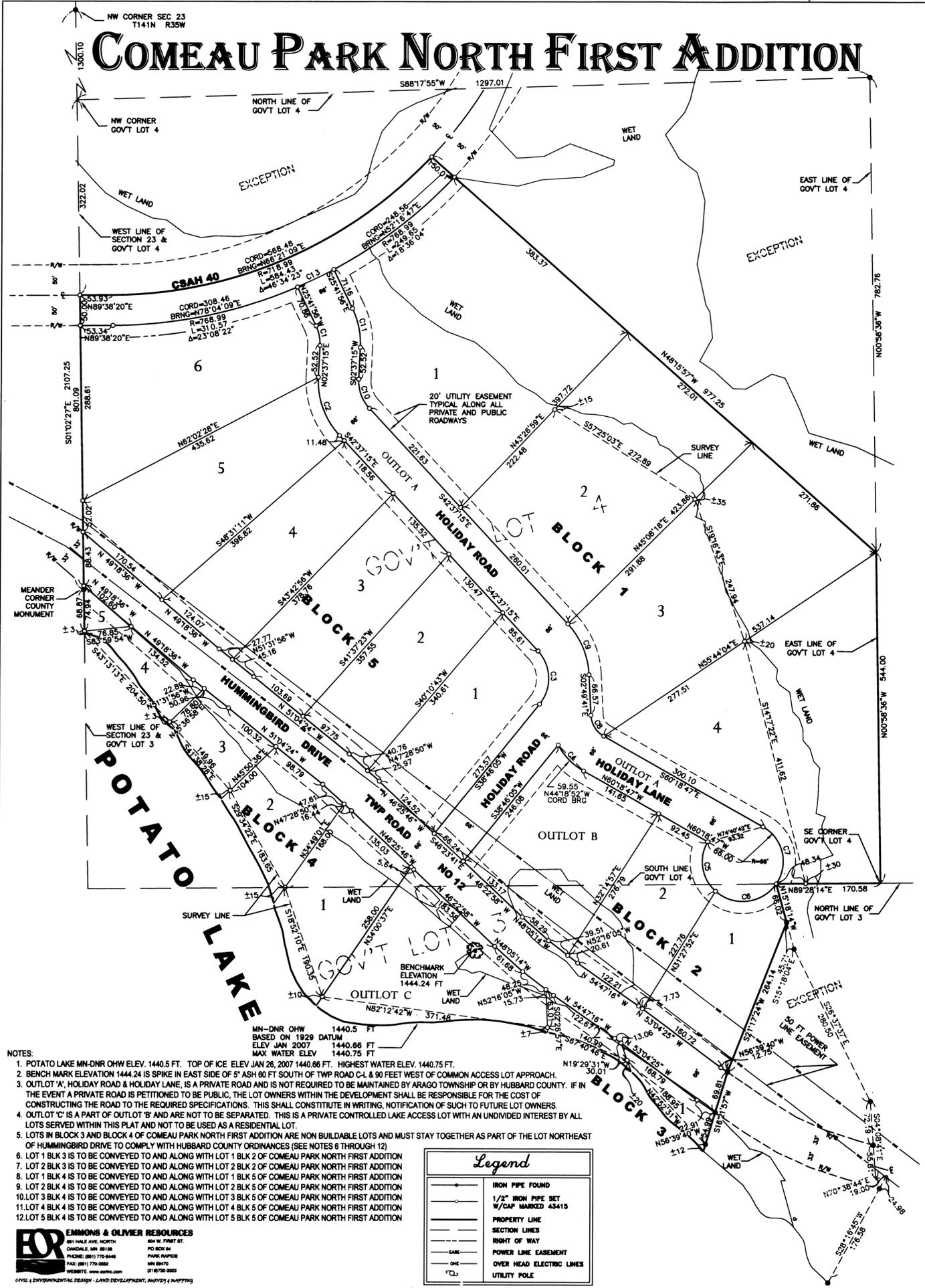
I hereby certify that the taxes for the year 2008 for the lands described within are paid.

County Treasurer Deputy

I hereby certify that the within instrument was filed in this office for record on this 16th day of April, 2008 A.D., at 3:50 o'clock P.M., and was duly recorded as Document A000331527.

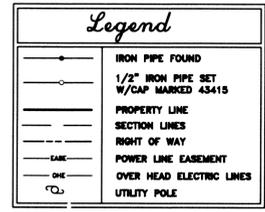
County Recorder Deputy

A000331527
OFFICE OF THE COUNTY RECORDER
HUBBARD COUNTY, MINNESOTA
CERTIFIED TRUE AND CORRECT COPY OF RECORD
FILED IN THE PUBLIC RECORDS
HUBBARD COUNTY, MINNESOTA
DIANE M. GLUTH
NOTARY PUBLIC



BASIS OF BEARING IS THE WEST LINE OF SECTION 23 IS ASSUMED TO HAVE A BEARING OF S 01°02'27" E

CURVE TABLE with columns: CURVE, LENGTH, RADIUS, DELTA ANGLE. Rows C1 through C13.



- NOTES: 1. POTATO LAKE MIN-DNR OHW ELEV. 1440.5 FT. ... 2. BENCH MARK ELEVATION 1444.24 IS SPIKE IN EAST SIDE OF 5' ASH 80 FT SOUTH OF TWP ROAD C-L ... 3. OUTLOT 'A', HOLIDAY ROAD & HOLIDAY LANE, IS A PRIVATE ROAD AND IS NOT REQUIRED TO BE MAINTAINED BY HUBBARD COUNTY ...

EMMONS & OLIVER RESOURCES
881 HALE AVE. NORTH
DUNDAS, MN 55126
PHONE: (815) 724-4444
FAX: (815) 775-2882
WEBSITE: www.eorinc.com

Purchase of Service Agreement

Hubbard County, Courthouse, Park Rapids, MN 56470 and Al Winterberger, d.b.a. Winterberger Inspections, 24685 Washington Drive, Osage, MN 56570, herein after referred to as the "Contractor" enter into this agreement for a period of March 5, 2019 to December 31, 2019.

Witnesseth

WHEREAS, The County, pursuant to Minnesota Statutes, wishes to purchase services from the Contractor; and

WHEREAS, The Contractor represents that it is duly qualified, licensed, bonded and insured and willing to perform such services;

NOW THEREFORE, In consideration of the mutual understanding and agreement set forth, the County and Contractor agree as follows:

I. Contractor Duties

The County agrees to purchase and the Contractor agrees to furnish the following services and comply with the following terms and conditions in order to achieve the goals specified. The Contractor shall:

1. inspect new and replacement installations of subsurface sewage treatment systems (SSTS) for full compliance with technical standards and criteria as defined in Minnesota Rules, Chapters 7080-7083 and the Hubbard County Subsurface Sewage Treatment System Ordinance and do the following specific items relating to the inspection process:
 - a. obtain and review copies of the County issued SSTS permit and related documents including the approved site evaluation and design of the SSTS prior to inspection.
 - b. inspect the SSTS installation site.
 - c. accurately record: SSTS component setbacks from buildings, lakes, Types 4 and 5 wetlands, roads, and lot lines, if known; SSTS layout; and the tank and soil dispersal system sizes.
 - d. perform at least one soil boring or soil pit observation (or as many borings/observations that are needed to accurately determine the vertical separation distance between the bottom of the soil dispersal system and periodically

saturated soil) within or alongside the soil dispersal system to a minimum vertical depth of 36 inches below the bottom of the soil dispersal system.

- e. provide color photos and a site plan sketch showing all SSTS components and labeled with the property owner's name, installer's name, permit number, tax parcel identification number, and date of inspection for each site. The entire SSTS shall be photographed either by one comprehensive photo or several that can be combined to provide a complete, panoramic view of the SSTS. Whenever available, photos shall include a reference landmark such as a building to assist in later finding the SSTS location.
 - f. complete the Hubbard County Environmental Services Uniform Record of Subsurface Sewage Treatment System, complete and issue a Certificate of Compliance or Noncompliance Notice and Installer Certified Statement for every inspection, and submit the originals of said documents and other aforementioned inspection documentation materials to the County and a copy of the Certificate of Compliance or Noncompliance to the landowner within fifteen (15) business days of the inspection date.
2. secure, utilize, and maintain state licenses, equipment and tools required to perform the services of this agreement and comply with federal Occupational Safety and Health Administration (OSHA) requirements.
 3. not inspect any SSTS installation where a conflict of interest exists due to a professional or private relationship between the Contractor and the installer or property owner, or if the installation is utilizing the Contractor's SSTS design.
 4. not use its position to solicit for private business gain.
 5. work with the Environmental Services Department (ESD) to provide thorough, fair and equitable enforcement of the MPCA Rules and County Ordinance.
 6. verbally and in writing communicate to property owners and installers in a professional, courteous and positive manner at all times.
 7. in the event of a non-compliance issue, immediately notify the installer and ESD to assist in resolution of the matter prior to system backfilling and provide the ESD with a written statement

thoroughly documenting the non-compliance issue within fifteen (15) business days of the date the Contractor identified the non-compliance issue.

8. review and either approve or deny SSTS designs if/when such review is requested by the Environmental Services Director in situations where qualified County employees are unavailable to perform such review and maintain timely design processing. The Contractor can deny a septic system design only upon approval of the Environmental Services Director.

II. Cost and Delivery of Purchased Services

The County shall:

1. pay the Contractor a compensation amount of \$110 per inspection.
2. pay the Contractor a compensation rate of \$75 per re-inspection.
3. pay the Contractor a compensation rate of \$65.00 per ESD-approved post-backfilling inspection where the Contractor does not perform the inspection before the installer backfills the SSTS.
4. pay the Contractor \$10.00 per SSTS design the Contractor reviews and on which it takes approval or denial action – when requested of the Contractor by the Environmental Services Director.

III. Payment of Purchased Services

The County shall upon receipt of an itemized invoice for services rendered by the Contractor per this agreement, showing property owner's name, tax parcel and SSTS permit number, make payment to the Contractor in a timely and reasonable manner.

IV. Indemnity, Insurance, Independent Contractor Status, and Audit Clause

Indemnity: The Contractor agrees that it will at all times indemnify and hold harmless the County against any and all liability, loss, damages, cost or expenses, including reasonable attorney fees, which the County may hereafter sustain, incur or be required to pay, which arise out of the Contractor's performance of this agreement.

Insurance: The Contractor further agrees, in order to protect itself and the County under the indemnity provision set forth above, to at all times during this agreement have and keep in force the required motor vehicle insurance under Minnesota State Law, listing Hubbard County as an additional insured party. The

policy must be written in an occurrence basis, not claims made basis. The liability minimum limits shall be \$1,000,000 each occurrence and \$1,000,000 aggregate.

The Contractor also agrees to at all times during this agreement have and keep in force the required general liability insurance, listing Hubbard County as an additional insured party. The policy must be written in an occurrence basis, not claims made basis. The liability minimum limits shall be \$1,000,000 each occurrence and \$2,000,000 aggregate explosion, collapse and underground must be included.

Original motor vehicle and general liability insurance certificates must be on file with Hubbard County. (Note: This agreement's insurance requirements are entirely separate from the MPCA licensing insurance and bond requirements.)

Independent Contractor: It is agreed that nothing contained in this agreement is intended or should be construed as creating the relationship of co-partners, joint venturers, or an association with the County and the Contractor. The Contractor is an independent Contractor and neither it, its employees, nor its agents, are representative or employees of the County.

All data collected, created, received, maintained, or disseminated for any purposes by the activities of the Contractor because of this Agreement is governed by the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as Federal Regulations on data privacy. If the Contractor receives a request to release data referred to in this Clause, the Contractor must immediately notify Hubbard County. Hubbard County will give the Contractor instructions concerning the release of data to the requesting party before data is released.

V. Conditions of the Parties Obligations:

1. Any alterations, variation, modification or waivers of provisions of this agreement shall be valid only when they have been reduced to writing, duly signed by both parties, and attached to the original of this agreement.
2. The County may terminate this agreement at any time for failure of the Contractor to perform its duties in a satisfactory manner or fails to demonstrate the knowledge of the Rules and Ordinance or its proper appearance and conduct as a representative of the County.
3. The Contractor may terminate this agreement with a 30 day written notice any time during this agreement.

VI. Miscellaneous:

1. It is the understood and agreed that the entire agreement of the parties is contained herein and in attachments and that this agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof.
2. Should any individual provision of this agreement be found to be invalid, said provision shall not render the remaining provisions invalid.

Approved as to Form and Execution

By: _____ Date: _____
Chairperson, Hubbard County Board of Commissioners

By: _____ Date: _____
Contractor