

**Minutes of the State Appeals Board**  
**Appeal #14-02**  
**Thursday, May 22, 2014**  
**Hearing 12:40 p.m.**

**Preliminaries:**

- **Appeals Board Members:**
  - Steve Hernick, State Building Official
  - Scott McKown, Assistant Director, Construction Codes & Licensing Division (CCLD) – DLI
  - Paul Heimkes, Regional Building Official, CCLD – DLI
  - Mike Bunnell, Building Code Representative / Plan Review, CCLD – DLI
  - Michael Godfrey, Manager of Code Development & Education, CCLD – DLI
- **Other Appearances:**
  - Eric Beecher, Attorney representing the Board – Office of the Attorney General
  - Lyndy Lutz, Administrative support, CCLD – DLI
  - Leon and Cinthia Ohman, Goose Lake Farm and Winery
  - Gary Leistico, Attorney representing Leon and Cinthia Ohman – Rinke Noonan
  - Andy Schreder, Building Official – City of Nowthen
  - Robert Ruppe, Attorney representing the City of Nowthen
  - Roger Axel, visitor
  - Eric Hason, visitor
- Steve Hernick welcomed everyone and introduced himself as the State Building Official and the Chair of the State Appeals Board. He noted that the Appeals Board consists of staff from the Construction Codes and Licensing Division of the Department of Labor and Industry. Orders were issued to board members not to discuss this case with each other. Chair Hernick introduced members of the Appeals Board, Eric Beecher, and Lyndy Lutz (as noted above).
- Chair Hernick stated that the Board was convening to hear an appeal from Leon and Cinthia Ohman concerning the determination made by Andy Schreder, building official for the City of Nowthen. Mr. and Mrs. Ohman contend that Goose Lake Farm and Winery, LLC should be classified as an agricultural building exempt from the State Building Code rather than an assembly occupancy regulated by the State Building Code as determined by the building official (City of Nowthen). The issue before (the Board) poses the question “Does the current use of the building qualify for the agricultural exemption?” It was noted that the meeting was being recorded and speakers were asked to state their name clearly for proper minutes. Eric Beecher was asked if he had any comments.

- Eric Beecher introduced himself as the Assistant Attorney General with the state; he was there to represent the Board, he is not a member of the Board, not involved in decision making and is present to ensure there is a clear record. He reiterated the importance of identifying oneself before speaking. He added that the Board of Appeals is constituted under Minnesota Rules 1300.0230, which sets forth the limitations on its authority and he read aloud as follows:

***“Subp. 3. Limitations on authority.***

*An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.”*

Beecher reminded the Board and the parties that this (1300.0230, Subp. 3 above) is the entire scope of the Board’s authority.

- Chair Hernick explained the process for today’s meeting: The applicants (appellants) and building official will have opportunities to address the Board. He added that anyone else that wants to address the Board can do so. The appellants (Ohmans) would address the Board first and this portion of the procedure would be to establish the facts. He asked the appellants and the City of Nowthen to confine their comments to thirty minutes each to discuss the facts of the matter. Following the arguments from both sides, the testimony would be closed and there would be a discussion amongst Board members where additional questions could be posed. A motion would then be made as to the (Board’s) conclusion. He asked the appellants to provide their testimony to the Board.
- Gary Leistico, the Attorney representing Cinthia and Leon Ohman and their business Goose Lake Farm and Winery, noted that he had provided a packet to the Board that set forth a number of exhibits titled *“The Matter of the Appeal to the State Building Code Appeals Board by Goose Lake Farm and Winery LLC, Leon Ohman, and Cindy Ohman of the City of Nowthen’s Building Official’s Determination of April 16<sup>th</sup> and 28<sup>th</sup>, 2004”* – dated May 9, 2014, by Rinke Noonan, attorneys at law (hereafter referred to as Attachment A). Leistico referred to Exhibit 1 of Attachment A, a letter drafted to set forth their position. He apologized for the large number of exhibits contained in the packet (Attachment A) but believed these items were important for (the Board’s) review. Goose Lake Farm and Winery first came to be in 2004 and the Ohmans went through a Conditional Use Permit (CUP) process within the City of Nowthen. The land has been zoned “agricultural” and is still zoned as such within the City of Nowthen. In addition to the structure that is in question today, they (the Ohmans) have approximately 69 acres where they grow the berries (crops) and honey used to make their wine. It is licensed under the Minnesota Farm Winery Statute 340A.315 (Minnesota Statutes), has always been licensed and is in good standing. The Department of Public Safety does inspections and inspections were

done a number of times, at least once yearly. It has always been in compliance and continues to be to this day. The farm winery itself is made up of a number of areas that grow the different crops – berries / grapes. They have bees that they raise the honey from. The farm winery statute, 340A.315 does dictate the process that must be met in order to comply with licensing – it has to be farm wine where the product is produced and processed. The building in question has a number of different names and was built after they were licensed to initially process the crops. Today this is still the building’s primary purpose. They have an area where they bring in the crops and he referred then to the black 3-ring binder submitted to board members titled “APPEAL EXHIBITS” that includes photographs tabbed 1 to 9 (hereafter referred to as Attachment B). Leistico noted that Attachment B was submitted on behalf of Cinthia and Leon Ohman and he identified the tabbed sections as follows:

- Tab 1           Aerial photo of the farm winery itself. The structure in question is in the lower left-hand corner with a white stock trailer parked near it. He explained you would be looking west at the top of the photograph. Vineyard areas with different crops are shown; those crops are then brought into the structure where they are processed. The accompanying photos (Tabs 2 to 9) briefly show what takes place in the above mentioned building/structure.
- Tab 2 & 3       Processing machine – berries placed into machines, juice crushed out
- Tab 4           Grapes grown on the property to make wine
- Tab 5           Found within the structure – a processor for the grapes grown on the property. Fermentation takes place in the blue barrels.
- Tab 6           Bees on the property
- Tab 7           Processing rhubarb using implements depicted in the photograph
- Tab 8           Processing machine
- Tab 9           Diagram / footprint or layout of the building in question.

Leistico noted that the only thing done in the structure other than processing the wine – washing grapes, crushing, fermentation process, bottling, and storing – is tasting of the wine in the front of the building in a portioned off area. There is an upper floor with seating and a balcony area where visitors can go outside. This is not the primary purpose of the building but they do need to provide tasting of the wine before visitors will purchase; the wine is then taken offsite to consume. Leistico concluded that this is how the farm winery works. They were originally licensed, CUP went through, they pulled the necessary electrical permits, and septic permits were pulled and inspected (shown in Attachment A). Leon Ohman worked

in the construction industry for a long time, he has been a building official for a fair number of years and had spoken to Barry Olson, the building inspector of the Township of Burns at the time when the winery came to be and the building was originally constructed. The Township of Burns is now incorporated into the City of Nowthen. Leistico added that Barry Olson was the building official after incorporation into the City of Nowthen and at all times when the structure was built and additions were added. This process is explained in the "Affidavit of Leon Ohman", Exhibit #2 of Attachment A. The City of Nowthen Minutes indicates Barry Olson was present and that he performed inspections on the septic (system). They tried to find Mr. Olson but were unable to and weren't aware if the City had located him. The documents clearly indicate that Barry Olson knew what was going on within the CUP process itself; Leon Ohman spoke at length what the intended use of the building would be in Barry Olson's presence (at the city meeting). Mr. Ohman will tell you that he spoke to Mr. Olson at length and was told he did not need a building permit because the building would be used as "ag" use – as a farm winery. There were no issues raised until 2012. The winery and the building in question were always used as it is used today – primarily to process and taste the wine prior to purchasing.

In the past, the City (Nowthen) raised a dispute within the CUP process as to whether or not "events" (weddings, wedding receptions, parties, etc.) were within the gambits of the conditional use permit (CUP) for the production and onsite sale of the wine. There were two conditions of the CUP: adequate restrooms and certain hours. The winery statute dictates the hours. The position of Goose Lake Farm and Winery is, and has been during this process with the City (Nowthen), that these events were done for the purpose of selling wine, no other alcohol could be brought onto their site. Some of these events were outside, some inside the structure, but all part of the farm winery as they saw it. Currently, Mr. and Mrs. Ohman have agreed not to allow these events although they believe these events are allowed under the CUP for this building. The issue of events applied to wedding receptions where you rented the building or grounds in order to have exclusive use of it. Their (Ohmans) position is that (the structure) is an "ag" building and they believe the City of Nowthen agrees with the facts in this case towards the building's use, that Barry Olson (while present at City of Nowthen meetings as reflected in Minutes) was the building official at the time and at no time indicated a building permit was needed. There was no action taken, he allowed the building to be constructed, he was onsite doing the septic tank (inspection), and he never required a building permit. The Ohmans clearly would have gotten a building permit if they were asked to. Now the City is coming back and saying there is a different code that applies, different things need to be done to your building that could be destructive and they believe the City is now prejudicing them. Mr. Ohman (a building official) believes the structure meets building code but the building permit is what the City is asking for (set out in Attachment A). They (Ohmans) believe this prejudices them because the City (Nowthen), and the Township at the time of the construction and the CUP process, allowed that a building permit was not required and therefore the City cannot go back now and change this. Leistico stated he has an issue with the administrative

citation process but Chair Hernick explained that this was beyond the scope of what the Board could address. (The Board's) focus is simply building code issues and the relevance of the building code in an interpretation of whether the "ag" exemption would apply. Leistico again stated they felt the structure was an "ag" building and referenced 1300.0120, supb. 13, noting that "ag" buildings are exempt from the building permit requirement and that Minnesota Statutes 326B.103, subdivision 3, (Exhibit 5 of Attachment A), gives the definition of an "ag" building. The Building Official, City of Nowthen, in two letters dated April 16<sup>th</sup> and 28<sup>th</sup>, 2014, lists three criteria for purposes of an "ag" building and believes that the structure does not meet the requirements (Attachment C). Leistico stated they meet Item #3 (of the City of Nowthen's letter dated 4/28/2014) pertaining to the people that go into the building and he read aloud the following:

*"3. used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products."*

Leistico stated that the City's position is that people entering the building for onsite sales become members of the public. He tried at length to find the definition for "members of the public" but was unable to. Someone that is picking up an agricultural product is in many ways, a member of the public. The best way to describe the facts of this case is to go through each one of the requirements for an "ag" building, not just Item #3. The property is zoned "ag" and he referred to 273.13, subdivision 23, the tax statute to determine "ag" land use for purposes of the exemption (Exhibit 29 of Attachment A). In this case, the people entering the building are the owners, members of their family, or people coming to purchase wine. The only intermittent thing they do when purchasing is tasting the wine. No one else is allowed and nothing else is sold other than wine and wine related issues. Within this exemption it fits under the requirements of "ag" land; however, the City of Nowthen, in its April 28, 2014 letter, states that it does not meet this requirement because the Anoka County assessor has determined there is a "commercial-ness" to the building. This is something new and was never heard prior to the April 28, 2014 letter from the City of Nowthen. From 2004 to 2011 the determination from the tax assessor was always "ag" land. He believes the tax assessor was correct in the earlier years but wrong now and that is partially due to the farm winery statute which says notwithstanding any other section of law in Minnesota, no law can impede the onsite sale of wine. (Farm Winery Statute is noted in Exhibit 3 of Attachment A). In order to get a license and comply with it, which they are, the Ohmans need to grow Minnesota crops on the property and they do. Subd. 9 of 340A.315 states *"Agricultural Land. A farm winery license must be issued for operation of a farm winery on agricultural land..."* Subd. 6 states *"On-sale licenses allowed. Nothing in this section or in any other section of law prevents a farm winery from obtaining a separate on-sale license and operating a business establishment..."* If the City's position is that members of the public going into the building result in the building not being on "ag" land then no winery in Minnesota could ever be licensed under the statute. This statute says no section can keep that from happening. The

City of Nowthen has zoned the property as “ag” land, it is only this tax assessment that has zoned a small portion as commercial. Leistico added that it is not defined what exactly on the property meets the criteria of “commercial” but it is not this building in any case. Under the farm winery, it has to be on “ag” land. No other section can change the fact that they sell their wine there. They can’t sell their wine if you aren’t a licensed farm winery and you can’t be a farm winery if you aren’t on “ag” land. Allowing people to come pick up the wine is not a “member of the public” coming onto the property or the building, they are only picking up wine. You cannot go there unless you are there to purchase.

- Mike Godfrey asked if there were any other building on the property that could be classified as commercial other than the winery. Leistico said he did not think so and they didn’t know what portion was being classified as commercial use. The purpose of the building and what they are using it for is farm implements, always classified as a farm winery, always designed and implemented to process wine. The people that go onsite are for pick-up and delivery. The City’s (Nowthen) position is that the onsite sale is what kicks them out of that – members of the public coming onsite. There is a memo (from the City of Nowthen) that states that onsite sales are never an “ag” use. In the wide course of all onsite sales, this might be as a general rule but not within the tax code which is what the building section directs us to go to – Statute 273.13, Subdivision 23. He has not located anything in Minnesota law that says that having onsite sales automatically mean it is not “ag”. The tax statutes clearly state that an onsite sale is still “ag” if the (product) you are selling is grown there. This is a farm winery where all of the product is onsite and processed in this same building, bottled in the building, and the only thing sold in this building is this same wine, nothing else.
- Hernick stated he understands the argument for the tax provisions and for the assessor’s determination of the use of the property but (the Board) is talking about building code. The discussion we just heard is relevant to how the assessor can determine if it is “ag” property. Hernick asked Leistico to touch briefly on his earlier discussion of “events”. Leistico explained the reasoning of why he brought up the assessor’s tax assessment and believes the tax assessor, if this determination is made, is conclusive for purposes of the building code. They (Ohmans) have agreed not to do these events. The farm winery statute has very strict requirements for what a person can do in order to maintain their farm winery license – they are inspected annually by the Department of Public Safety. Leistico concluded that the primary purpose of the building is to make the wine and the secondary purpose of the building is to sell wine.
- Hernick asked how many wines you can taste with a ticket. Cinthia Ohman responded with six, 1-oz portions. Leon Ohman added that people can choose to purchase a glass, which is allowed under statute, but they are not a bar. They have been on the farm for 27 years and the primary purpose of the building is to take their crops and make a Minnesota agricultural product to sell.

- Leistico stated they believe they meet the farm winery statute and he acknowledges it brings them to the tax code. They believe that under the tax code they've met the requirement. At the time the building was constructed, the building official did not require a building permit, they were told it was an "ag" building and it otherwise meets the definition of "ag" building exemption.
- Godfrey asked if they (Ohmans) will go to the county and have the 2012 tax assessment changed; Leistico responded that they might. They learned that some portion of the property was considered "Commercial 3A" on April 28, 2014. The land is an "ag" use and you have to have an "ag" purpose to keep the "ag" use on the land. The building code brings you to both the land and the building code. The land, even if the tax assessment is changed, under Minnesota Statute 462.357, (shown in Tab 27/Exhibit 27 of Attachment A.) is a legal, prior existing, non-conforming use notwithstanding some other change to the zoning code and therefore it would still be conforming under the law.
- Mike Bunnell asked if wine is an agriculture product or only the grapes and if wine is listed in the statutes. Leistico stated that the Minnesota Winery license, 348.315, makes farm wineries an "ag" use. Bunnell again asked if wine is an agricultural product. Cinthia Ohman said that through the Minnesota Farm Winery Association they were given a check-off that is only awarded to "ag" products and the wine, not the grapes, is an agricultural product, however, Leistico said he could not agree with this as an absolute rule. Bunnell said he is asking the question in regards to 326.103, not the winery statutes. Leistico stated that wine from a Minnesota farm winery is an "ag" product. Bunnell said he read through the statutes 326B that takes you to 273.13 and he did not see wine listed as an agricultural product. Leistico added that 340A.315 makes it such and saying notwithstanding any other section, a farm winery must be on "ag" land. Farm winery, grape wine, made on a Minnesota licensed farm winery is an agricultural product – the grape is grown on the property.
- Andrew Schreder, building official, City of Nowthen and Bob Ruppe, attorney for the City of Nowthen, introduced themselves. Schreder stated he was going to address the building code issues as they related to the Minnesota State Building Code and he would refer to Mr. Ruppe for legal aspects. As mentioned in his report (Attachment C), Schreder stated that the original construction and subsequent additions happened prior to his employment at the City of Nowthen. He said it is important to review the charging language of the State Building Code 1300.0030 and he read aloud as follows:  
*"1300.0030 PURPOSE AND APPLICATION.*  
*Subpart 1. Purpose. The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare".* He said this is paramount here. The structure in question has been built over the years to be used in such a manner that building permits and related inspections are actually required. The

assertion that this is an agricultural building and therefore exempt, in his position, is simply untrue. The code is in place to prevent the situation we have here – members of the public not familiar with their surroundings, inside of the building consuming alcoholic beverages in a building that does not meet the minimum standards set forth by the code. He visited the building only once but he observed several issues that fell short of what would be required for this type of building and occupancy. To remind and review, a portion of the building was construction in 2004 and there have been at least 3 additions in subsequent years. There were questions as to the interpretation of the occupancy classification in 2004. The owners claim they had a verbal interpretation from Barry Olson, the building official at the time. The property file contains no notes or letters explaining this interpretation and this is contrary to other cases which involved agricultural designations. We do have a file indicating the extensive notes that Barry detailed with another building that was deemed agricultural in nature. Even if this were the opinion at the very beginning, the building and its use is quite different now than in 2004. It now includes a much larger area, two floors, a deck and two bars. These did not exist in 2004 when they claimed, and received, the agricultural exemption. The appellants spent a great deal of time with completely irrelevant documents and he is addressing issues as they pertain to the occupancy and primarily the use. Schreder referred to photographs submitted to the Board (Attachment C) showing individuals around a bar, sitting on a deck, and generally “gathering”, specifically photo pages 25, 26, & 27. Photo 25: the definition of a an assembly group according to the code occupancy states that it is for the gathering of persons for the purposes such as civic, social, or religious functions, recreation, food and drink consumption. He added that this accurately described what is shown in these photographs. The owners have taken the position that this constitutes “tasting”. In his position, this is more than tasting, it is recreation and assembly.

- Bob Ruppe, attorney for the City of Nowthen, added that these photographs were advertising photos taken off of the Farm Winery website.
- Schreder referred to photographs 18 & 27 (Attachment C). He said this demonstrates the importance of designating the proper occupancy classification and in having inspections performed. He has concerns about the structural integrity of the deck – footings appear to run to grade (photo 18). He said this is an issue because (the deck) doesn’t have the benefit of the lateral stability that would be gained from an embedded post. Looking at photos 18 and 27, neither crow’s feet nor diagonal braces from the post to the beam can be seen. Lateral bracing underneath the deck structure itself from the joist, which is another common way to provide lateral resistance, cannot be seen either. The only thing that may have been done in that effort is the metal connector at the top of the post to join to the beam. In referencing both the USP and Simpson catalogs, neither one are giving any loading criteria, it is a non-structural connector. As we all know, when these decks fail, they typically fail quickly and without warning. That is another issue that would be addressed through the permit process if (the City of Nowthen) were allowed to

go through that. Other safety concerns that were itemized in his report: According to Exhibit 10 of Attachment A and Ted Hagfors, a state electrical inspector for the City of Nowthen, there was an electrical permit and inspection done in 2004; however, there were three additions over the years and there were no electrical permits and no electrical inspections (performed). The City and the State Fire Marshal conducted an inspection at the winery recently and part of their report cited extension cords used in place of permanent wiring and improper exiting for the occupant load. To date, Mr. Hagfors has not been out to do an inspection.

- Hernick says he understands there may be violations but the focus is whether the property qualifies for “ag” exemption.
- Schreder noted that the owners stated the public is only allowed inside of the building for tasting of wine. It is important to realize when the change occurs from tasting to consumption. There is a fine line that is not well defined, but it is clear that a 1-oz taste to decide if you want to buy the apricot or the peach (wine) to selling wine by the glass, bottle, or (see page 15 of Attachment C) wine by the pitcher is consumption, no longer tasting. Schreder added that the point was brought up that there have been inspections done by another state agency, however, they did not address some of the safety concerns he observed, such as exiting, fire suppression, and only 1 handrail on the side of the stairs from the second level. He appreciated that there were other inspections done but those issues were not addressed.
- Hernick stated that from his understanding, there were inspections done by Public Safety wearing two different hats, one for the winery portion and one for the fire portion.
- Leistico said that the Department of Public Safety, through the licensing and farm winery, inspects farm wineries to verify they are in compliance with the farm winery statutes. Leistico referred to the Fire Marshal letter (Exhibit 20 of Attachment A) and said that all of the issues were addressed and they were in compliance with the fire code (Exhibit 21 of Attachment A). Leon Ohman added that it was the local Fire Marshal and a representative from the State Fire Marshals division.
- Bob Ruppe, Nowthen city attorney, stated that a great deal of discussion has taken place regarding the farm winery statute and the fact that the Ohmans have been issued a farm winery license. The city would like to make it clear that the farm winery license was issued under chapter 340A. Chapter 340A relates to liquor licenses and has nothing to do with the building code, which is a separate, distinct chapter of the statutes. Chapter 340.315, the farm winery statute that has been continuously referred to, refers to a liquor license. It does refer to any other exemption including an exemption from the State Building Code. It has nothing to do with the designation of the land as “ag” or not. The entire discussion was used as

a smokescreen for the real issue, which is the use of the building. We look at the use of the building as something that is assembly in nature. It has people there that are not only buying alcohol, they can buy a glass, bottle, or ounce, but they are consuming it on the property and the City sees this as a potential liability and a potential health and safety hazard. He doesn't see a difference with what is taking place at the farm winery and what is done at a local neighborhood bar where you buy a bottle of alcohol and consume at the property. The City issued a CUP because the farm winery statute states they need permission from their local unit of government; however, the only thing granted was the permission to have a farm winery liquor license. All of the "events" violated the terms of the conditional use permit. Their concern with Mr. and Mrs. Ohman's interpretation of the farm winery statutes is they want people to sit and congregate with the hopes of purchasing wine, not just to get people to purchase wine and leave. This is a difficult issue and they (the City of Nowthen) will abide by (the Board's) decision. Ruppe added he also reserved the right to make a formal argument made in a court of competent jurisdiction.

- Hernick asked if anyone else would like to make a comment relative to the issue at hand. There were no additional comments and Hernick closed the fact finding portion and looked to the Board for the findings of the issue.
- Godfrey stated that it appears to him that in 2004 it probably was, at that time, a farm winery within all provisions of the law including the building code. However, based on the photographs submitted by the building official, City of Nowthen (Attachment C), the use, over time, has extended itself since 2004. Based on the facts that are here today it does not appear to be an agricultural use. As it stands with the information in front of us, it appears to have gone beyond a farm winery or "ag" use. He noted he was concerned with the county assessor's change of property classification from pure "ag" in 2004 through 2011, to commercial in 2012. As noted from the earlier discussion, there is no other structure on the property that could be considered commercial so it indicates it has to be the winery. He agreed that the farm winery license allows them to do these things and that they have to be on agricultural land but once you put a building there and start using it then it comes under the scope of the building code. The building official needs to make a decision if the use of the building fits within the legislature intended for a farm winery or has it gone beyond that point. If it has, then the building official would need to make a decision as to the occupancy classification of the building, the construction of the building, and all of the safety requirements of the building code.
- Hernick stated that the building was not previously permitted; however, relative to change of use, and particularly change of assessment, the building code would again become applicable. He then asked if anyone disagreed with this; no one disagreed.
- McKown stated there is no reference to processing in 326B and he does not believe the farm winery should have ever been exempt. Godfrey referred to the appeal

exhibits submitted by the applicant (Attachment A and B) and said from these it looks like an agricultural type operation because of the farm winery statute; however, when you look at the photographs from the City of Nowthen (Attachment C) it does not.

- Bunnell commented that the definition of “public” can be found in more than 300 locations. Chapter 1300 and 1305 also has it at least a dozen times in each of the rules.
- Hernick asked if Page/Exhibit 15 from the City’s submittal (Attachment C) came off of the website. Schreder stated it did. Hernick read aloud from Page/Exhibit 15: “buy one glass of wine, get one free”, “Sangria Pitchers ½ off - \$15.00” and said it sounds like something different than a sample to encourage a purchase for a bottle of wine. In regards to exhibit 15, Godfrey also read that “Happy Hour is from 4 pm to 7 pm on the deck” – acknowledging that “happy hour” happens on the deck.
- Hernick stated there are arguments on both sides but from a building code perspective there are two concerns: 1) the ag building exemption is based on the assessor setting the building as agriculture and that seems to have changed, and 2) the uses prescribed seem to be beyond the scope of what would fit into “ag” definition. Hernick stated he would entertain a motion.

**A motion was made by Godfrey, seconded by Heimkes, based on the information provided today it appears that Goose Lake Farm and Winery is used in a manner that would not allow it to be exempt from the building code. The vote was unanimous; the motion carried.**

- Hernick asked if there was any refinement to the motion. He stated it leaves discussion between the City and the Winery regarding “current use.” Godfrey said this is what he intended by “the information provided today” (in his motion). Hernick stated that these are the Findings of this Board and the conclusion based on the facts that were presented to us.
- Ruppe stated that the motion, under its current use, does not meet the definition of an “ag” exemption. It appeared that this (the motion) is saying if they (Ohmans) roll back their activities to what was done in 2004, that you might come with a different determination as to whether it was “ag” exempt. Hernick said he thinks there was discussion put forward that would depend on whether wine could be classified as an agricultural product, however, in this case the City and winery still need to live together and pending resolution, it seems there is a method of operation that would not trigger an assembly with alcohol use. Ruppe asked what would NOT trigger the assembly method. He stated the Board said that the building code must be met as the use of the building right now. This means the door could be left open if they (Ohmans) change the use and then potentially the “ag” exemption could apply. When does an activity cross a line for guidance for the City of Nowthen? Is sitting at a picnic table allowed and that would make it “ag” exempt in this body’s mind?

What is the trigger that makes it no longer compliant with “ag”. Hernick said they couldn’t determine if the wine was an agricultural product but the arguments put forth said “sample to purchase” which seemed to be consistent with an agricultural classification. The amount of time people spend consuming alcohol seem to go beyond what could be argued agricultural. Godfrey added that in 2004 a Minnesota certified building official looked at the use as it existed at that time and granted the building agricultural status. However, over time it has grown to a degree that the current building official, Mr. Schreder, looked at the building and said “No, it is not (an “ag” building).

- Ruppe asked for clarification – the building is not subject to “ag” exemption pursuant to this body (the Board) and the property owners would need to approach the City about its proposed use in the future and (the City) would either agree or disagree with the required “ag” exemption. McKown added that there is nothing in the statutes that says anything about producing wine. He doesn’t believe that the structure should ever have been exempt.
- Leon Ohman noted that in 2004 the building official deemed it an “ag” building and under his determination that this was the use and the same building official was still the building official up until a year and half ago and still made the determination that the use still met the criteria for the “ag” exemption. After he (the former building official) retired, there is now a new interpretation with the exact same building, nothing has changed, with the exact same use. Hernick said there were a couple of changes: the discussion of the CUP in public meeting minutes and the change in the assessor’s evaluation. Uses of buildings evolve over time and there are different triggers that would get a building official back involved in a building. The previous building official could have gone along, to some extent, with blinders on but when something becomes apparent then that action is warranted.
- Leistico said they respectfully disagree that it is not fitting “ag” requirements specifically under the building code.
- Eric Beecher suggested it might be appropriate to make a second motion to the Board that says the first motion is based on “what facts”.
- Godfrey said he could say he wanted to amend the motion and say “based on the farm winery license where it says dispensing of free samples and wines are offered for sale, it appears to have exceeded that based on the advertisements provided by the building official (Attachment C). Heimkes said he would add that the agricultural use is defined based on what McKown had mentioned, seemed to be somewhat unclear in definition of whether producing wine is an acceptable use under the definition of “ag” buildings and that public assembly itself and the definition thereof is part of the question at hand and whether you can do that in an “ag” building when it is clearly regulated by the building code otherwise.

- Leistico says it is getting beyond the issue that was appealed, that the use of the building didn't apply. He is uncomfortable with seeking a (second) motion from the Board after they moved and resolved the appeal. It would un-clarify the issue even more and make it more uncertain. He noted an objection on the record that it is un-proper to get into hypothetical issues on what may or may not be an "ag" use.
- Godfrey added that he wasn't saying that the building had to be closed and never re-opened; buildings aren't criminals and the building's current use could be changed.
- Ruppe agreed that the correct course of action would be for the City and the applicants to discuss what their use might be, given the direction of this body, and if an understanding cannot be reached then they would return for clarification.

**A motion to adjourn at 2:04 p.m. was made by Mike Bunnell, seconded by Godfrey. The vote was unanimous; the motion carried.**



May 9, 2014

Direct Dial: 320-656-3518  
Gleistico@RinkeNoonan.com

Doug Nord  
Minnesota Department of Labor and Industry  
Construction Codes and Licensing Division  
Plan Review/Inspections  
443 Lafayette Road North  
St. Paul, MN 55155-4341

**SENT BY US MAIL, EMAIL: DOUG.NORD@STATE.MN.US, AND FAX: 651-284-5749**

**Re: The Matter of the Appeal to the State Building Code Appeals Board by Goose Lake Farm and Winery, Leon Ohman, and Cindy Ohman of the City of Nowthen's Building Official's Determination of April 16 and 28<sup>th</sup>, 2014.  
Our File No. 24261-0001**

Dear Mr. Nord:

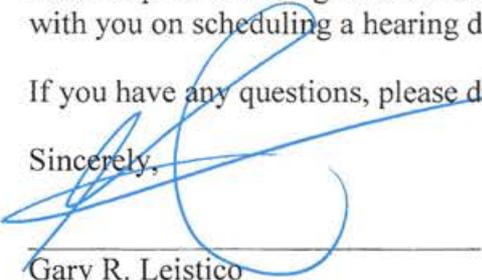
Pursuant to the above-entitled matter, please find seven copies of Goose Lake Farm and Winery's memorandum and exhibits in support of our appeal to the City of Nowthen's Building Official's determination of April 16<sup>th</sup> and 28<sup>th</sup>, 2014.

Please note I will provide you with one complete copy by fax and email today. The rest will be placed in today's mail.

I also request a hearing before the Appeals Board. I would appreciate an opportunity to confer with you on scheduling a hearing date.

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,



\_\_\_\_\_  
Gary R. Leistico  
GRL/jch

Enclosures

CC: Goose Lake Farm and Winery (w/encls. - via Email only)  
Robert T. Ruppe (w/encls. - via US Mail)

STATE OF MINNESOTA )

) SS

COUNTY OF STEARNS )

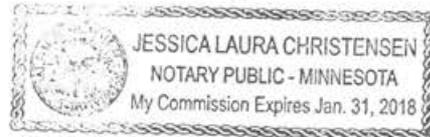
**AFFIDAVIT OF SERVICE BY MAIL**

The below signed, being duly sworn, states that on the 9th day of May, 2014, I served Goose Lake Farm and Winery, LLC, Leon Ohman, and Cindy Ohman's Memorandum in Support of our appeal to the City of Nowthen's Building Official's determination of April 16<sup>th</sup> and 28<sup>th</sup>, 2014 and the Affidavit of Leon Ohman, upon Robert Ruppe, the attorney for City of Nowthen, by mailing to him a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at St. Cloud, Minnesota, directed to said attorney at Couri & Ruppe, PLLP, 705 Central Avenue East, PO Box 369, St. Michael, MN 55376-0369, the last known address of said attorney.

*Galene C. Holt*

Subscribed and sworn to before me this 9th day of May, 2014.

*Jessica A. Christensen*  
Notary Public



The Matter of the Appeal to the  
State Building Code Appeals Board  
by Goose Lake Farm and Winery, LLC,  
Leon Ohman, and Cindy Ohman of the  
City of Nowthen's Building Official's Determination  
of April 16<sup>th</sup> and 28<sup>th</sup>, 2014.

May 9, 2014

Table  
of  
Contents

## TABLE OF CONTENTS

1. Letter to State Appeals Board from Gary R. Leistico dated May 9, 2014
2. Affidavit of Leon Ohman
3. Minn. Stat. 340A.315
4. Revisor Statute 1300.0120 Permits
5. Minn. Stat. 326B.103
6. Burns Township Planning and Zoning Commission Hearing Minutes of February 24, 2004, March 16, 2004, April 27, 2004, and May 11, 2004
7. State of Minnesota Winery License Certificates from 2005 through 2014 with Application
8. Burns Township Town Board Meeting Planning and Zoning Committee Meeting Minutes of May 11, 2004 and letter from John Harwood, PE of Hakanson Anderson Associates, Inc. approving conditional use by Farm Winery
9. Letter from Burns Township dated May 17, 2004 granting CUP for a Farm Winery Home Occupation and Order Granting A Conditional Use Permit
10. Site Evaluation Permits and Inspections
11. Letter from City of Nowthen dated December 10, 2012, requesting IUP to host holiday parties with beer
12. Letter dated September 5, 2013, regarding City Code violations
13. Letter to Elizabeth Stockman, City Planner of City of Nowthen, from Gary Leistico in response to September 5, 2013 letter from the City Planner
14. Administrative Citation dated November 4, 2013
15. Letter to Andy Schreder, Building Official of the City of Nowthen, dated November 8, 2013, disputing City Violation letter and requesting hearing on City Violations
16. Revised Administrative Notice dated November 14, 2013
17. Letter to Andy Schreder, Building Official of the City of Nowthen, dated November 25, 2013, from Gary Leistico in response to Administrative Notice dated November 14, 2013

18. Administrative Citation dated December 30, 2013
19. Letter to Andy Schreder, Building Official of the City of Nowthen, dated January 13, 2014, disputing Administrative Citation
20. Letter from City of Ramsey Fire Marshall dated March 5, 2014, indicating Fire Code Violations
21. Letter from City of Ramsey Fire Marshall dated March 5, 2014, indicating Fire Code Violations
22. Letter from Robert Ruppe, Esq. dated April 9, 2014 regarding dismissing Administrative Notice and Citation
23. Letter from Andy Schreder, Building Official of the City of Nowthen, dated April 16, 2014, requiring permits
24. Letter from Andy Schreder, Building Official of the City of Nowthen, dated April 28, 2014, to the State Appeals Board regarding permit requirements
25. Minn. R. Civ. Proc. Rule 41
26. Anoka County Property Tax Statements for 6760 – 213<sup>th</sup> Avenue NW, Elk River, MN 55330 from 2004 through 2014, Notice of Valuation and Classification, and 2010 Income Tax Return
27. Minn. Stat. 462.357, Subd. 1d-1g
28. Memorandum from Scott McLellan to Division code staff dated September 24, 2003 regarding explanation of the agricultural building exemption in the state building code
29. Minn. Stat. 273.13 Subd. 23
30. Minn. Dept. Labor and Industry county fair exemption from city zoning, building and other ordinances dated October 28, 2009

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May 9, 2014

Direct Dial: 320-656-3518  
Gleistico@RinkeNoonan.com

State Appeals Board  
Minnesota Department of Labor and Industry

**Re: Goose Lake Farm and Winery, Leon Ohman and Cindy Ohman**

Dear State Appeals Board Members:

This is an appeal by Goose Lake Farm and Winery, LLC and Leon and Cindy Ohman from a determination by the Building Official for the City of Nowthen in Anoka County. The determination by the Building Official is set out in two separate letters dated April 16 and April 28, 2014, and finds the structure in question is “an Assembly Occupancy in accordance with Chapter 3 of the MSBC” and does not meet the building permit exemption of an Agricultural Building. The determination regards a structure located on the property of the Ohmans which is used exclusively for the purposes of their licensed Farm Winery. The current determination changes the original determination made by the Building Official for Burns Township and former Building Official for the City of Nowthen which was that the structure is exempt from the building permit requirements as an Agricultural Building. Burns Township was the jurisdictional authority prior to the incorporation of the township as the City of Nowthen on June 30, 2008.

The Farm Winery is operated by Leon and Cindy Ohman at 6760 213<sup>th</sup> Avenue NW, Elk River, Minnesota 55330. The Farm Winery was started in 2004, and has been at all times since 2004 licensed by the Minnesota Department of Public Safety as a Farm Winery. The licensing and legal requirements for Farm Wineries are controlled by Minn. Stat. § 340A.315. (Tab 3). The Farm Winery is located on land the Ohmans have owned since 1988 and consists of a parcel of 68.72 acres. As required by the Farm Winery Statute, the Ohmans raise the fruits, berries and honey on this land that is processed into wine, and then sold at the Farm Winery. The processing, bottling and sale of the wine produced at the Farm Winery takes place in the structure that is the subject of this appeal. The structure consists of a processing room, storage room, and display, tasting and sales areas. The structure was initially constructed in 2004, when the Winery was first licensed, with additions being added in 2006, 2008, and 2009. The structure is exclusively used for Farm Winery purposes. The Farm Winery operates under both Federal and State permits, the requirements of Minn. Stat. 340A.315, and a Conditional Use Permit (CUP) issued in 2004 by Burns Township, now the City of Nowthen.

The determination being appealed here is that of the current Building Official for the City of Nowthen, determining that the Farm Winery structure is not exempt from the building permit requirements of the Minnesota State Building Code (MSBC) as an “agricultural building” pursuant to Minn. Rule 1300.0120, subp. 4(13) which exempts “agricultural buildings as defined in Minnesota Statutes, section 326B.103, subdivision 3:..”, and that the structure is otherwise not in compliance with the MSBC or other laws or ordinances. (Tab 4).

Minn. Stat. § 326B.103, subd. 3 specifies that “Agricultural Building” means a structure that is:

- (1) On agricultural land as determined by the governing assessor for the municipality or county under section 273.13, subdivision 23;
- (2) Designed, constructed, and used to house farm implements, livestock, or agricultural products under section 273.13, subdivision 23; and
- (3) Used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products. (Tab 5).

The Farm Winery structure at Goose Lake Farm and Winery is an agricultural building and is therefore exempt from the building permit requirements of the MSBC. The structure is otherwise in compliance with the MSBC and other laws and ordinance. Below is the historical and procedural history of the Goose Lake Farm and Winery, and the legal basis why the current determination is improper and the Farm Winery structure is an Agricultural building.

### **Conditional Use Permit**

Leon and Cindy Ohman approached the board of Burns Township in early 2004 to propose opening a farm winery on their property. (Tab 6). Also during this time, the Ohmans applied for the required alcohol permits from both the state and federal governments. The alcohol licensing remains exclusively at the state and federal levels. (Tab 7).

The board relied on its planning and zoning committee for further review and to make a recommendation. (Tab 8). The committee recommended that the CUP be approved. The CUP for a Farm Winery was unanimously approved by the board and contained only two conditions: 1) that restrooms be available to the public as needed; and 2) that the facility be open year round during the hours of 9:00 a.m. to 7:00 p.m. Monday through Saturday and 12: p.m. to 7:00 p.m. on Sundays. (Tab 9). Although the City of Nowthen has indicated it believes the holding of “events” on the property maybe a violation of the CUP, which the Ohmans disagree, but have agreed at this time not to continue the events, the City has taken no action to revoke or otherwise hold the Ohmans in violation of the CUP

### **Building of the Structure**

Around the same time as the CUP was being reviewed and ultimately approved by the board, the Ohmans began construction on the Farm Winery structure to house the farm winery operation that is the subject of this appeal. Additions to the original building were built in 2006, 2008, and 2009 respectively to form the current Structure. The Structure is located on 68.72 acres of land owned by the Ohmans that also contains agricultural fields, multiple other agricultural buildings, and the Ohman residence. As stated above, the structure was built and is currently used exclusively for the operation of the farm winery. It was specifically designed to be an all-encompassing building that could house the entire process of wine making, from the storage of the raw produce to the bottling and fermenting equipment to retail sales. The various areas of the

building are designated and cordoned off for their specific task. Individuals in the building to purchase wine can only access the retail sales area.

The Ohmans obtained all permits required for the structure from either the State of Minnesota or then Burns Township Building Official Barry Olson. (Tab 10). Mr. Olson has since retired from that position, has not been produced by the City, and cannot be located by the Ohmans. Mr. Olson expressly informed Leon Ohman that a building permit would not be necessary for the structure because it was exempt due to it being an agricultural building. Mr. Olson reviewed the building plans, visited the location, and was present at city council meetings where the formation of a farm winery was discussed. Mr. Olson viewed and inspected the structure on several occasions and signed off on the sewage treatment system "As Built." Mr Olson was at the site a number of times while the Farm Winery was operating and after the additions to the structure were completed. (Tab 2). The use of the structure has not changed since 2004. See Affidavit of Leon Ohman.

### **Administrative Citation Process**

The Ohmans operated Goose Lake Farm Winery ("Goose Lake") out of the Farm Winery structure undisturbed until December of 2012, when the attorney for the City informed the City Council that there were artisan items that were occasionally sold ancillary to the sale of wine on the premises and that the sale of these items may be a violation of the CUP. (Tab 11). The City Council then referred the Ohmans to an application for an Interim Use Permit (IUP) in order to have the sale of artisan products. The Ohmans, through counsel, informed the City Council and their attorney that they would not seek an IUP and the sale of these artisan goods were standard in the farm winery industry and Goose Lake was using the sales to market and add value to the sales of their wine. The sale of artisan items were on the property but did not occur in the Farm Winery structure. Pursuant to the controlling statute for Farm Wineries, farm wineries must be located on agricultural land, and operated under an agricultural classification, zone, or *conditional use permit*. Minn. Stat. § 340A.315, Subd. 9. (emphasis added). (See Tab 3). The City was informed that an IUP would result in the Goose Lake Farm Winery being presumptively in violation of the Farm Winery Statute and the Farm Winery was otherwise not in violation of its CUP.

The next official correspondence received by the Ohmans from the City was dated September 5, 2013 and intended to serve as Administrative Notice of alleged City Code violations at Goose Lake that must be remedied or a citation would follow. (Tab 12). The Administrative Notice stated five alleged code violations: 1) that accessory buildings on the property are in excess of the limitations for properties of its size; 2) that there was not a building permit obtained for the Structure; 3) that the septic system in place was not designed for its current use; 4) that Goose Lake operates CUP activities outside of its current parcel; and 5) that Goose Lake is in continual violation of its CUP. In response to this Administrative Notice, the Ohmans asked for more information or specific examples of violation for four of the five alleged code violations. (Tab 13). The City responded on November 4, 2013 by issuing an Administrative Citation for the lack of a building permit for the Structure and the excessive accessory buildings. (Tab 14). The Ohmans then informed the City that they disagreed with the Administrative Citation both technically and substantively and were requesting a hearing pursuant to the City Code. (Tab 15).

The City responded further on November 14, 2014 by rescinding their previous Administrative Notice and Citation and issued a Revised Administrative Notice that identified only one code violation: the lack of a building permit for the Structure. (Tab 16). The Ohmans responded in the same fashion as the previous correspondence, asking for more information or specific examples of why the City now believes the Structure requires a building permit. (Tab 17). The City responded by issuing a new Administrative Citation for the lack of a building permit for the Structure on December 30, 2012. (Tab 18). The Ohmans again requested a hearing on the Administrative Citation. (Tab 19).

The hearing on the Administrative Citation for the lack of a building permit for the Structure was held on February 10, 2014 at the City Offices in front of a hearing officer chosen by the City. After each side presented their case, the Hearing Officer asked that each side prepare a brief summarizing and supporting their case and submit it to him before he would make a decision. The parties agree to try and informally resolve the matter, which was occurring.

On February 27, 2014, a fire inspection was conducted on the property by both state and local fire marshals. The fire marshals noted several items that needed correction, namely installing appropriate fire hardware and changing the egress direction of the entrance. (Tab 20). The Ohmans have made the necessary changes to correct these deficiencies. (Tab 21).

Prior to the deadline to submit the brief to the Hearing Officer, the attorney for the City sent a letter dated April 9, 2014 informing the Ohmans that the City Council voted to dismiss the Administrative Notice and the Administrative Citation. (Tab 22).

On April 16, 2014, the Ohmans received a letter from Andy Schreder, Building Official for the City of Nowthen, issuing a determination classifying the occupancy of the Structure as 'assembly' and that the Ohmans could no longer use the building for their Farm Winery. The letter states that because of this occupancy classification, the Structure does not comply with the Minnesota State Building Code due to the fact that it did not have a building permit or a certificate of occupancy. (Tab 23). On April 28, 2014, the Ohmans obtained a supplemental letter to the City's April 16 letter that further outlined the position of the City. (Tab 24).

### **Position of Goose Lake Farm Winery and the Ohmans**

The Building Official for the City of Nowthen is incorrect that the structure used by the Ohmans for their Farm Winery is in violation of the MSBC because it was built without a building permit for three (3) reasons.

First, the Building Official for the Township and City at the time of the construction determined that the structure was exempt as an Agricultural Building. The Ohmans relied on this determination for over ten (10) years and would now be prejudiced by the current Building Official changing the determination.

Second, the City of Nowthen initiated an Administrative Citation process to address the City's claim the structure was in violation of the MSBC. The Citation was responded to, and a hearing was completed and submitted to the hearing officer. The Ohmans have spent a considerable

amount of time and money in responding to the City's chosen process. The City then unilaterally dismissed the Citation and proceeded through the City's Building Official. The City should be bound by their own choice of procedure and the dismissal of the Citation should be with prejudice.

Third, the City's Building Official is incorrect that the structure used by Goose Lake Farm Winery is not exempt from the building requirements of the MSBC. Each of these reasons are addressed below.

### **The City should be bound by the former Building Official Determination**

The Ohmans did not hide the fact that they were going to operate a Farm Winery on their property and that they would be constructing a building for Farm Winery purposes. They contacted the Township Building Official and were told they did not need a building permit because the structure was exempt as an Agricultural Building. They relied on what they were told. It is certain from the record that Barry Olson, the Township and then City of Nowthen Building Official was aware of what was being done on the property. He signed off on the septic permit, oversaw the electoral permits, and was at the property and was present at the hearings on the issuance for the CUP. The Ohmans needed a number of state and federal permits for the Farm Winery, which they applied for and received. They needed a CUP, which they applied for and received. They did everything required and certainly would have applied for a building permit had they not been informed one was not needed. Leon Ohman is both a contractor and Building Official. He would have understood what the then Building Official was saying. Now after 10 years of operation, with the very real likelihood the current City Building Official will require structural damage to the current structure to verify permitting issues, the Ohmans are prejudiced.

### **The City should be bound by the dismissal of the Administrative Citation**

The City of Nowthen enacted and chose to follow an Administrative Citation process. The Citation was issued, a response was made, a hearing was completed, and the matter was submitted to the hearing officer. The hearing consisted of a number of witnesses testifying and numerous exhibits being admitted. Pursuant to Rule 41 of the Minnesota Rules of Court, for an action to be dismissed without prejudice, either the Ohmans would have to stipulate to the dismissal, which they did not, or the Court would have to order the dismissal, which the hearing officer did not. (Tab 25). The City simply dismissed the case. In a criminal case, under the Constitutional protections afforded criminal defendants, such a dismissal would bar recharging the matter in violation of the protections of Double Jeopardy. The City should not be afforded a second chance here to obtain their desired result when they are dissatisfied with the potential result of the process they had initially chosen. It is prejudicial to the Ohmans to allow the pursuit of the exact same cause of action on the exact same facts in multiple venues just because the City decides to switch venues. The City's dismissal of the Administrative Citation action should be with prejudice and the City should be barred from any further action on the status of the structure.

**Goose Lake is exempt from the permit requirement of the MSBC because the Structure is an Agricultural Building**

The classification of the Structure as an ‘assembly’ occupancy by the City of Nowthen Building Official is incorrect because the building meets the criteria for an agricultural exemption from the permit requirement pursuant to Chapter 1300.0120 Subp. 4(A)(13) of the Minnesota State Building Code (“MSBC”).(See Tab 4).

To meet the permit exemption for agricultural buildings, the building must meet the requirements of Minn. Stat. 326B.103. (See Tab 5). This statute requires that a structure must be: 1) on agricultural land as determined by the county or municipality pursuant to Minn. Stat. § 327.13, Subd 23; 2) designed, constructed and used to house farm implements, livestock, or agricultural products pursuant to Minn. Stat. § 327.13, Subd 23; and 3) used by the owner, employees, and persons engaged in the pickup or delivery of agricultural products. Goose Lake has met all three of these requirements.

Agricultural Land

The property on which Goose Lake Farm Winery operates was classified as agricultural land by both the City and by Anoka County when the structure was originally built (2004) and during the time the additions were completed (2006, 2008 and 2009) . In 2012, a ‘Commercial/Industrial’ classification was added to the property in addition to the existing Agricultural Homestead classification. Prior to this change in determination, Goose Lake legally operated on land determined exclusively ‘Agricultural’ dating back to its inception in 2004. (Tab 26).

The City is attempting to use this recent Commercial/Industrial classification, in 2012, ten years after original construction and three years after the last addition as evidence that the Structure is not an agricultural building. In the April 28<sup>th</sup> letter, the City has failed to acknowledge the prior legal operation of Goose Lake on exclusively ‘Agricultural’ land.

Minn. Stat. 462.357, Subd.1e provides that “any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.” (Tab 27). Because both the Structure and its use have remained exactly the same throughout the years, a change in the tax determination of the land cannot and should not require the Ohmans to retroactively obtain a building permit for the Structure.

Design and Use of Structure

The structure was designed and is currently used exclusively to house both agricultural implements and products and the City has not disputed this directly. While not directly disputed under Minn. Stat. 326B.103, Subd. 3(2), the City has stated that while some of the building is used for agricultural implements and products, the use of the Structure by the ‘general public’ for retail sales is why the building fails to meet the definition of an agricultural building.

In arguing this, the City cites to a 2003 Staff Opinion Memorandum from the Construction Codes and Licensing Division which states that an “‘agricultural building’ cannot be used by the public such as for retail sales, mini-storage, riding lessons, livestock shows, etc.” (Tab 28). While this type of memorandum is not binding law, this statement and subsequent examples appear to be generalizations that are not indicative of all circumstances. The controlling statute, Minn. Stat. § 326B.103, Subd. 2, mandates that Minn. Stat. 273.13, Subd. 23, a tax statute designations are controlling as to whether a building meets the Agricultural exemption requirement. Section 273.13, Subd. 23 is a lengthy tax classification statute that governs Class 2 agricultural land, products, and purposes. (Tab 29). For example, Subd. 23(i)(3) specifically states that the commercial boarding of horses, including horse training and riding instruction is an agricultural product if that property is also used as pasture for grazing or the cultivation of other agricultural products. Another example is Subd. 23(j), which states that the use of a greenhouse or other building where horticultural or nursery products are both grown and sold in retail fashion is an agricultural use. This classification does not apply to a building that sells nursery products raised somewhere else, but specifically allows that the building meets the Agricultural exemption, regardless the retail sales are completed in the greenhouse, as long as the plants are grown on that site.

The City can cite to no statute stating retail sales within an agricultural building automatically disqualifies that building as “‘agricultural.’” Further, when certain conditions are met, retail sales are expressly allowed within an agricultural building according to the tax classification statute, which is made controlling by Minn. Stat. § 326B.103. The tax classification statute is not concerned with the retail sale itself, but with what items are being sold. Items that are grown and subsequently sold to an end user on the same property comply with the ‘agricultural’ classification.

In the present case, the property and the structure used by Goose Lake and the Ohmans is as that of the greenhouse as allowed by Minn. Stat. 273.13, Subd. 23(j). The entire process of making Goose Lake’s wine occurs on the property. This includes the growing, cultivating, sorting, pressing, and fermenting of the fruit in order to make wine. The wine is bottled and sold in retail fashion on the property.

#### Use by Owner, Employees, and Those Engaged in Pickup and Delivery

The Structure is used by Goose Lake and the Ohmans for wine making activities and by people engaged in Pickup and Delivery of wine as allowed by their license from the state. Again, the City has stated that the use of the Structure by the ‘general public’ for retail sales is why the building fails to meet the definition of an agricultural building. The term ‘general public’ is ambiguous and undefined by the City or by any relevant statute. Retail sales of wine at Goose Lake are not made to the ‘general public;’ the sales are made to people who are knowingly and purposefully seeking out locally grown and produced wine and that are “‘picking up” the wine. Just like with the greenhouse sales, if the person entering the structure is doing so to purchase plants grown on that site, the fact they are purchasing the plants retail, does not remove the structure from the Agricultural definition. Further, the sales made at Gosse Lake Farm Winery are made in accordance with the farm winery statute.

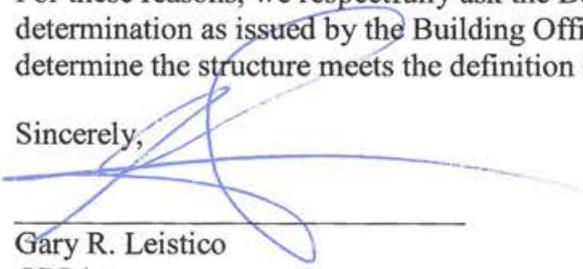
A farm winery is governed and licensed by Minn. Stat. 340A.315 (See Tab 3). This statute specifically allows a licensed farm winery to offer wine and wine accoutrements for retail sale to business invitees on the farm winery premises as long as that wine is produced by that farm winery. Additionally, the statute expressly states that nothing in any other section of law can prevent a farm winery from operating under an on-sale license within the physical facilities of the farm winery. The license also requires a farm winery to operate on agricultural land under an agricultural classification, zone, or conditional use permit. Goose Lake continues to operate and has been fully licensed under this statute since opening in 2004.

The business invites of Goose Lake pickup farm winery-made wine from the structure in accordance with this statute. This results in the retail sales of wine on the premises. As noted by the farm winery statute, no other statute can inhibit these types of sales. Additionally, it is both statutorily required and logical that a farm winery needs to be located on agricultural land. If the City's assertion is correct that retail sales remove an 'agricultural' classification from a property, there could be no farm winery in Minnesota that would be able to comply with the farm winery statute. Minn. Statute § 340A.315, Subd. 9 requires specifically "[a] farm winery license must be issued for operation of a farm winery on agricultural land,..." The Farm Winery statute then also requires that the wine produced is sold "on the farm winery premise,..." §340A.315, Subd. 2. If the determination of the City of Nowthen's Building Official is correct, no Farm Winery in the State could be in compliance with the Farm Winery Statute. The Farm Winery statute would require an activity (the sale on the property of wine made on the property) that would ultimately remove a farm winery from compliance with the statute (sale of wine on the property resulting in the loss of the agricultural designation of the property, which agricultural designation is required to be a Farm Winery). This would be an absurd result.

An exemption from the MSBC, namely the permitting requirement, for agricultural buildings has been applied to other non-traditional agricultural use buildings as well. The Department of Labor and Industry issued an opinion on October 28, 2009 that county fair buildings used for agricultural fair purposes were exempt from the MSBC and that they may be rented or leased year round as long as the income is used for fair purposes. (Tab 30). The opinion expressly held that renting and leasing of land and buildings is an agricultural fair purpose. While a farm winery may be a unique or non-traditional agricultural use for a building, this is an indication that the agricultural exemption from the building code can be applied flexibly and can fit non-traditional situations.

For these reasons, we respectfully ask the Board to strike the Assembly occupancy classification determination as issued by the Building Official for the City of Nowthen, and affirmatively determine the structure meets the definition of an Agricultural Building.

Sincerely,



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Gary R. Leistico  
GRL/atm

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9. I am a Certified Building Official, Certification No. 2116, and have been a Certified Building Official since October 24, 2000. I am currently employed as the Building Official for the City of Columbus, Minnesota.

10. I personally oversaw and assisted in the construction of the structure used for the Farm Winery.

11. Prior to construction of the structure, I was informed by then Burns Township Building Official Barry Olson that the Farm Winery structure was exempt from the Minnesota State Building Code permit requirement because the structure was an Agricultural Building. Burns Township has now been incorporated as the City of Nowthen.

12. Building official Olson was at the site numerous times, including when he permitted the septic system, was aware of how the building was used, and always maintained the structure was exempt from the permitting requirements.

13. Building Official Olson was present at the majority of the Burns Township Board meetings when the Township considered and granted a Conditional Use Permit for Goose Lake Farm and Winery, LLC to operate a Farm Winery.

14. Building Official Olson is no longer employed by the City of Nowthen and Nowthen has not supplied us with his contact information, and we are otherwise unable to locate Building official Olson.

15. In my opinion as a contractor and Building Official, the structure used for the Farm Winery operation was constructed to more than meet the requirements of the Minnesota State Building Code.

16. All other buildings on our property have the required state and local permits, including building permits.

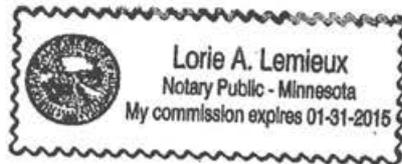
[24261-0001/1758757/1]

**FURTHER YOUR AFFIANT SAITH NOT.**

  
Leon Ohman

Subscribed and sworn to before me this 9<sup>th</sup>  
day of May, 2014.

  
Notary Public



3.

**340A.315 FARM WINERY LICENSE.**

Subdivision 1. **Licenses.** The commissioner may issue a farm winery license to the owner or operator of a farm winery located within the state and producing table, sparkling, or fortified wines. Licenses may be issued and renewed for an annual fee of \$50, which is in lieu of all other license fees required by this chapter.

Subd. 2. **Sales.** A license authorizes the sale, on the farm winery premises, of table, sparkling, or fortified wines produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of 50,000 gallons in a calendar year, glassware, wine literature and accessories, cheese and cheese spreads, other wine-related food items, and the dispensing of free samples of the wines offered for sale. Sales at on-sale and off-sale may be made on Sundays between 10:00 a.m. and 12:00 midnight. Labels for each type or brand produced must be registered with the commissioner, without fee prior to sale. A farm winery may provide samples of distilled spirits manufactured pursuant to subdivision 7, on the farm winery premises, but may sell the distilled spirits only through a licensed wholesaler. Samples of distilled spirits may not exceed 15 milliliters per variety.

Subd. 3. **Applicability.** Except as otherwise specified in this section, all provisions of this chapter govern the production, sale, possession, and consumption of table, sparkling, or fortified wines produced by a farm winery.

Subd. 4. **Minnesota products.** If Minnesota-produced or -grown grapes, grape juice, other fruit bases, or honey is not available in quantities sufficient to constitute a majority of the table, sparkling, or fortified wine produced by a farm winery, the holder of the farm winery license may file an affidavit stating this fact with the commissioner. If the commissioner, after consultation with the commissioner of agriculture, determines this to be true, the farm winery may use imported products and shall continue to be governed by the provisions of this section. The affidavit is effective for a period of one year, after which time the farm winery must use the required amount of Minnesota products as provided by subdivision 1 unless the farm winery holder files a new affidavit with the commissioner.

Subd. 5. [Repealed, 1985 c 12 s 2]

Subd. 6. **On-sale licenses allowed.** Nothing in this section or in any other section of law prevents a farm winery from obtaining a separate on-sale license and operating a business establishment that utilizes that license in conjunction with and within the physical facilities of the winery and its buildings.

Subd. 7. **Distilled spirits permitted.** Farm wineries licensed under this section are permitted to manufacture distilled spirits as defined under section 340A.101, subdivision 9, which may exceed 25 percent alcohol by volume, made from Minnesota-produced or Minnesota-grown grapes, grape juice, other fruit bases, or honey. The following conditions pertain:

(1) no farm winery or firm owning multiple farm wineries may manufacture more than 5,000 gallons of distilled spirits in a given year, and this 5,000 gallon limit is part of the 50,000 gallon limit found in subdivision 2;

(2) farm wineries must pay an additional annual fee of \$50 to the commissioner before beginning production of distilled spirits; and

(3) farm wineries may not sell or produce distilled spirits for direct sale to manufacturers licensed under section 340A.301, subdivision 6, paragraph (a).

Subd. 8. **Bulk wine.** Farm wineries licensed under this section are permitted to purchase and use bulk wine, provided that:

- (1) the quantity of bulk wine in any farm winery's annual production shall not exceed ten percent of that winery's annual production;
- (2) the bulk wine under subdivision 4 shall be counted as a portion of the 49 percent of product that need not be Minnesota-grown and may be imported from outside Minnesota; and
- (3) the bulk wine must be blended and not directly bottled.

"Bulk wine," as used in this subdivision, means fermented juice from grapes, other fruit bases, or honey.

Subd. 9. **Agricultural land.** A farm winery license must be issued for operation of a farm winery on agricultural land, operating under an agricultural classification, zone, or conditional use permit. Farm wineries with licenses issued prior to March 1, 2012, are exempt from this provision.

**History:** 1985 c 12 s 1; 1985 c 134 s 1; 1985 c 305 art 5 s 15; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1992 c 513 art 3 s 56; 2006 c 210 s 4-7; 2007 c 89 s 4; 2008 c 311 s 2,3; 2009 c 120 s 3,4; 2012 c 235 s 1,2

4.

**1300.0120 PERMITS.**

Subpart 1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

Subp. 2. **Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit upon application for the permit to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

Subp. 3. **Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.

Subp. 4. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. Building:

- (1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 mm<sup>2</sup>);
- (2) fences not over six feet (1,829 mm) high;
- (3) oil derricks;
- (4) retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;
- (5) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;
- (6) sidewalks and driveways that are not part of an accessible route;
- (7) decks and platforms not more than 30 inches (762 mm) above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route;

- (8) painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;
- (9) temporary motion picture, television, and theater stage sets and scenery;
- (10) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code, which do not exceed both 5,000 gallons in capacity (18,925 L) and a 24-inch (610 mm) depth;
- (11) window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R-3 and Group U occupancies constructed to the provisions of the International Building Code;
- (12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height;
- (13) agricultural buildings as defined in Minnesota Statutes, section 326B.103, subdivision 3; and
- (14) swings and other playground equipment.

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (14).

B. Gas:

- (1) portable heating, cooking, or clothes drying appliances;
- (2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe; and
- (3) portable fuel cell appliances that are not connected to a fixed piping system and are interconnected to a power grid.

C. Mechanical:

- (1) portable heating appliances;
- (2) portable ventilation appliances and equipment;
- (3) portable cooling units;
- (4) steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code;
- (5) replacement of any part that does not alter approval of equipment or make the equipment unsafe;

5.

**326B.103 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 326B.101 to 326B.194, the terms defined in this section have the meanings given them.

Subd. 2. **Administrative authority.** "Administrative authority" means a municipality's governing body or their assigned administrative authority.

Subd. 3. **Agricultural building.** "Agricultural building" means a structure that is:

(1) on agricultural land as determined by the governing assessor for the municipality or county under section 273.13, subdivision 23;

(2) designed, constructed, and used to house farm implements, livestock, or agricultural products under section 273.13, subdivision 23; and

(3) used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

Subd. 4. **City.** "City" means a home rule charter or statutory city.

Subd. 5. **Code.** "Code" means the State Building Code adopted by the commissioner of labor and industry in consultation with each industry board and the Construction Codes Advisory Council in accordance with sections 326B.101 to 326B.194.

Subd. 6. **Designate.** "Designate" means the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration.

Subd. 7. **Equivalent protection.** "Equivalent protection" means a measure other than a code requirement that provides essentially the same protection that would be provided by a code requirement.

Subd. 8. **Historic building.** "Historic building" means a state-owned building that is on the National Register of Historic Places.

Subd. 9. **Municipality.** "Municipality" means a city, county, or town, the University of Minnesota, or the state for public buildings and state licensed facilities.

Subd. 10. **Person with a disability.** "Person with a disability" or "persons with disabilities" includes people who have a vision disability, a hearing disability, a disability of coordination, a disability of aging, or any other disability that significantly reduces mobility, flexibility, coordination, or perceptiveness.

Subd. 11. **Public building.** "Public building" means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project or charter school building project the cost of which is \$100,000 or more.

Subd. 12. **Remodeling.** "Remodeling" means deliberate reconstruction of an existing public building in whole or in part in order to bring it into conformity with present uses of the structure and to which other rules on the upgrading of health and safety provisions are applicable.

Subd. 13. **State licensed facility.** "State licensed facility" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, correctional facility, boarding care home, or residential hospice.

**History:** 1984 c 544 s 65; 1Sp1985 c 14 art 4 s 3; 1987 c 387 s 1,2; 1989 c 329 art 5 s 1; 1990 c 458 s 1; 1990 c 572 s 10,11; 1994 c 634 art 2 s 1,2; 1995 c 254 art 2 s 2,3; 1Sp2001 c 10 art 2 s 26-28; 2005 c 56 s 1; 2007 c 140 art 4 s 2-5,61; art 13 s 4; 2012 c 295 art 1 s 14; 2013 c 85 art 2 s 8

6.

There are nine (9) communities that have the ordinance right now. Anoka County has been the number one county in the State of MN in the last 4 years for Meth Labs. Rhode said that they got a copy of Andover's Ordinance and he wondered what their feel is on it. It is the best one they have seen.

Scheffler wondered if they are all the same as far as putting the responsibility on the property owners. He said that there was something dumped at the county park and the county paid for it. What about the individual who could have something dumped on their property without their knowledge, how do they recover? Randomly it could be dumped on someone's property. Pierce said that we have had four (4) that the county was directly responsible for. They use an emergency contractor because it was something that needed to be cleaned up immediately. It probably cost 10 times the amount to clean up, but they don't want stuff lying around. Meth Labs are chemical insolvents and after they sit around for a while there isn't a lot of environmental stuff left. In terms of getting rid of it, as a property owner, they probably won't even know what it was if they found it later in time and the cost isn't that high. The dumping is going to occur either way and the property owners are responsible regardless. It is really about cleaning up housing and restricting people's access to that house until it gets cleaned up. Warden asked if the Department of Health wouldn't just condemn the property and state it is uninhabitable until the property is cleaned up. Pierce said that you could spend \$5,000 to \$10,000 for lab tests to decide if it is hazardous. In order to declare it as a public nuisance you have to demonstrate that it is one and although it sounds simple it is not. For it to become a public health issue you would have to have a lot of people exposed. With just a couple of people it becomes a private health nuisance.

A resident questioned if there was case of a property owner that knew of activity on his property and sought help from the county, would he still be responsible for the clean up. Pierce stated that is a landlords business and screening renters is part of that business. That is a cost of being in that kind of business.

Karin Small stated that she is the official liaison between the township and Anoka County Sheriff's Dept. **It is the consensus of the Planning and Zoning Commission to hold a public hearing at the next meeting for a Meth Lab Ordinance.**

5. **Leon Ohman – Farm Winery (for discussion only)** – Ohman stated that he is here for just discussion purposes only. They live on 213<sup>th</sup> Ave and they have 69.7 acres and what they are proposing to do is open a farm winery. What it entails is growing fruit, such as grapes, pears, apples, etc. to make wine. According to the MN Dept of Alcohol and Gambling it is a licensed under what is called a farm winery. It basically is an agricultural purpose and basically what you only can sell and manufacture is byproduct that you grown on the farm. It is strictly a commercial enterprise and you grow the fruit and produce the winery. He did speak to Spencer from the Anoka County Health Dept and they don't have any opposition to it and they do not regulate farm wineries because they are mandated and regulated through state statute and the Federal ATF. There are two separate licenses that are required through the state and the ATF before production. Also the Anoka County Liquor division, who regulates municipal liquor licenses, do not regulate farm wineries either.

What they would like to do is use the ground they do have. They don't have a large production facility. They want to grow the product, produce the wine and sell it in a small building on the premises. They are not looking at a large volume of traffic. They would have set hours because it is at their home. Rhode asked if it is classified as an Agricultural use. Ohman stated that it is defined as an agricultural use and the state looks at it the same way as if you grow corn and sell your corn. It would be different if you buy the products off site and produce the wine.

Harwood said that there is no question that it is an agricultural use and it is permitted in the district, but the problem is that retail sales are not permitted in the district. Look at all the problems with the CUP's we have had. Kopsis asked if it could be classified under the Extended Home Occupation, as they do allow some retail sales under that. Harwood read the ordinance and said that there are provisions of sales on an Extended Home Occupation. It would fit under the Extended Home Occupation and as long as the retail sales fall under that section it could be allowed, but the ordinance does state that they cannot create vehicular traffic within the neighborhood in volumes greater than would be normally be expected in that zoned district. Harwood said that he is not on a black topped road. It looks like it falls under an Extended Home Occupation as long as the retail sales fall under the ordinance. **He can apply for a CUP for an Extended Home Occupation to proceed further.**

6. **Ed Klemish – Request of a Lot Reconfiguration (PIN# 28-33-25-11-0002)** – Rhode questioned Klemish about platting this because he has to, it is over 4 lots. Klemish said that he never split this and his property was split into 3 sections when he purchased this. There was a lot of discussion back and forth between Klemish and the commission. Klemish said that he can split every one of the lots if he wants to. Hart was the one who split his lot and Klemish purchased it. They are separate pins right now. He feels that he can share the driveway to access that back lot. Rhode explained that he needed to have a separate deeded driveway to that lot. Klemish said that he could deed access down through his lot. Rhode explained what he has presented was not doable.

Harwood said that the condition of the previous lot split was that Klemish was suppose to combine the south lot to his existing parcels. Klemish stated that he did try to do that but the county would not allow it because it was in a different section and school district. Harwood stated that they cannot create a lot without frontage on a public road. Klemish said that the county has said that it is a lot and the county said that is how it will be. He said that he was going to plat it if they could have agreed upon some things and they would have had an easement through there. Ames said that he has to give access to it now. Klemish stated that he could give it access now if that is what they require. The county would prefer that he only have one access and so does he. He said that it is all buildable and he does have the soil borings from before.

Rhode wondered why he doesn't just plat this. Klemish doesn't want to because they want him to put a road in. He offered to put an easement in before, but the board wouldn't accept that, unless the township wants to work with him on the road. He offered to put in about 500 feet of pavement and just give an easement for the rest, but that wasn't good enough. Rhode said that he should just plat this. If we will work with him on the road and he doesn't have to pave the road going through there then he would work with us. Klemish doesn't feel that he would gain anything by the time he has to pay for the road to go through there. He doesn't have to put an easement through there he could just sell the larger parcel and we would lose out on a road. If he doesn't plat then we will have to pay for an easement through there anyway. Bettinger said that the residents would have to pay for it.

If we tell him that we want him to plat it and work with him to put a road in with a cul-de-sac he will give us an easement. He wants to know because he has a house sitting there that he wants to sell. If we are willing to work with him and not give him a big hassle about it then he will plat it. He is not going to come in here and have to fight about everything that he wants to do. He showed them what he proposed to do before and stated that the soil borings were all done. Rhode would like to see it platted and get it over with. He could come in with an offer to have a road run through there. Klemish said that he would put it together the way it was when he previously put this together with an easement. Rhode thinks that it should be passed onto the town board.

to have more and more of them that way. Madsen asked do we want a rural area or cluster type developments? There seemed to be a lot of confusion. We need to keep the density the same. Bettinger stated they have some marginal land and this would allow them to build on it. Madsen stated some places are not a good place for houses. They will put them where ever they can. Olson stated this technically can be done and successfully. There will be more and more mining going on because this would have to be dug out from somewhere. For the septic areas we need a minimum of 10,000 sq. ft. Olson would like to see 15,000 sq. ft. Do we want to keep this one-acre natural. We need ample space for our septic systems. Burquest 15,000 sq. ft. is a minimum. One-acre is a lot more then that. The 15,000 sq. ft. is for the filling option. Warden would like to see the one-acre like we have had. **Madsen moved to go with option B, Schultz second; motion carried.**

- c). Adopt addition to zoning Ordinance #3, Section 417 – (*Development Standards for Commercial or Light Mfctr. Uses*). Olson we are adding one line item "All outside storage of materials, equipment, vehicles or other such items shall be permitted if such storage conforms to the setback, location and maximum size requirement for accessory structures. All outside storage shall be screened from view in an area enclosed with opaque fencing." Warden asked what does the maximum size of accessory structure mean? Olson replied this means that you can not cover more than 70 percent of the lot area. **Warden motion to adopt change, Burquest second; motion carried.**
- d). Leon Ohman – Farm Winery (*Definition of Agriculture Use – how it effects a farm winery*) Elliott summarizing Harwood wrote a letter dated March 4, 2004. The vineyard is permitted by right. The manufacture and on site sale is permitted by Conditional Use. Harwood stated that he did not have a problem with this. Warden asked have you applied to the state for the license. Ohman replied no we have applied for a Federal permit that we need first before we can apply for the state license. Statue 340 A states basically the Department of Ag's interpretation is this is a right of the farmer to produce and sell your product. Not to exceed 50,000 gallons per year. If you imported products and then produced your product it is manufacture. The way the Department of Ag looks at this is that the township can't require a separate conditional use permit to sell your product on your property. Warden stated the conditional use permit is to regulate the people coming and going and the hours of operation. Ohman replied I don't feel that the CUP is necessary. According to the ordinance, we can set up a roadside stand. That looks really bad and we are not going to do that. We are not going to get the kind of volume that you get from the guy selling pumpkins that gets 150 cars on his property. We are not getting that type of traffic. It is basically like someone selling hay out of their barn. Burquest stated it falls in a gray area. It could grow and go beyond this. He could sell it to someone else. Ohman stated this requires an annual inspection, and someone could not come in and take this over. This states on sale and off sale. This is limited to wine tasting. You can not sell it by the glass. Number 4 you can bring in additional product and process it and sell. The production limit without the license is 100 gallons. The conditional use permit would protect yourself. Your neighbors would know what is going on and you would not have another board tell you that you have to stop operations. Fitzpatrick sees a conditional use appropriate when it comes to the sales. He can put this on a nonpermanent place and sell this and be in complete compliance. Hay is being sold for ag purposes not to be consumed. Warden feels that this is necessary to have the CUP on the sale of the product. Olson asked are you green acres? Ohman answered we need the farm up and running for 3 years. Payable in 2006 we could be green acres. We will have production by the end of the year that we can sell. **Warden moved to have them go through the process to get the conditional use permit. Schultz does not see a need if he needs to have the license from the state. That license does not control the hours and the volume. Fitzpatrick agrees with Harwood's recommendation. This is a unique home occupation. The CUP is to control the outward appearance of the business.**

The neighbors will be affected by the sales and not the other parts of the business. How can you lock them into fixed hours and everything under the CUP when this is in the conceptual stage. The township will have an interest in the hours of operation and the number of employees. Anoka County does not have anything to do with the licensing. Fitzpatrick sees that if we do not require a CUP then we will have to prove that this is a nuisance to do anything about this in the future if there are problems. Bettinger stated the traffic would be a concern for the township. The cat farm there is nothing that the township can do. Larry Sqogquist who lives next to him does not have a problem with it even if there are 5 or 10 cars a day. If they could get it into some of the local stores that would be great. But they don't know if that will happen and they need to have the on site possibility. Bettinger stated we have required others that have sold farms products to have a CUP. This will send the wrong message if we do not require this. When they were selling pumpkins without a CUP we did have complaints. Then we made them get the CUP. **Burquest second the motion.** Ohman stated there are others in the state. They do not have a CUP. They generally have six cars or so in the parking lot on a Saturday. **Madsen and Schultz opposed; motion carried.**

- e). Ed Klemish – Request for a Lot Reconfiguration (*PIN 28-33-25-11-0002 P&Z recommends platting*) Elliot summarizing Harwood letter dated March 11, 2004. This is Viking Blvd and Jasper. The distance from Viking Blvd to the cul-de-sac is about 600 ft. He came in with a Metes and Bounds. The planning commission recommended that this be denied. He came in with a plat since that time. He is proposing a road to connect with the future Rhinestone. Harwood came up with still the six lots but extending the right away. Is there any way that we can get this to work? He does not want to build a road all the way down to the south part of this property. If he does not extend the road then who will? Klemish is wondering why he should not have the lot split to split off the three and a half acres and hook it up with the other piece of property. The P&Z wanted him to plat the whole thing. He is not going to put the road in. He could split each piece once and not put in the road. He has not split any of this in the past. Warden asked where would you come out? Klemish replied I would have an easement with the new driveway that I would put in. I will not put in the road and pay for it. I will give you the easement for nothing. Elliot asked could you put the road in only so far and plat the rest and put the road in later? Madsen stated there are homes on lot 2 and lot 4 right now so that will not work. Klemish stated I will sell this and this is the way that I am going to do this. I will not do it any other way. I should only be providing half of the road. He will only put the road into the cul-de-sac. Harwood mentioned road dedication instead of easement. He will put the road in as far as the cul-de-sac. Lot 2 would not have frontage to the road. Klemish stated I have frontage now. Lot one will have frontage on 22 when I split it and I can split it. He is asking to combine two pieces. Warden asked is there an easement now? He is adding 3 ½ acres to the lot. He could incorporate all three in one road. Klemish stated the property on 22 should be commercial. Bettinger stated then the land should be commercial all the way to Nowthen. Madsen stated the lot split does not show the driveway. It does not show the 33 feet. The plat is the newest. He requested the lot split and P & Z recommended the plat. If we plat, then it goes to P&Z for public hearing and a preliminary plat. The only objection to the plat is the cul-de-sac. **Warden moved to go with the P&Z recommendation to plat with Klemish putting in the cul-de-sac and the dedicated easement to the property line, Madsen second. Motion carried.** The road is to be blacktop. He will bring the cul-de-sac down to catch the driveways.
- f). Florence Skogquist – Request for a lot Split (*PIN 10-33-25-34-0003*). Larry Skogquist stated the county does not have a problem putting this into one pin number. Warden asked does the legal include the easement? He owns the property across the road there are 12 acres that he wants to buy and add it to the property that he already has. Harwood said that if he could get it on one pin number then he will not have to plat. He is doing a lot line extension. Has the road been described and recorded. Bettinger stated it has not

**BURNS TOWNSHIP  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARINGS AND  
REGULAR MEETING  
TUESDAY APRIL 27<sup>TH</sup>, 2004 @ 7:30 P.M.  
(Minutes are being taped for transcribing purposes only.)**

Chairman Rhode called the meeting to order at 7:30 P.M.

Present: Fred Rhode Dale Ames Randy Bettinger  
Jeanne Kopis Julie Marcotte Jim Scheffler  
Harold Jorgenson

Absent: Dan Witt

Others: Barry Olson, Bldg Official John Harwood, Engineer

- **Approve/amend meeting agenda** – Bettinger made the motion to approve the meeting agenda; Ames seconded. All in favor; motion carried.
- **Approve/amend the 03/23/04 P&Z minutes** – Kopis made the motion to approve the March 23, 2004 Planning and Zoning Meeting minutes; Marcotte seconded. All in favor; motion carried.

1. **Public Hearing - A request by Leon & Cindy Ohman for a CUP to run an Extended Home Occupation for the manufacturing and on-site sales of wine.** Leon Ohman stated that they live on 213<sup>th</sup> Ave and they will be opening a farm winery as permitted by state statute. They are here to establish hours of operations for the on-site sales. The winery is licensed and regulated by the Minnesota Department of Alcohol and gambling. There is an annual permit fee and they do inspections annually. There is also a ATF license for the manufacturing and sale and if you make up a label it has to be approved. There is a lot of regulations that go into that at the federal and state level. Anoka County and the Dept of Health are not involved nor do they have any jurisdiction because it is classified as a farm operation in the state statutes.

Ohman said that they have 68.72 acres and they are putting in 5 acre of crops. They will produce the products on site. They will not be purchasing off site. According to statute they have to produce the wine from the products grown on their property unless there are special circumstances. It is on a case by case basis. He wants to keep it small enough where he can keep working and maintain the winery. The hours that they are proposing are 10:00 a.m. to 6:00 p.m. Monday thru Saturday and 12:00 p.m. to 6:00 p.m. on Sunday. There is no consumption, except to wine tasting and that is limited to small amounts. It will be open daylight hours only, except on special occasions. They will not have any on site sales, it will be off-site only. There is a provision in the state statutes that once a year that at the opening kick off they could sell it by the glass, but that is it. It is not an everyday thing and that has to be through licensing.

Leon said that the building they are going to build sits straight back and there is kind of a cul-de-sac in front. That is where all the parking will be. They are looking at about 750 sq. ft. to start with. Once the production increases they would be looking at putting in another 26 x 40 or 50 building, but that would all sit back. The initial building would be set up for sales and tasting. It takes several years to establish the produce.

**Public Hearing Closed** – discussion/recommendations will be made by P & Z. Scheffler asked if his employees would be seasonal. Ohman said that they may need some help to pick the produce and crush it, but that would be limited to days in the fall. As far as lots of employees, they don't want a lot of people there. The reason for the on site sales are so that people can become familiar with your product and taste it prior to purchasing it. They would rather see 90 percent of sales in the store, but they need to get the products out there.

Ohman figures that he would have maybe 2 or 3 employees. Bettinger said that they are allowed 2. Ames stated that in agricultural there are different regulations. Ohman said that harvesting in agricultural cannot be addressed. It is the same as a regular farm. They would not be hiring for on site sales, just for harvesting. When the product is ready to harvest it has to be brought in. Marcotte wondered if they need a restroom. Ohman said that they have plans for a restroom and they would supply a restroom during business hours. Rhode said with the wine sales, they would have to provide something. Ohman said that they would have portable facilities.

Marcotte made the motion to recommend approval of a CUP for a Farm Winery, with the stipulations that they have to provide a portable restroom during the months of June through December and the hours of operation would be 9:00 a.m. to 7:00 p.m., Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays. Rhode felt that it is too early to determine the number of people. The parking has already been addressed; Kopsis seconded. All in favor; motion carried.

2. **Public Hearing – A request by Todd Dankert for a CUP to run an Extended Home Occupation of a Limited Scale Trucking Operation** – Dankert said that he is the owner and operator of Gator Electric. He is proposing to purchase Lot 2, Block 1 in Glory Meadows and put a 30 x 40 shop in to run his electrical business in. The truck operation is just an electrical contracting business. He has 6 employees and all the employees that get a truck just take them home and the ones that don't just got straight to the job site from their own home. In the business portion of it, he is the sole owner company and he doesn't have any other employees working at the shop, but if he does grow he will only have one assistant. The hours of operation would be 6:00 a.m. to 5:00 p.m. There is no machinery running and there isn't anything storage outside the building. He does run the business out of his basement right now, but he wants to separate the business from his home. Marcotte asked if there are products that are stored there. Dankert said that at times there are, but he tries to get the parts and equipment delivered directly to each job site. He does have some occasional deliveries to his home.

Rhode asked if he has the shop now. Dankert said that he does not yet. He is going to build a house and then they would be adding the shop. Rhode wondered how much outside storage would he have. He has a 7 x 16 enclosed trailer that he would store outside when it is not at the jobsite. It is normally at job sites, but when things slow down he does have it at home. He does keep the vehicles and trailers clean. Kopsis wondered when he will move in the house, he figured in August sometime and that is when he would move his equipment there. There would be a bathroom inside the shop. Dankert also mentioned that at times there may be employees coming to the home for meetings.

Ames said that in his experience most plumbers and electricians they do bring their trailers at the job sites, but all the miscellaneous items get stored at home and they employees have to fill up their vehicles constantly so it will last them. Dankert said that he doesn't run it that way; he doesn't want his employees coming to the home. If he has something sitting on the shelf waiting to be used, it is just wasted money for him. He is paying the employees to come and pick up the parts and he does not want to do that. Right now he is running his business outside his home and he has a third garage where he holds the equipment.

because he just cut the drive and didn't receded anything. It is just a cut so every time it rains it just comes down his driveway and fills in the culvert. It is a bad area.

Bettlinger thought the driveway was suppose to be reviewed by an engineer. Harwood said that he did review the driveway and the design grade, what do you do, he was trying to build a house on top of a mountain. He never finished the ditching. Madsen said that he just channeled the run off from down the slops over the road to down his driveway to the road. He never seeded or anything. Harwood said that it will cost a lot to have it paved. Bettlinger said that we should send him a letter and have him do the ditching. Harwood said that it is his driveway problem and he doesn't think that we want to get involved with that. Bettlinger said that it is affecting the road though. Madsen said that there are 2 areas; the shared driveway because there is no culvert in there and when they put the driveway in it is just a spongy mess. It is just a spring fed spongy mess. It will cost a lot of money to stabilize everything. Bettlinger said that maybe in the future a CO should not be issued until the areas are seeded. Harwood said that it has probably been seeded several times; it is just a very unstable slope. It is going to need some major erosion control.

5). **Planning & Zoning Committee:**

- a). **Leon & Cindy Ohman** – A request for a CUP for an Extended Home Occupation (on-site sales of wine.). Leon Ohman asked if the Board would allow them to just provide restroom facilities during the times that are open to the public and not require them to provide one June through December. If they are not going to be open for a year or so he cannot see putting one in. They are putting in an accessible restroom sized at 50 gallons per day flow. He can rent a portable restroom, but it could be sitting for months on end with no use. He does think that he needs a rest room during events as he does not want an overflow on his system. To require him to have a portable restroom during those months of operation, he would rather not. He would like it to have it read, "Restrooms to be available to the public during the hours of operation". Olson said that would make more sense. To specify a portable restroom or a condition of one is a monthly expense that he would rather not incur. He is putting in a new system and it should be more than adequate. If they were going to have a grand opening or some other event he would get a portable restroom. He is not necessarily going to be open during those months. Depending on how this goes, they may be open year round. Madsen said that it would be better to change the months of operation now. Ohman said that the idea for the tasting room is to get the product introduced out there. The hours of operation are fine, but the restroom facilities and the months of operation are an issue. Warden wondered about garbage and if there is going to be a commercial container. Ohman said that there is not enough garbage that would be produced. What they would accumulate would fit in their residential garbage. Warden also asked about parking as we don't want them to park on the street. He thinks that if we don't put it in their then it will start happening. Bettlinger doesn't think that parking would be a problem. Warden said that we should just put it in there and if it never happens then it is meaning less. Ohman wondered why they would put it there. Schulz said so they can deal with that problem if it came up. Ohman doesn't see a reason for it as they have ample parking. Madsen said that all it would take is someone to start complaining. Madsen made the motion to approve the CUP for a Farm Winery, as per Planning and Zonings recommendations with changes to the conditions that the restrooms be available to the public as needed, the facility be open year round during the hours of 9:00 a.m. to 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays; Schulz seconded. All in favor; motion carried.

7.

NO. 011504

State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2005

*[Signature]*  
Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

NO. 013580

State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2006

*[Signature]*  
Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

NO.

State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2007



*Mark K. Shultz*

Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

NO.

State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2008



*Mark K. Shultz*

Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

NO.

State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2009



Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

NO.

State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2010



Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

NO.

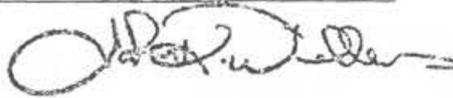
State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2011



Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

NO.

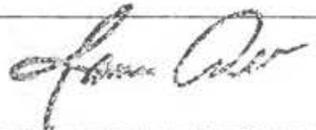
State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2012



Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

PS 9322 (6-95)

NO.

# State of Minnesota

## Department of Public Safety Alcohol & Gambling Enforcement Division

### FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

9/15/2013

EXPIRES \_\_\_\_\_

*Maude Tucker*

\_\_\_\_\_  
*Alcohol & Gambling Enforcement Director*



**THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED**

NO.

State of Minnesota  
Department of Public Safety  
Alcohol & Gambling Enforcement Division

FARM WINERY LICENSE

Goose Lake Farm & Winery  
Goose Lake Farm & Winery  
6760 213th Ave NW  
Elk River, MN 55330

HAS BEEN ISSUED THIS LICENSE/PERMIT BY THE STATE OF MINNESOTA  
PURSUANT TO MINNESOTA STATUTES CHAPTER 340A AND RELATED REGULATIONS

EXPIRES 9/15/2014

*Michelle Tush*

Alcohol & Gambling Enforcement Director



THIS LICENSE/PERMIT MUST BE CONSPICUOUSLY DISPLAYED

**Office of the Minnesota Secretary of State  
Certificate of Good Standing**

I, Mark Ritchie, Secretary of State of Minnesota, do certify that: The business entity listed below was filed pursuant to the Minnesota Chapter listed below with the Office of the Secretary of State on the date listed below and that this business entity is registered to do business and is in good standing at the time this certificate is issued.

Name: Goose Lake Farm and Winery LLC  
Date Filed: 02/06/2004  
File Number: 782743-4  
Minnesota Statutes, Chapter: 322B  
Home Jurisdiction: Minnesota

This certificate has been issued on: 01/15/2014



*Mark Ritchie*  
Mark Ritchie  
Secretary of State  
State of Minnesota

MINNESOTA LIQUOR LIABILITY ASSIGNED RISK PLAN  
MINNESOTA JOINT UNDERWRITING ASSOCIATION  
445 MINNESOTA ST SUITE 514  
SAINT PAUL, MN 55101-0760  
(651) 222-0484 OR 1-800-552-0013

**CERTIFICATE OF INSURANCE FOR LIQUOR LIABILITY COVERAGE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THE CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE CONTRACT LISTED BELOW.

POLICY NUMBER: 04-0848  
CONTRACT PERIOD: 12:01 A.M. 9/15/2013 TO 12:01 A.M. 9/15/2014

CONTRACT HOLDER & ADDRESS  
GOOSE LAKE FARM & WINERY, LLC  
GOOSE LAKE FARM & WINERY  
6760 213TH AVENUE NW  
ELK RIVER, MN 55330

SCHEDULED PREMISES: 6760 213TH AVENUE NW, ELK RIVER, MN 55330

THIS IS TO CERTIFY THAT THE CONTRACT OF COVERAGE DESCRIBED HEREIN HAS BEEN ISSUED TO THE CONTRACT HOLDER NAMED ABOVE AND IS IN FORCE AT THIS TIME. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN TO THE COVERAGE AFFORDED BY THE CONTRACT DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH CONTRACT.

TYPE OF COVERAGE

LIMITS OF LIABILITY

BODILY INJURY	\$ 50,000	EACH PERSON
	100,000	EACH OCCURRENCE
PROPERTY DAMAGE	\$ 10,000	EACH OCCURRENCE
LOSS OF MEANS OF SUPPORT	\$ 50,000	EACH PERSON
	100,000	EACH OCCURRENCE
PECUNIARY LOSS	\$ 50,000	EACH PERSON
	100,000	EACH OCCURRENCE
ANNUAL AGGREGATE	\$ 300,000	ANNUALLY

SHOULD THE ABOVE CONTRACT BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE PLAN WILL MAIL 60 DAYS WRITTEN NOTICE TO THE BELOW NAMED CERTIFICATE HOLDER, HOWEVER, IN THE EVENT THE CANCELLATION IS FOR NON PAYMENT OF PREMIUM, THE PLAN WILL MAIL A 10 DAY WRITTEN NOTICE.

CERTIFICATE HOLDER NAME & ADDRESS  
STATE OF MINNESOTA LIQUOR CONTROL  
444 CEDAR, SUITE 100  
ST PAUL, MN 55101

DATE OF ISSUE: 08/01/2013

AGENCY NAME & ADDRESS  
HORNIG INSURANCE AGENCY  
3455 DAKOTA AVENUE SOUTH  
ST LOUIS PARK, MN 55416

*Sheryl Seaborn*

AUTHORIZED REPRESENTATIVE

DEPARTMENT OF THE TREASURY  
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)  
**WINE BOND**  
(See instructions on back)

EFFECTIVE DATE  
**6/10/04**

PRINCIPAL <b>Goose Lake Farm and Winery LLC</b>	BUSINESS ADDRESS (Number, Street, City, State, Zip Code) <b>6760 213th Ave. NW Elk River, MN 55330</b>
REGISTRY NUMBER <b>BWAN-MN-15001</b>	
SURETY (or Sureties) <b>Old Republic Surety Company</b>	PREMISES ADDRESS (If different from the above.)

TYPE OF BOND (Check applicable boxes)	<input checked="" type="checkbox"/> WINE OPERATIONS BOND	<input type="checkbox"/> TAX DEFERRAL BOND	AMOUNT OF BOND (Total of operations and deferral coverage)
AMOUNT OF COVERAGE	\$ <b>1,000.00</b>	\$	\$ <b>1,000.00</b>
KIND OF BOND (check applicable box)	<input checked="" type="checkbox"/> ORIGINAL	<input type="checkbox"/> STRENGTHENING	<input type="checkbox"/> SUPERSEDING

PURPOSE: The above principal has filed an application to operate, or is operating, the bonded wine cellar or bonded winery specified.

CONDITIONS: The above principal and surety (sureties) are bound independently and jointly for the payment to the United States in the above amount of lawful money of the United States. In this bond, the terms principal or surety include the heirs, executors, administrators, successors and assigns of the principal or surety. Additional wine bond conditions on reverse side of form. (If this bond covers only tax deferral, only the wine bond conditions in clauses 1, 2, and 3(a) and the additional wine bond conditions on the reverse side of this form apply.)

THE PRINCIPAL SHALL:

- (1) Comply with all requirements of law and regulations, now or hereafter in force, relating to the activities covered by this bond;
- (2) Pay all penalties incurred and fines imposed for violations of law or regulations, now or hereafter in force, relating to the activities covered by this bond;
- (3) (a) Pay all taxes (including any penalties and interest in respect of failure to file a timely return, or to pay such tax when due) on wine removed from bonded premises; (b) Provided, that the wine operations coverage of this obligation shall not apply to taxes in excess of: (check applicable box)  \$500  \$1,000 (select \$1,000 only if operations coverage is \$2,000 or more) which at any one time have been determined but not paid on wine removed from bonded wine premises;

- (4) Pay all special occupational taxes, penalties and interest incurred under 26 U.S.C. Chapters 51, 67, and 68, and implementing regulations now or hereafter in force;
- (5) Pay all taxes (including any penalties and interest) for which the principal may become liable with respect to the operation of the bonded wine premises, whether the transaction or operation on which liability is based occurred on or off the bonded wine premises, and on all wine, spirits, and volatile fruit-flavor concentrate, or any other commodity subject to tax under 26 U.S.C. Chapter 51, in transit to or on the bonded wine premises;
- (6) Comply with all requirements now or hereafter in force, pertaining to all wine or wine spirits received at, removed from, or returned to the bonded premises free of tax;
- (7) With respect to wine withdrawn from the bonded wine premises without payment of tax as authorized by law (a) comply with all requirements of law and regulations, now or hereafter in force relating thereto; and (b) as to the said wine or any part thereof withdrawn, for example, for exportation or for use on vessels or aircraft or for transfer to a foreign-trade zone or for transfer to a Customs bonded warehouse, and not so exported, used or transferred, or otherwise lawfully disposed of or accounted for, pay the tax imposed thereon by law, now or hereafter in force, together with penalties and interest; and
- (8) As the proprietor of an adjacent wine vinegar plant, pay all taxes, now or hereafter in force (including any penalties or interest), for which the principal may become liable with respect to the operation of the wine vinegar plant, and all wine now or hereafter in transit or on the premises of the wine vinegar plant.

Witness our hands and seals this 16th day of July 2004  
Signed, sealed, and delivered in the presence of-

Witness: [Signature]  
Witness: [Signature]

CORPORATIONS ONLY: State in which organized: \_\_\_\_\_  
Impress corporate seal or check:  The corporation has no seal.  
Goose Lake Farm and Winery LLC  
By: [Signature] President  
Old Republic Surety Company  
By: [Signature]  
Michael D. Williams

DIRECTOR, NATIONAL REVENUE CENTER APPROVAL: ON BEHALF OF THE UNITED STATES, I APPROVE THE FOREGOING BOND WHICH HAS BEEN EXECUTED IN DUE FORM IN COMPLIANCE WITH THE APPLICABLE LAW, REGULATIONS, AND INSTRUCTIONS.

SIGNATURE OF AUTHORIZED OFFICIAL, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU <u>[Signature]</u> for DIRECTOR, NATIONAL REVENUE CENTER	DATE APPROVED <b>SEP 01 2004</b>
---	-------------------------------------

**BASIC PERMIT**

(Under Federal Alcohol Administration Act)

1. PERMIT NUMBER  
**MN-W-15001**

2. DATE OF PERMIT  
**SEP 01 2004**

3. REGISTRY NUMBER (if applicable)  
**BWN-MN-15001**

4. DATE OF APPLICATION  
**JUNE 14, 2004**

5. NAME AND ADDRESS OF PERMITTEE (Number and street, city or town, State and Zip Code)

**Goose Lake Farm and Winery LLC  
dba Goose Lake Farm and Winery  
6760 213<sup>th</sup> Avenue Northwest  
Eik River, MN 55330**



6. TRADE NAMES AUTHORIZED BY THIS PERMIT (Trade name approval does not constitute approval as a brand name for labeling purposes. If needed, list on reverse or use continuation sheet.)

7. PERMIT GRANTED FOR (ONE TYPE OF OPERATION ONLY)

Pursuant to the application of the date indicated in item 4, you are authorized and permitted to engage, at the above address, in the business of:

- a.  Distilled Spirits -  distiller  rectifier (processor)  warehouseman and/or  warehouseman and bottler and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the distilled spirits so distilled or rectified, or warehoused and bottled, or the wines so rectified,
- b.  Wine -  producer and blender  blender and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the wine so produced or blended,
- c.  Importer - Importing into the United States the following alcoholic beverages: and  
while so engaged, to sell, offer to deliver for sale, contract to sell or ship, in interstate or foreign commerce, the alcoholic beverages so imported,
- d.  Wholesaler - Purchasing for resale at wholesale the following alcoholic beverages: and  
while so engaged, to receive or to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the alcoholic beverages so purchased.

This Permit is conditioned upon your compliance with the Federal Alcohol Administration Act; the Twenty-first Amendment and laws relating to its enforcement; all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes with respect to them; the Federal Water Pollution Control Act; and, all applicable regulations made pursuant to law which are now, or may hereafter be, in force.

This basic permit is effective from the date shown above and will remain in force until suspended, revoked, annulled, voluntarily surrendered, or automatically terminated.

THIS PERMIT WILL AUTOMATICALLY TERMINATE THIRTY DAYS AFTER ANY CHANGE IN PROPRIETORSHIP OR CONTROL OF THE BUSINESS, unless an application for a new basic permit is made by the transferee or permittee within the thirty day period. If an application for a new basic permit is timely filed, the outstanding basic permit will continue in effect until the application is acted on by the District Director, Bureau of Alcohol, Tobacco and Firearms.

THIS PERMIT IS NOT TRANSFERABLE. ANY CHANGE IN THE TRADE NAME, CORPORATE NAME, MANAGEMENT OR ADDRESS OF THE BUSINESS COVERED BY THIS PERMIT, OR ANY CHANGE IN STOCK OWNERSHIP (MORE THAN 10%) MUST BE REPORTED TO THE NATIONAL REVENUE CENTER OR PUERTO RICO FIELD OFFICE WITHOUT DELAY.

THIS IS AN	<input checked="" type="checkbox"/> ORIGINAL PERMIT	<input type="checkbox"/> AMENDED PERMIT
REASON FOR AMENDMENT	DATE OF AMENDMENT	

SIGNATURE AND TITLE OF AUTHORIZED TTB OFFICIAL  
*Arthur J. Libertucci*  
FOR ARTHUR J. LIBERTUCCI, ADMINISTRATOR

5



Alcohol and Tobacco Tax and Trade Bureau  
National Revenue Center  
8002 Federal Office Building  
550 Main Street  
Cincinnati, OH 45202

DATE: September 1, 2004

TO: Ms. Cindy Ohman  
Goose Lake Farm and Winery LLC  
FAX: (763) 753-4803  
PHONE: (763) 753-9632

FROM: Sheril Smith-Davis  
FAX: (513) 684-2241  
PHONE: (513) 684-6958  
WEB Site: [Sheril.SmithDavis@ttb.gov](mailto:Sheril.SmithDavis@ttb.gov)

SUBJECT: Winery Application

Your winery application has been approved. You are now permitted to commence winery operations without an inspection at this time. The approved copies for your file will be mailed today.

I really appreciate your patience regarding the inconveniences caused during the application process and resulting from the change in our mail/assignment processing. It was a pleasure working with you.

The name of your specialist is Cynthia Patrick, you may reach her @ (513) 684-6338.

This information is privileged and confidential, for the use only of the addressee. If you are not an addressee, you may not use this communication in any way. If you receive this communication in error, please notify us immediately by telephone at 1 (800) 659-6242 and return the original message to us by US Postal Service. We will reimburse you for your postage. Thank you

Ce



## Alcohol and Gambling Enforcement

444 Cedar Street • Suite 133 • Saint Paul, Minnesota 55101-5133  
Phone: 651.201.7500 • Fax: 651.297.5259 • TTY: 651.282.6555  
www.dps.state.mn.us

June, 2007

TO: Minnesota Farm Wineries

FROM: Marlene Kjelsberg, Assistant Director

SUBJECT: 2007 Legislative Session Update

Alcohol  
and Gambling  
Enforcement

ARMER/911  
Program

Bureau of  
Criminal  
Apprehension

Driver  
and Vehicle  
Services

Homeland  
Security and  
Emergency  
Management

Minnesota  
State Patrol

Office of  
Communications

Office of  
Justice Programs

Office of  
Traffic Safety

State Fire  
Marshal and  
Pipeline Safety

The 2007 Minnesota Legislature passed an Omnibus Liquor Bill that contains language regarding Minnesota farm wineries and their ability to expand their business operations. Minnesota Statutes 340A.315 has been amended by adding the following subdivision:

On-sale licenses allowed. Nothing in this section or any other section of law prevents a farm winery from obtaining a separate on-sale license and operating a business establishment that utilizes that license, in conjunction with and within the physical facilities of the winery and its buildings.

The intent and meaning of this language is that a farm winery may be issued an on-sale intoxicating liquor license from a municipality to sell liquor at a restaurant located on the licensed farm winery premises. The on sale liquor license would authorize the farm winery to sell all types of intoxicating liquor, as well as farm winery wines at retail within the farm winery and its buildings. All other provisions relating to the issuance of the on sale intoxicating liquor license apply, such as, the hours and days of sale for on sale intoxicating liquor licenses and the requirement for liquor liability insurance, etc. Farm wineries must also continue to hold their farm winery license in order to retain the benefits derived from that license.

Additionally, farm wineries holding an on sale intoxicating liquor license at a restaurant may conduct wine tastings on their premises offering their winery wines, as well as other wines sold to them by wholesalers. Please be advised, however, a farm winery may not hold wine tastings on another premises that is not licensed, such as a beauty shop, flower shop, spa, jewelry store, or other event where no liquor license is held.

If you have any questions, please do not hesitate to contact us at 651-201-7503.





Burns Township  
Town Board Meeting

May 11, 2004

Page 9

because he just cut the drive and didn't receded anything. It is just a cut so every time it rains it just comes down his driveway and fills in the culvert. It is a bad area.

Bettinger thought the driveway was suppose to be reviewed by an engineer. Harwood said that he did review the driveway and the design grade, what do you do, he was trying to build a house on top of a mountain. He never finished the ditching. Madsen said that he just channeled the run off from down the slope over the road to down his driveway to the road. He never seeded or anything. Harwood said that it will cost a lot to have it paved. Bettinger said that we should send him a letter and have him do the ditching. Harwood said that it is his driveway problem and he doesn't think that we want to get involved with that. Bettinger said that it is affecting the road though. Madsen said that there are 2 areas; the shared driveway because there is no culvert in there and when they put the driveway in it is just a spongy mess. It is just a spring fed spongy mess. It will cost a lot of money to stabilize everything. Bettinger said that maybe in the future a CO should not be issued until the areas are seeded. Harwood said that it has probably been seeded several times; it is just a very unstable slope. It is going to need some major erosion control.

5). **Planning & Zoning Committee:**

- a). **Leon & Cindy Ohman** – A request for a CUP for an Extended Home Occupation (on-site sales of wine.). Leon Ohman asked if the Board would allow them to just provide restroom facilities during the times that are open to the public and not require them to provide one June through December. If they are not going to be open for a year or so he cannot see putting one in. They are putting in an accessible restroom sized at 50 gallons per day flow. He can rent a portable restroom, but it could be sitting for months on end with no use. He does think that he needs a rest room during events as he does not want an overflow on his system. To require him to have a portable restroom during those months of operation, he would rather not. He would like it to have it read, "Restrooms to be available to the public during the hours of operation". Olson said that would make more sense. To specify a portable restroom or a condition of one is a monthly expense that he would rather not incur. He is putting in a new system and it should be more than adequate. If they were going to have a grand opening or some other event he would get a portable restroom. He is not necessarily going to be open during those months. Depending on how this goes, they may be open year round. Madsen said that it would be better to change the months of operation now. Ohman said that the idea for the tasting room is to get the product introduced out there. The hours of operation are fine, but the restroom facilities and the months of operation are an issue. Warden wondered about garbage and if there is going to be a commercial container. Ohman said that there is not enough garbage that would be produced. What they would accumulate would fit in their residential garbage. Warden also asked about parking as we don't want them to park on the street. He thinks that if we don't put it in their then it will start happening. Bettinger doesn't think that parking would be a problem. Warden said that we should just put it in there and if it never happens then it is meaning less. Ohman wondered why they would put it there. Schulz said so they can deal with that problem if it came up. Ohman doesn't see a reason for it as they have ample parking. Madsen said that all it would take is someone to start complaining. Madsen made the motion to approve the CUP for a Farm Winery, as per Planning and Zonings recommendations with changes to the conditions that the restrooms be available to the public as needed, the facility be open year round during the hours of 9:00 a.m. to 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays; Schulz seconded. All in favor; motion carried.

RECORD OF PROCEEDINGS



3601 Thurston Avenue, Suite 101, Anoka, MN 55303  
 Phone: 763/427-5860 Fax: 763/427-0520

March 4, 2004

Burns Town Board  
 Burns Township  
 19800 Nowthen Blvd. NW  
 Anoka, MN 55303

Re: Leon Ohman Inquiry, Farm Winery

Dear Township:

Mr. Ohman appeared before the Planning Commission requesting a determination if his proposed land use, as a vineyard and winery operation, was permitted.

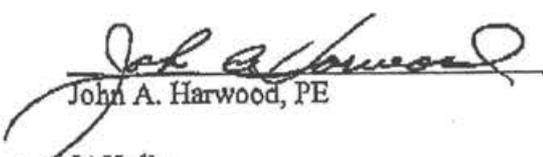
Mr. Ohman's property is in Section 14. It fronts on an unpaved portion of 213<sup>th</sup> Avenue. The property is zoned rural residential agricultural (RRA). The zoning ordinance permits any and all forms of agriculture by right so a vineyard is clearly permitted.

The RRA Zoning Standards, Section 305.2H, states that "the uses permitted by right shall only apply to uses that have no on-site consumers, no customers, no retail sales, no manufacturing and no merchandizing." It would appear that a farm winery that will involve manufacturing wine with on-site customers and on-site sales is not permitted by right.

Ordinance Section 403.B allows home occupations within accessory structures and allows on-site retail sales of products ancillary to a home occupation. The operation of a farm winery can be permitted as an extended home occupation as a conditional use. It is noted that a farm winery is licensed by the State under Statute 340A.315. A state license authorizes on-site sale of wine. That license would be in addition to Township land use requirements.

In summary, it appears that the vineyard is permitted by right in the RRA District with the manufacturing of wine and on-site sale permitted as a conditional use. I would see no problem with this type of conditional use. The review conditions would relate to any noise or odor from the manufacturing, any size of the accessory structure in which the conditional use would occur and any traffic created. There should be no problems with any of these conditions.

Sincerely,  
 Hakanson Anderson Associates, Inc.

  
 John A. Harwood, PE

JAH:dle

cc. Leon Ohman, Fax <sup>753</sup>763-4803

G:\Municipal\Aburns\901\2004\bt901winery.doc

Civil & Municipal  
 Engineering  
 Land Surveying for

**25**

9.



BURNS TOWNSHIP

19800 NOWTHEN BLVD NW  
ANOKA, MN 55303

Phone: 763/441-1347  
Fax: 763/441-7013

May 17, 2004

Leon & Cindy Ohman  
6760 213<sup>th</sup> Ave. NW  
Elk River, MN 55330

RE: CUP Farm Winery Home Occupation  
15-33-25-12-0008

Dear Leon & Cindy:

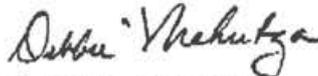
This letter is to confirm, after the May 11, 2004 Town Board Meeting, the granting of your CUP for a Farm Winery Home Occupation with the following conditions:

1. Facility (Farm Winery) will be open year round during the hours of 9:00 A.M. to 7:00 P.M. Monday through Saturday and 12:00 P.M. to 7:00 P.M. on Sundays.
2. Restrooms be available to the public as needed.

Please also find enclosed a portion of the May 11, 2004 Town Board Meeting minutes.

Sincerely,

BURNS TOWNSHIP



Debbie Mahutga  
Admin. Assist.

Enc.

STATE OF MINNESOTA  
COUNTY OF ANOKA

TOWN OF BURNS  
CONDITIONAL USE PERMIT PROCEEDINGS

In the matter of the Application of:

**Leon/Cindy Ohman**

**ORDER  
GRANTING  
A CONDITIONAL USE  
PERMIT**

for a Conditional Use Permit to run an Extended Home Occupation for the manufacturing and on-site sales of wine.

on property owned by: Leon/Cindy Ohman

A notice of the time, place and purpose of the public hearing of the above-entitled matter was published in the Anoka County Union, the official legal newspaper for the Town of Burns, on April 16<sup>th</sup>, 2004.

The above-entitled matter came on to be heard before the Planning Commission on April 27<sup>th</sup>, 2004, a petition for a conditional use pursuant to the Burns Zoning Ordinance, for the following described real property:

15-33-25-12-0008

That part of the Northwest Quarter of the Northeast Quarter of Section 15, Township 33, Range 25, Anoka County, Minnesota lying West of the East 1031.00 feet measured along the North line thereof.

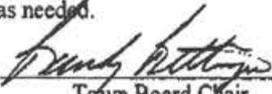
Located at - 6760 213<sup>th</sup> Ave. NW, Elk River

The Planning Commission, at its regular meeting on April 27<sup>th</sup>, 2004 adopted Findings and forwarded its recommendation to the Town Board. (The Findings adopted with this Conditional Use Permit are on file at the Town of Burns.)

At its regular meeting on May 11<sup>th</sup>, 2004 the Town Board received the Findings and recommendation of the Planning Commission, and then, based upon its consideration of the files and proceedings therein, decided that: **IT IS ORDERED THAT A CONDITIONAL USE PERMIT IS GRANTED UPON THE FOLLOWING CONDITIONS:**

- 1). Facility (Farm Winery) will be open year round during the hours of 9:00 a.m. to 7:00 p.m. Monday through Saturday and 12:00 p.m. to 7:00 p.m. on Sundays.
- 2). Restrooms be available to the public as needed.

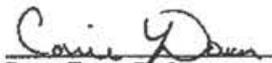
Dated: May 11, 2004

  
Town Board Chair

STATE OF MINNESOTA )  
COUNTY OF ANOKA ) ss.  
TOWN OF BURNS )

I, Corrie LaDoucer, Burns Town Clerk, do hereby certify that I have compared the foregoing copy Order granting a conditional use permit with original record thereof preserved in my office, and have found the same to be a true and correct transcript of the whole thereof. In testimony whereof, I have hereunto subscribed my hand at Burns, Minnesota, in the County of Anoka, this 11<sup>th</sup> day of

May, 2004

  
Burns Town Clerk

This instruments was drafted by: Burns Township, 19800 Nowthen Blvd. NW, Anoka, MN 55303

10.

1-361-742

**REQUEST FOR ELECTRICAL INSPECTION**

Minnesota Board of Electricity  
 1821 University Avenue Suite S-128, Saint Paul, Minnesota 55104  
 (651) 642-0800 TTY/MRS 1-800-827-3526  
 www.electricity.state.mn.us



Identify the work covered by this request

NEW  REMODEL  ADDITION  REPAIR

GENERAL FEES		Outdoor Lighting Standard @ \$1
SERVICES / POWER SUPPLIES		Transformer Sign Standard @ \$5
0 to 400 Ampere @ \$25		Supplemental Fee @ \$20
400 to 600 Ampere @ \$30		Transformers up to 10 KVA @ \$10
Above 600 Ampere @ \$75		Transformers over 10 KVA @ \$20
CIRCUITS / FEEDERS		Transformer Power Supply for Signs / Outlets Lighting @ \$5
0 to 200 Ampere @ \$5		ONE & TWO FAMILY DWELLINGS, EACH UNIT
Above 200 Ampere @ \$10		Includes the Service and/or Power Supply up to 500 Amperes At Circuits and Two Inspection Trips Each Dwelling Unit @ \$80
ALARM COMMUNICATION, REMOTE CONTROL SIGNALING		Additional Inspection Trips @ \$20
CIRCUITS, CIRCUITS OF LESS THAN 50 VOLTS		Investigative Fee
Each System Device or Apparatus @ \$5		Reinspection Fee @ \$20
ADDITIONS TO THE GENERAL FEES		
MULTIFAMILY DWELLINGS (PER UNIT)		<b>TOTAL FEE</b>
2 to 12 Units @ \$50 Per Unit		(minimum total fee is \$20)
Each Additional Unit @ \$25		
OTHER ADDITIONAL FEES		
Lighting Retrofit @ \$25 per Fixture		
Center Pivot Irrigation Boom @ \$40		
Manufactured Home Park Lots @ \$25		
Recreational Vehicle Park Sites @ \$5		
Separate Bonding Inspection @ \$20		
Special Inspection @ \$30 per hour		
Special Inspection @ \$31 per Mile		

THIS INSTALLATION MUST BE ORDERED DISCONNECTED IF NOT COMPLETED WITHIN 18 MONTHS

*Handwritten:* PASSED 7-15-14

THIS REQUEST FOR INSPECTION IS VOID 18 MONTHS FROM THE VALIDATION DATE STAMPED ON THE ORIGINAL COPY BY THE BOARD OF ELECTRICITY. A NEW REQUEST FOR INSPECTION AND APPLICABLE FEE MUST BE FILED FOR ALL UNFINISHED WORK.

Request Date: \_\_\_\_\_ Rough-In Inspection Required?  Yes  No Inspection Other Than Rough-In?  Ready Now  Will Call

You must call the inspector when ready. Date Ready: \_\_\_\_\_

I certify that I am the  LICENSED CONTRACTOR  COMPANY  OWNER and hereby request inspection of the electrical work at

Job Address (Street, Box, or Route No.)		City	Zip Code
Section	Township	Range	County
Occupant		Phone	
Power Supplier	Address		
Electrical Contractor / Company Name	Contractor License Number	Master License Number	
Mailing Address (Contractor, Company or Owner Performing Installation)			
Authorized Signature (Contractor, Company or Owner Performing Installation)		Phone	

EE-00X1-C-13 F.1.2000 INSTALLER COPY INSTRUCTIONS ON BACK OF YELLOW COPY

2725-07-7-C-306 R2000 Minn's North Power Co. All rights reserved - 08/05

EXHIBIT 10

# BURNS TOWNSHIP

PERMIT # 04-095

19800 Nowthen Boulevard NW  
Anoka, Minnesota 55303  
Phone (763) 274-2311

## SEWAGE TREATMENT SYSTEM "AS BUILT"

Application is hereby made for permit to do work listed below in accord with the ordinances of the Town of Burns.

Location of Job 6760 - 213<sup>th</sup> Ave New Work   
 Owner Leon Ohman Address 763-753-9632 Replacement   
 Licensed Installer D & S Excavating Addition   
 Permit Validation CK. M.O. CASH

(Show location of house, tank, drainfield and property line.)

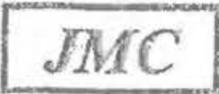
Location of well from tank	2.52 ft	50 gal, 1000 gal tank, 90 S.F. Infiltrator for accessory bldg.
Square footage of drainfield area	90 S.F.	
Depth of rock under pipe	Chamber	House
Depth of rock over pipe	Chamber	
Depth of dirt cover	1'	
No. of bedrooms system sized for	50 sqd	
Size of septic tank #1	1000	
Size of septic tank #2	N/A	
Size of lift tank	N/A	
System type	Gravity Trench	
Outside lift	<input type="checkbox"/>	
Ejector	<input type="checkbox"/>	
Gravity	<input checked="" type="checkbox"/>	
Permit fee	40	00
Surtax		50
Total	40	50

Signature [Signature] Licensed Installer Phone: 763-413-0728

Signature \_\_\_\_\_ Other than Licensed Installer Phone: \_\_\_\_\_

Date 5-17-04 Issued By [Signature]

**EXHIBIT II.**



# Site Evaluation Report

Page 1 of 2

Date 4/27/04

OFFICE COPY

CLIENT Leon Ohman 6760 213<sup>rd</sup> Ave. Elk River MN 55330

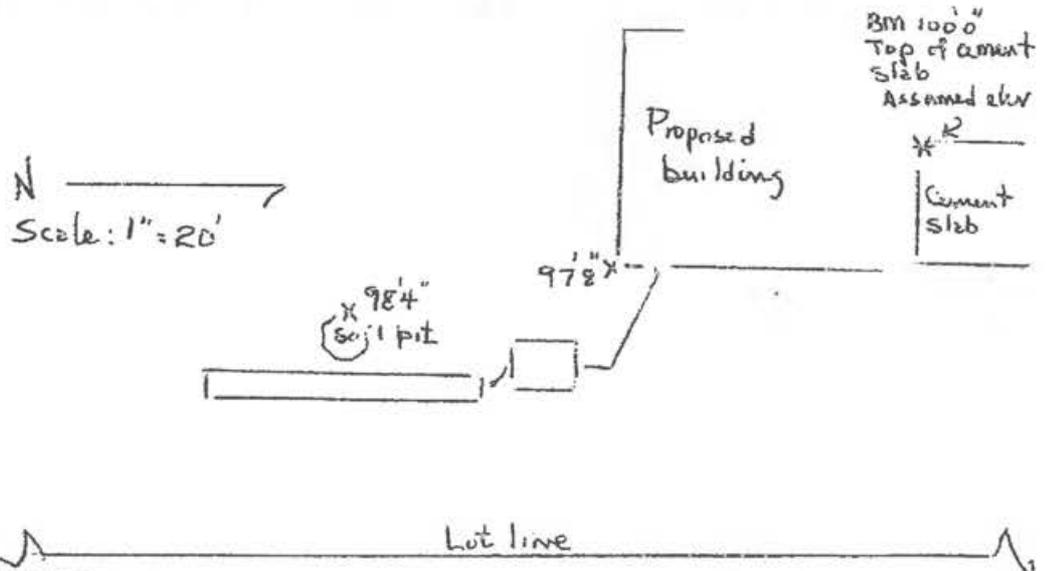
763-753-9632

LOCATION 6760 213<sup>rd</sup> Ave

- TYPE OF WORK: New Construction
- SYSTEM SERVING: Out building
- WASTE WATER FLOW: 50 gallons per day
- SEPTIC TANK(S)/SIZE: 1000 gallons
- EJECTOR PUMP: No
- PUMPING TANK: No
- DEPTH TO RESTRICTING LAYER: Pit to 60 inches
- MAXIMUM DEPTH OF DRAINFIELD: 24 inches.
- DRAINFIELD TYPE/SIZE: Trench construction using high capacity chambers. 80 square feet of drainfield. 1 trench 30 feet long.
- SETBACK FROM WELL: All wells greater than 100 feet from proposed septic system.
- SOILS AND SOIL SIZING: The soils are mapped Kingsley Fine sandy loam with a depth to seasonal high water table greater than 6 feet. A pit was excavated in the area of the proposed soil treatment area and 10yr 3/3 fine sandy loam was found to 28 inches. 28 to 60 inches 10yr 4/3 sandy loam, platy in structure with occasional mottles between plates. The permeability of the soil is between 16 to 30 minutes per inch and the soil sizing factor is based on 1.67 square feet of drainfield per gallon of waste per day.

## CONSTRUCTION REQUIREMENTS AND RECOMMENDATIONS

This proposal is for an out building with a maximum daily flow of 50 gallons per day. Plumbing fixtures will consist of a toilet and 2 or more sinks. The septic system will have a 1000 gallon septic tank and 5 high capacity infiltrator chambers ( 80 square feet ). The sewer system must be constructed in accordance with State Rules Ch. 7080 and local codes, by MPCA licensed installers. Soils must be below plastic limit before construction. Construct the system according to the site plan and attachments. After construction establish a turf over the drainfield.



### PROFESSIONAL CERTIFICATION

I hereby certify that this report was prepared by me, or under my direct supervision, and that I am a duly licensed independent Sewage Treatment System (ISTS) Designer-1 under the laws of the State of Minnesota.

*Jon M. Christensen*  
Jon M. Christensen (763-427-0116)  
ISTS License Number: 293



**BURNS TOWNSHIP  
BUILDING DEPARTMENT  
(763) 274-2311**

**CORRECTION NOTICE**

*Thurs* Date: 6-17-04 Time: 1:30

Job Address: 6760-215<sup>th</sup> Ave -

Inspection: Final

- PASS     MAKE CORRECTIONS & CONTINUE
- FAIL     RE-INSPECTION REQUIRED BEFORE COVERING WORK

I have this day inspected this structure and these premises and have found the following violations of Township and/or State laws governing same:

" B+T+S "

OK

You are hereby notified that no work shall be covered until the above violations are corrected.

W. Olson  
Inspector for Building Dept.

BURNS TOWNSHIP  
BUILDING DEPARTMENT  
(763) 441-1347

**CORRECTION NOTICE**

Date: 4-24-07 Time: 8:30

Job Address: 6760 213 TH AVE

Inspection: RESIDING FINAL

PASS  FAIL  MAKE CORRECTIONS & CONTINUE  
I have this day inspected this structure and these premises and have found the following violations of Township and/or State laws governing same:

RESIDING O.K.

You are hereby notified that no work shall be covered until the above violations are corrected. When corrections have been made, call for re-inspection.

B.R.  
Inspector for Building Dept.

**DO NOT REMOVE THIS TAG**

BURNS TOWNSHIP  
BUILDING DEPARTMENT  
(763) 441-1347

**CORRECTION NOTICE**

Date: 4-1-07 Time: 8:30

Job Address: 6760 213 TH AVE. 02-226

Inspection: FINAL ON ENTRYWAY

PASS  FAIL  MAKE CORRECTIONS & CONTINUE  
I have this day inspected this structure and these premises and have found the following violations of Township and/or State laws governing same:

FINAL ON ENTRYWAY - O.K.

You are hereby notified that no work shall be covered until the above violations are corrected. When corrections have been made, call for re-inspection.

B.R.  
Inspector for Building Dept.

**DO NOT REMOVE THIS TAG**

JUL-13-2013 05:09PM FROM-A-LINE ROOFING  
**BUHNS TOWNSHIP**  
18800 Nowthen Boulevard NW • Anoka, MN 55308  
Phone (763) 441-1347

+7637690131

T-207 P.001/001 F-000

No 9883

OFFICIAL RECEIPT

Date 4-24 2007

Received of A-Line Const.

DOLLARS \$ 75.50

For permit # 07-042  
6760-213th Ave

FUND	ACCOUNT	AMOUNT
	<u>Permit</u>	<u>75.00</u>
	<u>Tax</u>	<u>.50</u>

Lyle Ann Zinke-Bell  
TOWN CLERK/TREASURER  
edit # 8742

# BURNS TOWNSHIP

PERMIT # 04-021

OFFICE OF BUILDING INSPECTOR  
19800 Nowthen Boulevard NW  
Anoka, Minnesota 55303  
Phone (763) 441-1347

Applicant to complete numbered spaces only.

JOB ADDRESS <b>6760 - 213<sup>th</sup> Ave NW.</b>																														
1	LOT NO.	BLK	TRACT																											
2	OWNER <b>Leon Ohman</b>	ADDRESS	ZIP PHONE <b>753-9632</b>																											
3	CONTRACTOR <b>self</b>	ADDRESS	PHONE LICENSE NO.																											
4	LONG LEGAL DESCRIPTION																													
5																														
6																														
7	USE OF BUILDING																													
8	CLASS OF WORK: <input type="checkbox"/> NEW HOME <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> GARAGE <input type="checkbox"/> POLE BLDG <input checked="" type="checkbox"/> OTHER																													
9	DESCRIBE WORK: <b>Install gas line &amp; free standing parlor stove.</b>																													
10	OCCUPANCY <b>R-3</b>	TYPE OF CONST.	TOTAL SQ. FT. NO. OF STORIES																											
11	OPEN PERMITS. <input type="checkbox"/> YES <input type="checkbox"/> NO	ZONING <b>Res/urban</b>	NO. OF DWELLING UNITS REQUIRED PARKING																											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2">SEWAGE SYSTEM</th> </tr> <tr> <td>TYPE OF SYSTEM</td> <td></td> </tr> <tr> <td>TANK CAPACITY</td> <td></td> </tr> <tr> <td>SIZE OF DRAIN FIELD</td> <td></td> </tr> <tr> <td>TESTING</td> <td></td> </tr> <tr> <td>CONTRACTOR</td> <td></td> </tr> </table>		SEWAGE SYSTEM		TYPE OF SYSTEM		TANK CAPACITY		SIZE OF DRAIN FIELD		TESTING		CONTRACTOR		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2">PLUMBING</th> </tr> <tr> <td>NO. OF FIXTURES</td> <td></td> </tr> <tr> <td>CONTRACTOR</td> <td></td> </tr> </table>		PLUMBING		NO. OF FIXTURES		CONTRACTOR										
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		VALUATION \$ _____																												
<p align="center"><b>NOTICE</b></p> <p>THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.</p> <p><b>Leon Ohman</b> <u>2-13-04</u> PRINT NAME (DATE)</p> <p><i>[Signature]</i> <u>2-13-04</u> SIGNATURE OF CONTRACTOR OR OWNER (DATE)</p> <p><i>[Signature]</i> <u>2-13-04</u> APPROVED BY BUILDING OFFICIAL (DATE)</p>		<p>SPECIAL CONDITIONS:</p> <p align="right"><i>ok 2-17-04 [Signature]</i></p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 20px;"> <thead> <tr> <th>PERMIT</th> <th>FEE</th> <th>SURTAX</th> </tr> </thead> <tbody> <tr> <td>BUILDING</td> <td></td> <td></td> </tr> <tr> <td>PLAN CHECK</td> <td></td> <td></td> </tr> <tr> <td>PLUMBING</td> <td></td> <td></td> </tr> <tr> <td>HEATING</td> <td align="right"><u>23.50</u></td> <td align="right"><u>50</u></td> </tr> <tr> <td>FIREPLACE</td> <td></td> <td></td> </tr> <tr> <td>SEPTIC</td> <td></td> <td></td> </tr> <tr> <td>MAIL BOX POST</td> <td></td> <td></td> </tr> <tr> <td>TOTAL</td> <td align="right"><u>23.50</u></td> <td align="right"><u>50</u></td> </tr> </tbody> </table>		PERMIT	FEE	SURTAX	BUILDING			PLAN CHECK			PLUMBING			HEATING	<u>23.50</u>	<u>50</u>	FIREPLACE			SEPTIC			MAIL BOX POST			TOTAL	<u>23.50</u>	<u>50</u>
PERMIT	FEE	SURTAX																												
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SEPTIC																														
MAIL BOX POST																														
TOTAL	<u>23.50</u>	<u>50</u>																												

TOTAL FEE COLLECTED \$ 24.00  
BY *[Signature]* CHK # 5404

# BURNS TOWNSHIP

OFFICE OF BUILDING INSPECTOR

PERMIT # 89-70

PHONE 441-4731

TOTAL FEE COLLECTED \$ 52.00

DOUBLE FEE COLLECTED  
ACCOUNT ORDINANCE  
VIOLATION

Date 8-30 1989

Structure Used As POLE BLDG

Plan Number

Owner LENN OHMAN

Address 6720 213 RD AVE NW

Contractor OWNER

Address

To carry out the work specified in this permit on the following described property, subject to all rules and regulations of the issuing Department, provisions of the Building Code, all other ordinances of the Township of Burns, all other applicable rules, regulations, and provisions of law enacted and promulgated by municipal, state and/or federal authority, and may be revoked upon violation of any of the above stipulations.

Lot Existing Block \_\_\_\_\_ Addition \_\_\_\_\_

Size of lot \_\_\_\_\_ Wide \_\_\_\_\_ x \_\_\_\_\_ Long \_\_\_\_\_ Acres

Street No. 6720 213 RD AVE NW

### DESCRIPTION OF BUILDING

FRONT	DEPTH	STORIES	CONSTRUCTION	ROOF	TO BE USED AS
<u>30</u>	<u>X 56</u>	<u>11'</u>	<u>POLE &amp; STEEL</u>	<u>STEEL</u>	<u>POLE BLDG</u>
	<u>X</u>				

Surcharge Valuation 5,000.00 Excluding (Land) \_\_\_\_\_ Floor Area, (Gross) \_\_\_\_\_

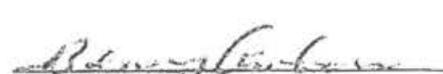
Distance from front lot line \_\_\_\_\_ Ft. From \_\_\_\_\_ side lot line \_\_\_\_\_ Ft. From \_\_\_\_\_ side lot line \_\_\_\_\_ Ft.

Distance from rear line \_\_\_\_\_ Ft. Distance between garage & house \_\_\_\_\_ Ft.

PERMIT	FEE	SURTAX
Building	<u>50.50</u>	<u>2.50</u>
Plan Check		
Plumbing		
Heating		
Well		
Septic		
Total	<u>50.50</u>	<u>2.50</u>

SEWAGE SYSTEM		PLUMBING	
Type of system		No. of fixtures	
Tank capacity		Contractor	
Size of drain field		<b>WELL</b>	
Testing		Size	
Contractor		Depth	
<b>HEATING</b>		G.P.M.	
Type of system		Contractor	
Contractor			

  
Applicant

  
Chief Building Officer

# BURNS TOWNSHIP

OFFICE OF BUILDING INSPECTOR

PERMIT # 88-19

TOTAL FEE COLLECTED \$ 484.50      DOUBLE FEE COLLECTED ACCOUNT ORDINANCE VIOLATION      Date 4-25 1988

Structure Used As DWELLING & GARAGE      Plan Number

Owner LEON CHAMAN      Address ELK RIVER, MN

Contractor CHAMAN BROS. CONST.      Address

To carry out the work specified in this permit on the following described property, subject to all rules and regulations of the issuing Department, provisions of the Building Code, all other ordinances of the Township of Burns, all other applicable rules, regulations, and provisions of law enacted and promulgated by municipal, state and/or federal authority, and may be revoked upon violation of any of the above stipulations.

Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_

PART OF N.W. 1/4 OF N.W. 1/4 OF SEC. 15 T.27 R.45  
LYING W. OF E. 1031'

Size of lot \_\_\_\_\_ Width 288.5 x 1216 Long \_\_\_\_\_ 8.72 Acres

Street No. 6760 219TH AVE. N.W.

### DESCRIPTION OF BUILDING

FRONT	DEPTH	STORIES	CONSTRUCTION	ROOF	TO BE USED AS
<u>76</u>	<u>x 26</u>	<u>1</u>	<u>FRAME</u>	<u>CAMP</u>	<u>DWELLING &amp; GAR</u>
	<u>x</u>				

Searcher's Valuation \$ 87,000.00      Excluding (Land)      Floor Area, (Gross) 1300 sq

Distance from front lot line 224 Ft.      From L side lot line 70 Ft.      From \_\_\_\_\_ side lot line \_\_\_\_\_ Ft.

Distance from rear line \_\_\_\_\_ Ft.      Distance between garage & house \_\_\_\_\_ Ft.

PERMIT	FEE	SURTAX
Building	<u>394.00</u>	<u>42.50</u>
Plan Check		
Plumbing	<u>10.00</u>	<u>.50</u>
Heating	<u>10.00</u>	<u>.50</u>
Well	<u>10.00</u>	<u>.50</u>
Septic	<u>15.00</u>	<u>.50</u>
<b>Total</b>	<b><u>439.00</u></b>	<b><u>45.50</u></b>

SEWAGE SYSTEM		PLUMBING	
Type of system		No. of fixtures	
Tank capacity	<u>1250 gal</u>	Contractor	
Size of drain field	<u>600 sq</u>	WELL	
Testing	<u>PERK</u>	Size	
Contractor		Depth	
HEATING		G.P.M.	
Type of system		Contractor	
Contractor			

Leon Chaman  
Applicant

R. Larry Anderson  
Chief Building Officer

# BURNS TOWNSHIP

PERMIT # 02-226

OFFICE OF BUILDING INSPECTOR  
19800 Nowthen Boulevard NW  
Anoka, Minnesota 55303  
Phone (763) 441-1347

Applicant to complete numbered spaces only.

JOB ADDRESS <u>67601-213th Ave NW</u>			
1	LOT NO.	BLK	TRACT
2	OWNER <u>Leon Ohman</u>	ADDRESS	ZIP <u>763-753-4803</u>
3	CONTRACTOR <u>owner</u>	ADDRESS	PHONE <u>576-2783 wk.</u>
4	LONG LEGAL DESCRIPTION		
5			
6			
7	USE OF BUILDING <u>Residence</u>		
8	CLASS OF WORK: <input type="checkbox"/> NEW HOME <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> GARAGE <input type="checkbox"/> POLE BLDG. <input checked="" type="checkbox"/> OTHER		
9	DESCRIBE WORK: <u>10'x10' Roof over Entryway</u>		
10	OCCUPANCY <u>R-3</u>	TYPE OF CONST. <u>V-N</u>	TOTAL SQ. FT. _____ NO. OF STORIES _____
11	FIRE ZONE _____	ZONING <u>Res</u>	NO. OF DWELLING UNITS _____ REQUIRED PARKING _____

<b>SEWAGE SYSTEM</b>	<b>PLUMBING</b>	<b>HEATING</b>
TYPE OF SYSTEM	NO. OF FIXTURES	TYPE OF SYSTEM
TANK CAPACITY	CONTRACTOR	CONTRACTOR
SIZE OF DRAIN FIELD	VALUATION \$ <u>500<sup>00</sup></u>	
TESTING		
CONTRACTOR		

<p style="text-align:center;"><b>NOTICE</b></p> <p>THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 120 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 120 DAYS AT ANY TIME AFTER WORK IS COMMENCED.</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.</p> <p><u>Leon Ohman</u> PRINT NAME (DATE)</p> <p><u>Leon Ohman</u> SIGNATURE OF CONTRACTOR OR OWNER (DATE)</p> <p>APPROVED BY BUILDING OFFICIAL (DATE)</p>	<p>SPECIAL CONDITIONS:</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 20px;"> <thead> <tr> <th>PERMIT</th> <th>FEE</th> <th>SURTAX</th> </tr> </thead> <tbody> <tr> <td>BUILDING</td> <td><u>235</u></td> <td><u>50</u></td> </tr> <tr> <td>PLAN CHECK</td> <td></td> <td></td> </tr> <tr> <td>PLUMBING</td> <td></td> <td></td> </tr> <tr> <td>HEATING</td> <td></td> <td></td> </tr> <tr> <td>FIREPLACE</td> <td></td> <td></td> </tr> <tr> <td>SEPTIC</td> <td></td> <td></td> </tr> <tr> <td>TOTAL</td> <td><u>235</u></td> <td><u>.50</u></td> </tr> </tbody> </table>	PERMIT	FEE	SURTAX	BUILDING	<u>235</u>	<u>50</u>	PLAN CHECK			PLUMBING			HEATING			FIREPLACE			SEPTIC			TOTAL	<u>235</u>	<u>.50</u>
PERMIT	FEE	SURTAX																							
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FIREPLACE																									
SEPTIC																									
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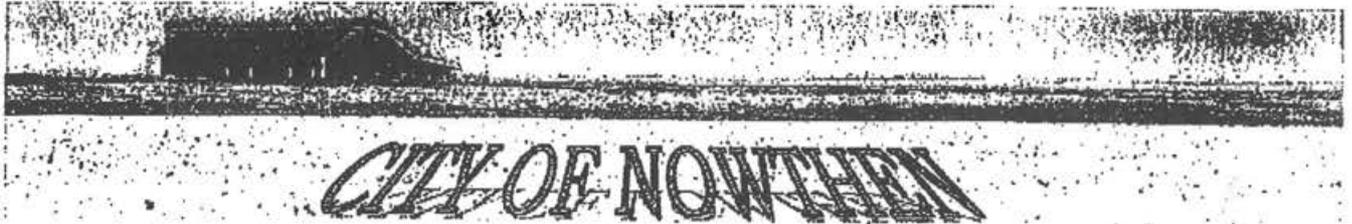
Rec # 5899

TOTAL FEE COLLECTED \$ 240  
BY [Signature] 10/21/02

|

|

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8188 199TH AVE NW, ELK RIVER MN 55330 763-441-1347 FAX: 763-441-7013

December 10, 2012

Leon Ohman  
6760 213<sup>th</sup> Avenue NW  
Elk River, MN 55330

RE: Liquor License Ord. Amendments

Dear Leon:

This letter is to inform you that your request regarding allowing you to sell on-sale, strong beer at your Farm Winery was discussed December 6<sup>th</sup>, 2012 at a City Council Workshop.

The City Council asked our Attorney to review your Farm Winery CUP prior to this meeting in order to discuss adding this amendment to the liquor license ordinance for you.

In doing so, the Attorney said that he had also seen in the November 21, 2012 edition of the Anoka County Shopper an advertisement regarding your Second Annual Goose Lake Farm and Winery Holiday Artisan Sale. He said that this type of event, as described in the Shopper, would be a potential violation of the CUP which allowed only the onsite sale of wine produced by the winery.

Attorney Ruppe suggests that if you would like to continue hosting events of this type described in the Shopper, that you would need to apply for an IUP so as to receive permission from the City to host these types of events. In this way the City could consider the types of events proposed to be held at the winery and, if the IUP is approved by the City, adopt the appropriate conditions for the health and safety of the residents of Nowthen applicable to the proposed events. These potential conditions might include amending the hours of operation, parking, additional restrooms, lighting, etc.

*where it still feels like country - - -*

Please find enclosed an application for an IUP for your convenience in order to continue hosting these types of events. We need this application back the first Tuesday of the month, but because Jan. 1<sup>st</sup> is a holiday it would be Wednesday, Jan 2<sup>nd</sup> in order to be on the Planning & Zoning Agenda for the same month (Jan. 22<sup>nd</sup>). Then that recommendation would go to the City Council for the approval the following month.

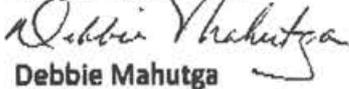
In regards to Ordinance Revision for the sale of beer at your winery, the City Council is still researching this matter and will discuss at future meetings and workshops.

If you have any questions, please call the City Offices at 763-441-1347 or any of the Council members.

Thank you.

Sincerely,

CITY OF NOWTHER



Debbie Mahutga

Administrative Assistant

Enc.

12.



3601 Thurston Avenue N, Suite 100  
Anoka, MN 55303  
Phone: 763.231.5840  
Facsimile: 763.427.0520  
TPC@PlanningCo.com

September 5, 2013

Mr. Thomas Lopez  
Rinke Noonan  
1015 W. St. Germain Street  
Suite 300 U.S. Bank Plaza  
St. Cloud, MN 56302

RE: Nowthen – Goose Lake Farm and Winery CUP (6760 213<sup>th</sup> Ave NW)  
FILE: 122.02 – 13.03

Mr. Lopez,

It has come to the City's attention recently that the Ohman property possesses several City Code violations that could potentially affect the health, safety and welfare of the general public who may attend the advertised events on the property or those persons who may otherwise be present during private gatherings. These violations represent an immediate concern for which abatement is sought in the short term and if disregarded, may mandate temporary closure of the facility to anyone not residing on the property and/or suspension of wine-making operations.

This letter serves as Administrative Notice for all City Code violations on the Ohman property, identified below. If the conditions are corrected before the compliance date there will be no further action. If the conditions and requested actions are not corrected before **September 23, 2013**, an Administrative Citation will be issued according to Chapter 1, Section 4 of the Nowthen City Code. Issuance of an Administrative Citation imposes a \$200 fine for each code violation and the City may access the Ohman's property to abate or remedy the situation. If the City abates the violation, the penalty and all additional costs are immediately due. If any fees or Administrative Citations remain unpaid, the penalty and abatement costs will be charged to the property taxes in the form of a Special Assessment.

On July 22, 2013 an inspection by Andy Schreder, Building Official, in conjunction with City Planner, Liz Stockman, identified the following violations:

1. The 8.60 acre property contains at least three (3) accessory buildings which total 8,400 square feet. This is 2,000 square feet in excess of the 6,400 square foot limitation for properties this size. Accessory buildings include all structures except the house, inclusive of the barn/pole building, green house, sales/tasting building/Peacock Loft, chicken coop, livestock shelters, etc. The action required to abate this violation is either:

Ohman Administrative Notice  
September 5, 2013  
Page 2 of 4

- a. Removal of buildings to comply with the Zoning Ordinance allowances for number and area. This property is limited to a total of three (3) accessory buildings which total 6,400 square feet or less.
  - b. Combination of the 8.6 acre parcel with the adjacent parcel to create a parcel larger than ten (10) acres. Parcels ten (10) acres or greater are not limited in terms of the number or size of accessory buildings.
2. A building permit was not obtained for the structure which serves as a sales/tasting room, production facility and Peacock Loft. The property owner claims an agricultural exception for the building was issued by the Building Official; however, there is no written evidence of this interpretation. Most likely, the small tasting and sales room built initially would have been considered agriculturally related to the production of wine and on-site sales permitted under the CUP. However, the addition of a larger production area and Peacock Loft was added without a building permit and without inspections for the publicly used (assembly occupancy) structure that where alcohol is served for onsite consumption. The action required to abate this violation is application for a building permit and to bring the building into compliance with current building codes or it cannot continue to be open to the public.
3. The existing septic system is not designed for the type or quantity of waste currently being generated by the rest room and culinary operations in the wine-making production area. The size and use of the building utilizing this system is not the same now as it was in 2004. In evaluating the design that was approved on June 17, 2004 by Barry Olson and in talking with the designer, Jon Christensen, it was determined that the system was designed at a size intended for a restroom and small hand washing sink in the tasting area. The action required to abate the violation is to hire a licensed professional designer to design a system according to today's standards. The extent of the repairs or replacement of the On-Site Septic System shall be in accordance with this Administrative Notice.
4. The property owned by the Ohmans is under three (3) separate identification numbers. The CUP is tied only to the 8.60 acre parcel upon which the majority of activities are held. If parking or other activities go beyond this specific parcel to utilize the adjacent properties, then the CUP will need to be amended. The action required to abate this violation is either:
  - a. The combination of the 8.6 acre parcel with the adjacent parcel owned by the Ohmans.
  - b. All uses, activities or operations associated with the public use of the facility must be limited to the 8.6 acre parcel.

Ohman Administrative Notice  
September 5, 2013  
Page 3 of 4

Abatement of these violations requires the Building Official to undertake a thorough inspection of the structures to identify deficient items and that the property owner must obtain a building permit prior to undertaking any modifications of the building(s) that are subject to the building code. If this process is not followed the City may take action to prohibit public occupancy of the buildings until such time as a certificate of occupancy is issued.

Please refer to the enclosed Administrative Citation Program brochure for more information regarding this notice. Also, please refer to this brochure for instructions on applying for an extension of the compliance date. You can view the full city code online at: <http://www.nowthenmn.govoffice2.com/> or you can obtain a copy at Nowthen City offices located at 8188 199<sup>th</sup> Ave NW during business hours (8:00AM to 4:00PM). It should be noted that this Notice is being sent at the direction of the Nowthen City Council in anticipation of harmonious resolution of all issues identified above.

With regard to the remaining CUP issues associated with the property, although not part of this Administrative Notice, the City has asked me to request a written response regarding their offer to work with your clients on an updated CUP and IUP. The City has made several attempts to work with your clients since December 2012 when the City Attorney notified the Ohmans that their hosted events at the property are not allowed by the Conditional Use Permit (CUP) that was approved on May 11, 2004. Specifically, the City has asked the property owners to make application for an IUP to allow the events and other activities being held at the Goose Lake Farm and Winery property that go beyond the limitations of on-site sale of wine produced by the winery as allowed under the current CUP. Contrary to the public misconceptions of the City's requests up to this point, the City would like to work cooperatively with your clients to properly permit the types of activities alleged that they would like to hold at the winery.

The City has made it clear from the beginning of these recent discussions and at the January 8, 2013 City Council meeting at which Leon Ohman was present, that application for an IUP is necessary to establish the hosted events as an allowed use of the property together with operating conditions under which the events may occur. The requirement for an IUP is required for all property owners in the City that wish to operate a business within the RRA, Rural Residential Agriculture District.

Grape growing as it occurs on the property is permitted by right under the RRA zoning. The manufacturing and on-site sale of wine for tasting was allowed by CUP. The Ohman's promote many non-agricultural related activities or uses which may be associated with a winery or other ag-tourism operation, but are not tied to the farm or farm operation and which are not considered an agriculturally-related product or use.

Ohman Administrative Notice  
September 5, 2013  
Page 4 of 4

Please contact me with any questions regarding this Administrative Notice or for any assistance you may require regarding the IUP application.

Sincerely,



Elizabeth Stockman  
City Planner  
Direct: 651-303-3670



Andy Schreder  
Building Official  
City Offices: 763-441-1347

copy: Corrie LaDoucer, City Clerk  
Bob Ruppe, City Attorney  
Leon and Cindy Ohman

13.



September 23, 2013

Direct Dial: 320-656-3518  
Gleistico@RinkeNoonan.com

Elizabeth Stockman  
City Planner  
City of Nowthen  
8188 199th Ave NW  
Elk River, MN 55330

**SENT VIA FAX ONLY: 763-427-0520**

**Re: Goose Lake Farm and Winery CUP  
Our File No. 24261-00001**

Dear Ms. Stockman:

This letter is in response to your letter dated September 5, 2013 intending to serve as Administrative Notice regarding alleged City Code violations at the Goose Lake Farm and Winery (herein after "Goose Lake") owned by Leon and Cindy Ohman.

Your letter outlined four alleged City Code violations and asked for a written response regarding CUP/IUP issues. As to each allegation, we address below our response, but note that the factual and legal explanation outlined in your Administrative Notice does not provide adequate information for Goose Lake to necessarily fully respond.

### **1. Accessory Buildings**

In the first alleged violation, you assert that the accessory buildings are in excess of the 6,400 foot limitation for properties of this size. As addressed in your letter, the Ohman's intend to initiate procedures in the next 30 days to have the current 8.6 acre parcel combined with an adjoining parcel also owned by Leon and Cindy Ohman. The current CUP will not be affected by this. If you still have concerns regarding the matter, please let me know.

### **2. Building Permit**

In the second alleged violation, you assert a building permit was not obtained for the structure which you claim serves as a "sales/tasting room, production facility and Peacock loft." You are correct that Goose Lake was informed, by the Building Official, at the time of construction the structures were entitled to and met the criteria for an agricultural exception. This makes sense because all of the structures on the property are directly related to the Farm Winery as defined in Minn. Stat. 340A.315, and as such, all of the structures are directly related to the agricultural production of wine and on-site sales permitted under the CUP. The Nowthen Building Code

Elizabeth Stockman  
Page 2

adopts by reference the Minnesota State Building Code. Minnesota Statute 326B.121 Subd. 1(c) states that the State Building code does not apply to agricultural buildings except for under two circumstances, neither of which are applicable here. Please inform me of specifically why the City is now claiming a Building Permit is required. If the City has a specific safety concern for these structures otherwise, please explain the basis, and we can arrange an inspection to be completed to satisfy there are no actual safety issues. If you still believe there is a Code or Ordinance violation regarding the Building Code, please provide a specific cite.

### **3. Septic System**

In the third alleged violation, you claim "the existing septic system is not designed for the type or quality of waste currently being generated." In fact, the current use of the septic system results in less use of the system than when originally designed. As I believe you are aware, Goose Lake primarily utilizes portable urinals for the public. If you still believe there is a Code or Ordinance violation regarding the Septic System, please provide the specific cite.

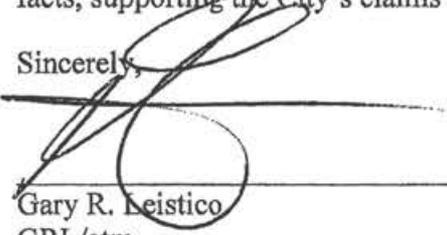
### **4. Activities Beyond CUP Property**

Goose Lake does not allow any CUP activities beyond the boundaries of the 8.60 acre parcel. If you still believe there is a Code or Ordinance violation regarding CUP activities beyond the boundaries of the 8.60 acre parcel, please provide specific examples.

### **Updating CUP/IUP**

Regarding the requirement to update the CUP or obtaining an IUP, we believe that Goose Lake is conforming to the rules and regulations of their current CUP. They are also in compliance with their license from the state as a Farm Winery under Minn. Stat. 340A.315. The City of Nowthen has chosen not to define 'Farm Winery' in their City Code. The State of Minnesota does have a definition for this type of operation, and it is very inclusive. Goose Lake is abiding by their Farm Winery License from the state and is otherwise following industry standards for the operation of these types of uses. Goose Lake would also like to work cooperatively with the City as you claim the City does. To start, could you provide me the legal basis, with specific legal authority and facts, supporting the City's claims that Goose Lake is in violation of it CUP.

Sincerely,



Gary R. Leistico  
GRL/atm

cc: Goose Lake Farm and Winery (via email only)  
Robert T. Ruppe, City Attorney (via email only: [bob@couriruppe.com](mailto:bob@couriruppe.com))

14.



The City of  
**Nowthen**  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

## ADMINISTRATIVE CITATION

Issue Date: November 4, 2013

### OPEN IMMEDIATELY

Leon Ohman  
6760 213<sup>th</sup> Ave NW  
Nowthen MN 55303

Regarding Address: **6760 213<sup>th</sup> Ave NW**

This is an **Administrative Citation** issued under Chapter 1, Section 4 of the Nowthen City Code. On September 5<sup>th</sup> of this year a letter was sent which served as an Administrative Notice in accordance with Chapter 1, Section 4 of the Nowthen City Code. This **Citation** is being given because you failed to remedy the conditions leading to the **Administrative Notice** or to make contact with the City in accordance with provisions of the Nowthen Ordinance.

On October 31st, 2013 at 3pm; the following violation(s) of Nowthen City Code were confirmed:

**Violation/ Code Reference:** Construction/ operation/ occupancy of a building without required Building Permits and associated inspections. Minnesota State Building Code (MSBC) 1300.0040 Scope: and 1300.0120 Permits required.  
**Penalty: \$200**

### **Actions Required:**

1. **Discontinue use/ occupancy of "Peacock Loft, deck area and Tasting Room" until required permits are secured and associated inspections have passed and are complete**

**Violation/ Code Reference:** Accessory buildings in excess of the number and square foot allowed by city code.  
**Penalty: \$200**

### **Actions Required**

1. **Reduce the number of accessory buildings on the property to be in conformance with Nowthen City Code section 11-4-2: Accessory Structures**

Please refer to the enclosed Administrative Citation Program brochure for more information on how to pay or appeal this citation. You can view the full city code online at: <http://www.nowthenmn.govoffice2.com/> or you can obtain a copy of the City Code at the Nowthen City offices at 8188 199<sup>th</sup> Ave NW.

Please note that if your property is not brought into compliance, subsequent citations will be issued. The City also may access your property to abate the conditions leading to the violation. If the city abates the violation, the penalty and all additional costs are immediately due. If unpaid, the penalty and any abatement costs will be charged to your property taxes in the form of a Special Assessment.

**Subsequent Fines: Each seven (7)-day period that a violation continues to exist on a property shall constitute a separate offense subject to the issuance of additional citations.**



Andy Schreder  
Nowthen Building Official  
763-274-2311

C: Corrie LaDoucer, City Clerk  
Liz Stockman, City Planner

15.



**RINKE NOONAN**  
*attorneys at law*

November 8, 2013

Direct Dial: 320-656-3518  
Gleistico@RinkeNoonan.com

Andy Schreder  
Building Official  
City of Nowthen  
8188 199th Ave NW  
Nowthen, MN 55330

**Re: Goose Lake Farm and Winery Administrative Citation  
Our File No. 24261-0001**

Dear Mr. Schreder:

This letter is in response to the purported Administrative Citation (herein after "Citation") issued by the City of Nowthen (herein after "City") to Leon Ohman, owner of Goose Lake Farm and Winery (herein after "Goose Lake") dated November 4, 2013.

As an initial matter, Goose Lake takes issue with the Citation on multiple levels. First, Section 1-4-3(A)2 of the Nowthen City Code states that an Administrative Notice "shall identify the Code Offense." The September 5 letter to Goose Lake that the City apparently intended to serve as Administrative Notice did not identify a Code Offense for any of the alleged violations. This lack of identification renders the Notice ineffective. Section 1-4-3B(1) of the Nowthen City Code states that a Citation may be issued for a Code Offense, "provided an Administrative Notice has first been issued in regard to said Code Offense." Because an effective Administrative Notice has not been issued, a Citation cannot be properly issued in compliance with Nowthen City Code.

Second, assuming the Administrative Notice is valid; one of the stated reasons for the Citation is that Goose Lake failed to contact the City after receiving the letter intending to serve as an Administrative Notice dated September 5, 2013. This office, on behalf of Goose Lake, sent a letter via fax on September 23, 2013 to City Planner Elizabeth Stockman in response to the City's September 5 letter; see attached. In that response, we addressed each alleged violation and asked the City to specifically identify both the factual and legal basis on which each violation relied upon. No further response from the City was received until the purported Citation.

Notwithstanding the above, and again assuming the Citation was valid, the Citation identifies two alleged violations: 1) the construction/operation/occupancy of a building without required Building Permits and associated inspections; and 2) accessory buildings in excess of the number and square foot allowed by city code.

Suite 300 US Bank Plaza  
1015 W. St. Germain St.  
P.O. Box 1497  
St. Cloud, MN 56302  
320.251.6700

[www.rinkenoonan.com](http://www.rinkenoonan.com)

Andy Schreder  
November 8, 2013  
Page 2

Regarding the alleged building permit violation, Goose Lake will continue to assert the position that the "Peacock Loft, deck area and Tasting Room" are entitled to and meet the criteria for an agricultural exemption. These structures are directly related to the Farm Winery as defined in Minn. Stat. 340A.315, and as such, all of the structures are directly related to the agricultural production of wine and on-site sales permitted under the CUP. Chapter 1300.0120 of the Minnesota State Building Code (MSBC) is cited by the City as requiring Goose Lake to obtain a permit. Subpart 4(A)(13) of that same chapter also provides an exemption for agricultural buildings. The exemption does not apply in only two specific circumstances, neither of which is applicable here.

Finally, in regard to the alleged accessory building violation, on October 16, 2013 the enclosed application was filed with the Anoka County Property Records and Taxation Department to combine the 8.6 acre parcel with an adjoining parcel also owned by Leon and Cindy Ohman. This newly formed parcel will now be in compliance with Nowthen City Code Section 11-4-2.

A hearing on the Administrative Citation is being requested using the proper format as provided by the City pursuant to Nowthen City Code Section 1-4-4. Please contact me with any questions.

Sincerely,



Gary R. Leistico  
GRL/atm

Enclosures

cc: Goose Lake Farm and Winery (w/encls. via email only) X  
Robert T. Ruppe, City Attorney (w/encls. via email only: [bob@couriruppe.com](mailto:bob@couriruppe.com)) X

16.



The City of  
**Nowthen**  
Where it still feels like country

1188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

## ADMINISTRATIVE NOTICE

Leon Ohman  
6760 213<sup>rd</sup> Ave NW  
Nowthen MN 55303

Issue Date: 11-14-2013

Regarding Address: 6760 213<sup>rd</sup> Ave NW  
Nowthen, MN 55303

This is a Revised Administrative Notice issued under Nowthen City Ordinance 2013-07. Please note that the original Administrative Notice issued on September 5, 2013 and the Administrative Citation dated November 4, 2013 are hereby rescinded by the City.

If you correct the conditions leading to this Notice before the compliance date there will be no further action. If the conditions are not corrected as of the compliance date, an Administrative Citation will be issued.

I am in receipt of a letter from your counsel dated November 8<sup>th</sup> of this year. In this communication there were several points of previous communications that were apparently not clear enough for you to understand or process. This letter is intended to further clarify the City of Nowthen position and clearly identify the necessary steps in order to reach full compliance with all City and State requirements.

On 11-13-2013 the following violation of Nowthen City Code was documented.

**Violation:** Construction, operation, occupancy of a building without required Building Permits and related inspections.

**City Code/Summary:** Nowthen City Code Section 9-1-1 adopts by reference the State Building Code. Specifically, Section 9-1-1. A, states:

"The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted, and published from time to time, by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference as to the building code for this jurisdiction excepting of the optional chapters unless specifically adopted in Section 9-1-1.B of this Chapter. This code is hereby incorporated in this Section as if fully set out herein."

It has been determined by the City Building Official that you have failed to obtain the required building permit for a structure located on your property commonly known as the "pencock loft, deck area and Tasting Room" as this building does not currently meet the criteria for an agricultural exemption as this structure is not directly related to the Farm Winery as defined in Minnesota Statute Section 340A.513 and is used for events unrelated to the agricultural activities. Therefore, this building is in violation of City Code Section 9-1-1 and various sections of the Minnesota State Building Code Chapter including but not limited to, sections 1300.0040 and 1300.0120:

- \* Section 1300.0040 states in relevant part: "The Code applies to the construction, alteration, moving, demolition, repair, and use of any building, structure, or building service equipment in a municipality." and



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Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

- Section 1309.0120 states in relevant part: "An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure... shall first make application to the building official and obtain the required permit."

**Action Required:** Discontinue use/occupancy of any structure open to the public until such time that mandated Building Permits are secured and related inspections have passed.

**Compliance Date:** 11-29-2013

**Potential Fine:** \$200

Please refer to the enclosed Administrative Citation Program brochure for more information regarding this notice. Also, refer to this brochure for instructions on applying for an extension of the compliance date. You can view the full city code online at [www.nowthenmn.gov/citycode](http://www.nowthenmn.gov/citycode) or you can obtain a copy at Nowthen City offices located at 8188 199<sup>th</sup> Ave NW.

Please note that if your property is not brought into compliance by the date listed above, the City may issue an Administrative Citation and/or access your property to abate or remedy the situation. If the City abates the violation, the penalty and all additional costs are immediately due. If any fees or Administrative Citations remain unpaid, the penalty and abatement costs will be charged to your property taxes in the form of a Special Assessment.

Please contact me in the event that you have any questions.

Andy Schroder  
Building Official  
763-753-2610

CC: Corrie LaDruccer, City Clerk  
Liz Stockman, City Planner

17.



November 25, 2013

Direct Dial: 320-656-3518  
Gleistico@RinkeNoonan.com

Andy Schreder  
Building Official  
City of Nowthen  
8188 199th Ave NW  
Nowthen, MN 55330

**SENT VIA FAX NO. 763-441-7013 AND U.S. MAIL**

**Re: Goose Lake Farm and Winery Administrative Notice of November 14, 2013  
Our File No. 24261-0001**

Dear Mr. Schreder:

This letter is in response to the Administrative Notice dated November 14, 2013, issued by the City of Nowthen (herein after "City") to Leon Ohman, owner of Goose Lake Farm and Winery (herein after "Goose Lake").

The November 14, 2013 Administrative Notice states that the Administrative Notice of September 5, 2013 and the Administrative Citation of November 4, 2013 have been rescinded. Goose Lake has appealed those matters in compliance with the Nowthen Administrative Citation Program. Despite the fact that the City has rescinded the aforementioned items, Goose Lake retains its appeal while the November 14, 2013 Administrative Notice is dealt with because the issues are substantially similar. The Nowthen Administrative Citation Program provides that all penalties and compliance will be suspended until the appeal is heard by a neutral, third-party Hearing Officer. Therefore, this letter should be understood by the City to act as an appeal of any related forthcoming Administrative Citation.

The November 14, 2013 Administrative Notice alleges a violation for the "Construction/operation/occupancy of a building without required Building Permits and related inspections." As stated in previous correspondence with the City, Goose Lake continues to assert its position that the "Peacock Loft, deck area and Tasting Room" are entitled to and meet the criteria for an agricultural exemption. These structures are directly related to the Farm Winery as defined in Minn. Stat. 340A.315, and as such, all of the structures are directly related to the agricultural production of wine and on-site sales permitted under Goose Lake's Farm Winery License and by their CUP. There is no use of the "Peacock Loft, deck area and Tasting Room" not directly related to the Farm Winery. Although your November 14, 2013 Administrative Notice states otherwise, the Notice does not state specifically why the use of the "Peacock Loft, deck area and Tasting Room" do not meet the agricultural building exemption. Goose Lake again

Andy Schreder  
November 25, 2013  
Page 2

asks what specifically is the basis on which the City claims the use of these building areas do not meet the agricultural building exemption. Goose Lake is unaware of any "events unrelated to the agricultural activities [sic]" that are being conducted.

On behalf of Goose Lake, I would request the City to clarify which "events" are at issue. Goose Lake does not allow any events not related directly to the Farm Winery.

Chapter 1300.0120 of the Minnesota State Building Code is cited by the City as requiring Goose Lake to obtain a permit. Subpart 4(A)(13) of that same chapter also provides an exemption for agricultural buildings. The exemption does not apply in only two specific circumstances, neither of which is applicable here. Therefore, Goose Lake is not in violation of the Minnesota State Building Code or the Nowthen City Code.

Sincerely,

  
\_\_\_\_\_  
Gary R. Leistico  
GRL/atm

Cc: Goose Lake Farm & Winery (*Via Email*)

18.



The City of  
**Nowthen**  
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Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

## ADMINISTRATIVE CITATION

Issue Date: December 30, 2013

Gary Leistico  
RINKE NOONAN  
Suite 300 US Bank Plaza  
1015 W. St. Germain St.  
P.O. Box 1497  
St. Cloud, MN 56302

Regarding Address: **6760 213<sup>th</sup> Ave NW**  
Property Identification Number(s): **15-33-25-21-0003**

Dear Mr. Leistico:

This Administrative Citation is being sent to you as the attorney for Leon and Cinthia Ohman. This is an **Administrative Citation** issued under Chapter 1, Section 4 of the Nowthen City Code. On November 14th, 2013, you were issued an **Administrative Notice** due to the violation(s) present on your client's property. This **Citation** is being given because you clients have failed to remedy the conditions leading to the **Administrative Notice**.

On December 30, 2013 at 2pm the following violation(s) of Nowthen City Code was/were found to continue to exist:

**Violation:** Construction/ operation/ occupancy of a building without required Building Permits and related inspections

**City Code/Summary:** Nowthen City Code Section 9-1-1 adopts by reference the Minnesota State Building Code. Specifically, Section 9-1-1. A. states:

"The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted, and published from time to time, by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference as to the building code for this jurisdiction, excepting of the optional chapters unless specifically adopted in Section 9-1-1.B of this Chapter. This code is hereby incorporated in this Section as if fully set out herein."

JAN 02 2014

It has been determined by the City Building Official that your clients have failed to obtain the required building permit for a structure located on their property commonly known as the "Peacock Loft, deck area and Tasting Room" as this building does not currently meet the criteria for an agricultural exemption. It has been observed that this structure is being used for events unrelated to the agricultural activities. Therefore, this building is in violation of City Code Section 9-1-1 and various sections of the Minnesota State Building Code Chapter Including, but not limited to, sections 1300.0040 and 1300.0120:

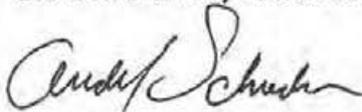
- Section 1300.0040 states in relevant part: "The Code applies to the construction, alteration, moving, demolition, repair, and use of any building, structure, or building service equipment in a municipality..." and
- Section 1300.0120 states in relevant part: "An owner or authorized agent who intends to construct, enlarge, alter, repair, move demolish or change the occupancy of a building or structure . . . shall first make application to the building official and obtain the required permit."

**Penalty: \$200.00**

**Action Required:** Discontinue use/occupancy of any structure open to the public until such time that mandated Building Permits are secured and related inspections have passed.

A letter dated November 25, 2013 from your office allegedly maintains the appeal to a citation that has already been rescinded. It is not necessary or even possible to continue with an appeal to a citation that no longer exists. If your client chooses to file an appeal to the current citation, please complete the enclosed form and return it to this office. Nowthen City Code Section 1-4-4: requires any appeal to be postmarked within 15 calendar days from the issuance date.

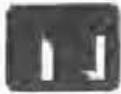
Please refer to the enclosed Administrative Citation Program brochure for more information on how to appeal this citation. You or your clients can view the full City Code by contacting staff at the Nowthen City offices at 8188 199<sup>th</sup> Ave NW.



Andy Schreder  
Nowthen Building Official  
763-274-2311

C: Corrie LaDoucer, City Clerk  
Liz Stockman, City Planner  
Bob Ruppe, City Attorney  
Nowthen City Council

19.



January 13, 2014

Direct Dial: 320-656-3518  
Gleistico@RinkeNoonan.com

Andy Schreder  
Building Official  
City of Nowthen  
8188 199th Ave NW  
Nowthen, MN 55330

**SENT VIA FAX NO. 763-441-7013 AND U.S. MAIL**

**Re: Goose Lake Farm and Winery Administrative Citation  
Our File No. 24261-0001**

Dear Mr. Schreder:

This letter is in response to the Administrative Citation (herein after "Citation") issued by the City of Nowthen (herein after "City") to Leon and Cindy Ohman, owners of Goose Lake Farm and Winery (herein after "Goose Lake") dated December 30, 2013.

The City has summarily stated that the structures currently do not meet the criteria for an agricultural exemption due to use "unrelated to agricultural activities." The City has not provided any support for this statement or identified any specific disqualifying conduct.

Goose Lake will continue to assert the position that the "Peacock Loft, deck area and Tasting Room" are entitled to and meet the criteria for an agricultural exemption. These areas listed by the City are merely individual rooms in one continuous and non-segmented farm structure. This structure is directly related to the Farm Winery as defined in Minn. Stat. 340A.315, and as such, is directly related to the agricultural production of wine and on-site sales permitted under the CUP. Chapter 1300.0120 of the Minnesota State Building Code (MSBC) is cited by the City as requiring Goose Lake to obtain a permit. Subpart 4(A)(13) of that same chapter also provides an exemption for agricultural buildings. The exemption does not apply in only two specific circumstances, neither of which is applicable here.

A hearing on the Citation is being requested using the format provided by the City via email from the City Clerk and pursuant to Nowthen City Code Section 1-4-4, as there were no enclosures included with the Citation. Please contact me with any questions.

Sincerely,

 for

Gary R. Leistico

GRL/atm

Suite 300 US Bank Plaza  
1015 W. St. Germain St.  
P.O. Box 1497  
St. Cloud, MN 56302  
320.251.6700

Andy Schreder  
January 13, 2014  
Page 2

cc: Goose Lake Farm and Winery (via email only)  
Robert T. Ruppe, City Attorney (via email only: [bob@couriruppe.com](mailto:bob@couriruppe.com))  
Corrie LaDoucer, City Clerk (via US Mail and fax: 763-441-7013)

20.



7550 Sunwood Dr NW  
Ramsey, MN 55303  
763-427-4452  
[www.ci.ramsey.mn.us](http://www.ci.ramsey.mn.us)

March 5, 2014

Goose Lake Farm and Winery  
ATTN: Leon & Cindy Ohman  
6760 213 Ave NW  
Nowthen, MN 55303

**Reference: Fire Code Violations**

Mr. & Mrs. Ohman,

On February 27<sup>th</sup>, 2014 Tom Jensen with the State Fire Marshal's Office and myself conducted a fire inspection of your facility. While doing so we noted several violations of the Minnesota Fire Code that need correction. The violations noted include:

1. Ref # 817, Code MSFC 2007 Section 605.4.2 **Violation**- Electrical cords shall not pass through walls, ceilings, doorways or other locations where the cords are subjected to damage. Power taps must be connected directly to an outlet. **Remarks**- Remove cord passing thru wall from cold storage to production room. **Days to correct 30**
2. Ref # 819, Code MSFC 2007 Section 605.5 **Violation**- Remove extension cords that are being used as a substitute for permanent wiring. **Remarks**-Electrician to install cord and plug for ceiling lights into an approved receptacle in production room. **Days to correct 30**
3. Ref # 896, Code MSFC Section 906.1 **Violation**-Provide portable fire extinguishers in the following locations and sized as required by MSFC 906.3 **Remarks**-Install 1 multipurpose fire extinguisher on each level mounted 42 inches off the floor to top of handle. Minimum size 2A 10 B C (5 lb.) **Days to correct 30**
4. Ref # 1014, Code MSFC 2007 Section 1027.21 **Violation**-Provide approved aisles and aisle access ways having minimum widths as required by occupant load served in accordance with MSFC 1005.1 but not less than the widths required in MSFC Table 1027.21 **Remarks**- Provide 24 inches access aisle from 2<sup>nd</sup> floor seating area around tables to a 36 inch wide exit path to the stairway **Days to correct 60**
5. Ref # 926, Code MSFC 2007 Section 1004.3 **Violation**-Post occupant load on an approved sign in a conspicuous location near the main exit of the room. **Remarks**-Post occupant load sign at the top of stair on the 2<sup>nd</sup> floor for 49 occupants to comply with code for one exit. Section 1027.23 **Days to correct 60**
6. Ref # 926, Code MSFC 2007 Section 1004.3 **Violation**-Post the occupant load on an approved sign in a conspicuous location near the main exit of the room. **Remarks**- Post occupant load sign at the main entrance door. Actual number to be determined. **Days to correct 60**
7. Ref # 774, Code MSFC 2007 Section 404.1 **Violation**- Provide approved fire safety and fire evacuation plans. **Remarks**-Develop fire safety and evacuation plans. Post floor plan showing exits. **Day to correct 60**
8. Ref # 990, Code MSFC 2007 Section 1027.7 **Violation**-Ensure that exit doors serving an occupant load of 50 or more persons swing in the direction of egress travel. **Remarks**- Main entrance door shall be changed so door swings out. **Days to correct 60**

9. Ref # 992, MSFC 2007 Section 1027.7 **Violation-** Provide approved panic hardware or fire exit hardware. **Remarks-** Install panic hardware on 2 required exits from main floor. **Days to correct 60**
  
10. Ref # 984, MSFC 2007 Section 1027.3 **Violation-** Provide approved exit signs for rooms, area, or floor levels where two or more exits are required. Exit signs shall be internally or externally illuminated to a minimum intensity of 5 foot-candles (54 lux) **Remark-** Install exit signs with battery back up at main floor required exits **Days to correct 60**
  
11. Ref # 987, MSFC 2007 Section 1027.5 **Violation-** Ensure that the means of egress is illuminated at all times the building space served by the means of egress is occupied. The means of egress illumination shall not be less than one foot-candle (11 lux) at the floor level, or a minimum of 0.2 foot candle (2.2 lux) during assembly performances or projections involving directed light. **Remarks-** Provide emergency egress lighting on 1<sup>st</sup> floor. Could be installed as part of the exit signs. **Days to correct 60**
  
12. Ref # 982, MSFC 2007 Section 1027.1.4 **Violation-** Provide approved exiting width in accordance with MSFC 1005.1 **Remarks-** Maintain 36 inch wide path to exit doors on 1<sup>st</sup> floor. **Days to correct 60**
  
13. Ref # 1011, MSFC 2007 Section 1027.19 **Violation-** Provide exiting as necessary to ensure that the common path of egress travel does not exceed the maximum distance allowed in MSFC Table 1027.17.4. The common path of egress travel is that portion of the exit access which the occupants are required to traverse before two separate and distinct paths of egress travel to two exits are available. **Remarks-** Install a second exit from the main floor along the south wall near the overhead garage door. Second exit is required for common path of travel from the second floor and occupant load over 50 on the main floor. **Days to correct 60**

**Inspection remarks:**

It was determined that a second exit from the 2<sup>nd</sup> floor is not required based on an occupant load of less than 50 persons. Common path of egress travel from the 2<sup>nd</sup> floor to the main exit on 1<sup>st</sup> floor was approximately 94 feet. With this and an occupant load over 50 on 1<sup>st</sup> floor requires a second exit to be installed along the south wall on the 1<sup>st</sup> floor. With 2 exits required, exit signs and emergency lighting are required along with panic hardware on the 1<sup>st</sup> floor exit doors. Additional items not discussed during the inspection with the owners are the requirements in Chapter 4 for emergency planning and preparedness. The building does not meet the definitions in Minnesota Statute 326B.103 Subd 3 for Agricultural Buildings.

I appreciate your efforts with assisting me in making the businesses of Nowthen a safe place to visit and work. Please feel free to call me @ 763.433.9832 with questions. Please contact me when the violations have been corrected. If I have not heard from you I will contact you on or about April 5<sup>th</sup> 2014.

Sincerely,

Carey Schiferli  
Fire Marshal

21.



7550 Sunwood Drive NW  
Ramsey, MN 55303  
Business (763) 427-4452  
Fax (763) 427-7071

April 14, 2014

Goose Lake Farm and Winery  
6760 213 Ave NW  
Nowthen, MN 55303

**Reference: Fire Code Violations**

To whom it may concern,

This letter is confirming that a fire inspection was performed at Goose Lake Farm and Winery on February 27<sup>th</sup>. On that date 13 fire code violations were found on the property. A list of the violations and the corrections were emailed to you as well as a copy was sent via US mail. On 04-10-14 at your request I came to your property to re inspect the violations noted. All of the violations that were pointed out have been corrected.

Sincerely,

A handwritten signature in black ink, appearing to read "Carey Schiferli".

Carey Schiferli  
Fire Marshal  
City of Ramsey

22.

**COURI & RUPPE, P.L.L.P**

**Michael C. Couri\***  
**Robert T. Ruppe\*\***

*\*Also Licensed in Illinois*

*\*\*Also Licensed in California*

*Attorneys at law*  
705 Central Avenue East  
PO Box 369  
St. Michael, MN 55376-0369  
**(763) 497-1930**  
**(763) 497-2599 (FAX)**  
[www.couriruppe.com](http://www.couriruppe.com)

April 9, 2014

**Via Email and First Class Mail**  
[gleistico@rinkenoonan.com](mailto:gleistico@rinkenoonan.com)

Gary Leistico  
Rinke Noonan  
1015 W St Germain St.  
St Cloud, MN 56303

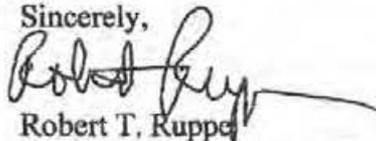
Re: City of Nowthen; Ohman Administrative Citation  
6760 213<sup>th</sup> Ave NW, Nowthen, MN 55303

Dear Mr. Leistico:

Please be advised that the City Council voted on April 8, 2014 to dismiss the Administrative Notice issued on November 14, 2013 and the Administrative Citation dated December 30, 2013. The Council did not take this action lightly but given your client's continued improvements to the "Peacock Loft" without obtaining the legally required building permits the Council felt that immediate action is necessary to protect the health and safety of the public. This action would not be possible given the "stay" issued by Mr. Mattick if the Citation remained in place.

Your cooperation and courtesy in this matter is greatly appreciated. If you have any questions or require further documentation, please do not hesitate to contact this office.

Sincerely,



Robert T. Ruppe  
Couri & Ruppe, P.L.L.P.

Cc: Soren M. Mattick

23.



The City of  
**Nowthen**  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

April 16, 2014

Leon & Cinthia Ohman  
6760 213th Ave NW  
Elk River MN 55330

Mr. & Mrs. Ohman:

This letter is intended to summarize my determination regarding the need for required permits and the occupancy classification of a structure used for assembly purposes and retail sales at the Goose Lake Farm and Winery located in Nowthen Minnesota.

The property in question is 6760—213<sup>th</sup> Avenue NW Nowthen Minnesota 55330 and consists of a single family dwelling, several accessory buildings and a structure utilized for manufacturing wine, wine tasting, events and sales.

Minnesota State Building Code (MSBC) chapter 1300.0030 subpart 1. states the purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations. Section 1300.0120 subpart 1. States "An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit."

I am aware of the fact that you have erected, and operate a business from, a structure for which you have not obtained the required building, mechanical, plumbing, septic or electrical permits. Furthermore, I am aware of the fact that you have recently made additional repairs/modifications to this building and its electrical systems again without the required permits. As the owners of this property and persons responsible for this construction, you have taken the position that the building in question is exempt from permit requirements in accordance with Chapter 1300.0120 subpart 4 as an Agricultural Building. Such buildings are exempt from this process provided they conform to all requirements of MN Statute 16B.60 subdivision 5.

*[www.nowthenmn.gov/office2.com](http://www.nowthenmn.gov/office2.com)*

As defined by this section, an Agricultural Building must be designed, constructed and used to house farm implements, livestock or agricultural products under section 273.13 subdivision 23. Under subsection 3, it must also be used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products. It appears that the building is being used for more than just agricultural purposes under this definition. You have publicized the use of the building for social functions and/or food or drink consumption, in addition to the production of wine products.

It is my determination that this building and its use is in fact an **Assembly** occupancy under the description given by section 303 titled **Use and Occupancy Classification of the MSBC**.

Any dispute to my interpretation as the occupancy classification of this building and the need to obtain the required permits is to be channeled to the Minnesota Department of Labor and Industry. Please complete the enclosed **Application to the State Appeals Board** and bring it to the Nowthen City offices for my signature. This form is then to be submitted to the **Construction Codes and Licensing Division** at the address indicated on the application. This Application is to be submitted to the State of Minnesota no later than May 1st 2014. Scheduling of this matter will then be taken over by representatives of the State of Minnesota.

Until this matter is resolved, I request you not allow any member of the general public access to any buildings or portions thereof that have not been inspected and received a Certificate of Occupancy for the anticipated use.

If you have any questions regarding this determination please contact me at the number listed below.

Sincerely,



Andy Schreder CBO  
Nowthen Building Official  
8188—199<sup>th</sup> Ave NW  
Elk River MN 55330  
763-441-7013

24.



The City of  
**Nowthen**  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

State Appeals Board  
Department of Labor and Industry  
Building Codes and Standards Division

April 28, 2014

This information is intended to supplement a letter dated April 16th, 2014 which I wrote as Building Official for the City of Nowthen. It is in regards to the occupancy classification of a building and a determination that permits are required for a specified scope of work.

This issue stems from building activity at the Goose Lake Farm Winery located at 6760—213th Ave NW in the City of Nowthen, Minnesota. According to the property owners, Leon and Cynthia Ohman, the structure was built in phases starting in 2004. Additions were then constructed in 2005, 2006 and 2008. The building also underwent electrical and building modifications recently without permits nor inspections.

I became aware of the circumstances in July of last year as I reviewed previous City Council meeting minutes where the situation was discussed. I learned that a building and the grounds of this property were being used by the general public and that the City was trying to work with the owners for an updated Conditional Use Permit for the various events and activities.

It was at this point that I started looking more into the issue. I reviewed a document prepared by City Planner Liz Stockman which details an inspection she conducted at the property on February 4th of 2013. Ms. Stockman observed 4 buildings on the property whereas the property file only indicates one building received a building permit and the related inspections. This building is the single family dwelling on the property. Several other permits are in the property file but they related to the dwelling itself and on-site sewage treatment systems. Ms. Stockman is in charge of ensuring compliance with Zoning provisions and I have been directed by the City Council to verify compliance with the Minnesota State Building Code.

On July 22 of 2013, I was allowed to inspect the property with the owners present. From the photos submitted within this document (obtained from the Goose Lake Farm and Winery website), you can see the building consists of two floors connected by a centrally located stairway. The main floor contains a retail sales area, a bar setting in the center and a manufacturing/kitchen area in the rear. Up the stairway to the second floor is a room containing another bar, seating area and access to an exterior deck. Please note the only access to this deck is from the interior of the second floor.

Leon Ohman informed me at that time they were providing wine tastings throughout the building and

also rented rooms for various events. According to Mr. Ohman, and information obtained from the Goose Lake Farm and Winery website, these events include private parties, painting classes, comedy presentations and Friday night happy hour.

Some aspects of the use of this structure may have recently changed; the Ohman's attorney verbally informed City staff they no longer plan to host events or allow the building to be let out for rent. They do, however, plan to continue to provide wine tasting and retail sales out of the building which would allow the general public access to all portions of this building including the upper level and exterior deck.

While in the building, I observed several code violations which would subject the occupants to undue harm in the event of an emergency. Section 1009.10 of the MSBC requires a handrail on each side of a stairway, whereas the stairway leading to the second level of this building has only one. Section 903.2.1.2 stipulates that an automatic sprinkler system shall be provided for this type of occupancy *where the fire area is located on a floor other than the level of exit discharge*. The second level of this building is only accessed from the interior stairway and it does not contain an approved fire suppression system.

There is one restroom located on the main floor of the building. It does not contain all the provisions spelled out in the Minnesota Accessibility Code. Furthermore, the on-site septic system installed in 2004 is inadequate for the waste it is receiving. According to the designer Jon Christensen, the system was not designed to accept the volume of waste this occupancy would likely generate, nor is it designed to handle the high strength waste from the culinary operations occurring during the wine making process. Looking at the design information included with this submittal, one can see it was designed for an "out building". This issue is being addressed through the applicable channels of Minnesota Rules 7080.

The Ohman's and their attorney contend this building falls within the definition of an Agricultural Building in accordance with State Statute and therefore is exempt from the permit process. While MN Rules 1300.0120 Subpart 4 does in fact exempt Agricultural Buildings, the building in question does not meet the definition specified by Minnesota State Statute 326B.103. Both references are included for your review.

It is my determination that the building and its use are more closely associated with an Assembly Occupancy in accordance with Chapter 3 of the MSBC.

Assembly or Group A occupancies include, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption, or similar activities. As this building is used by the general public for social and recreational gatherings, that portion is to be classified as an Assembly. The area on the first floor used for retail sales could arguably be classified as M or Mercantile.

Review Minnesota State Statute 326B.103 which in Subdivision 3 defines an Agricultural Building. In order to meet this definition in its entirety the building needs to meet all three points. It must be:

1. located on agricultural land
2. designed, constructed, and used to house farm implements, livestock, or agricultural products, and
3. used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

*www.nowthenmn.govoffice2.com*

It is on this third point where the building fails to meet the definition of an Agricultural Building as it is used by the general public. The owners have made the building available and plan to continue to have it open to those wishing to taste and purchase wine and other retail goods which are offered for sale. The USE of a building is paramount when considering whether or not the permitting process stipulated by the Minnesota State Building code is required. If the building were only used by the owner or their employees, this exemption may very well apply. However, since by definition the general public are not owners or employees, this exemption does not apply.

I would like to reference a Memorandum from Scott McLellan, Director at the Construction Codes and Licensing division of the Department of Labor and Industry. Mr. McLellan addresses the subject of the agricultural building exemption in the state building code. He states, "It should be noted that an "agricultural building" cannot be for use by the public such as for retail sales, mini-storage, riding lessons, livestock shows, etc" This is precisely the USE proposed by the owners— retail sales open to the general public. This memorandum is included for your reference.

Information from the Anoka County Assessor's Office further demonstrates that from a regulatory standpoint, this building and its USE are not agricultural in nature. County officials have the duty of assigning a Property Classification for the purpose of determining a property value used in the calculation of property taxes. While the Ohman's property does include some agricultural uses, county staff also sees the commercial uses at the building in question, as something other than agricultural in nature. Please find included herein the Property Account Summary for this parcel for the years up to and including 2015. You will see that a portion of the buildings are classified as 3A-Commercial. According to Randy DeJong from the Anoka County Assessor's Office, this is because of the commercial USE of the building in question.

The Minnesota Property Tax Administrator's Manual provides direction and additional information about the agricultural designation and related purposes. Please find included with this information Module #3 which cites the example of a vineyard. According to this division of the State of Minnesota, the portion used to grow grapes and store produce should be classified as 2a agricultural land while the areas of the property used for wine production, tasting, sales, etc., should be classified as class 3a commercial/industrial. Property Classifications for the Ohman property include both Agricultural and Commercial. Please find the relevant documents of this manual attached for your reference.

In summary, Council members of the City of Nowthen as well as staff consider the protections afforded by the Minnesota State Building code critical for members of the general public who will occupy this building. The possibility of catastrophe due to gas leaks, unsafe equipment or structural integrity, unhealthy indoor air quality, lack of sanitary plumbing systems, or lack of proper exiting and fire suppression are various reasons why conformance with all provisions of the proper Occupancy are not only required by Minnesota State Building Code, but required to ensure a basic level of safety.

Thank you for your consideration,



Andy Schreder  
Nowthen Building Official  
Nowthen Minnesota

25.

**Rule 41. Dismissal of Actions****41.01 Voluntary Dismissal; Effect Thereof**

(a) **By Plaintiff by Stipulation.** Subject to the provisions of Rules 23.05, 23.09 and 66, an action may be dismissed by the plaintiff without order of court (1) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (2) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

(b) **By Order of Court.** Except as provided in clause (a) of this rule, an action shall not be dismissed at the plaintiff's instance except upon order of the court and upon such terms and conditions as the court deems proper. If a counterclaim has been pleaded by a defendant prior to the service upon the defendant of the plaintiff's motion to dismiss, the action shall not be dismissed against the defendant's objection unless the counterclaim may remain pending for independent adjudication by the court. Unless otherwise specified in the order, a dismissal herein is without prejudice.

(Amended effective March 1, 1994; amended effective January 1, 2006.)

**Advisory Committee Comment - 1993 Amendment**

*The amendment to this rule is made to conform the rule to its counterpart in the Federal Rules of Civil Procedure, Fed. R. Civ. P. 41(a)(1). The existing rule in Minnesota seems to the committee archaic, establishing time requirements on the commencement of terms of court. Since 1977, Minnesota trial courts have had continuous terms. Minnesota Statutes, section 484.08 (1992).*

*The former rule has permitted parties to dismiss claims without prejudice even after extensive discovery or other pretrial proceedings have taken place. Dismissal without prejudice has also been possible after the trial court has issued orders on preliminary matters. The right to dismiss on the eve of trial has prejudiced defendants or has required courts to consider motions to deny a plaintiff the right to dismiss without prejudice. The committee is of the opinion that the right to dismiss without prejudice ought to be limited to a fairly short period after commencement of the action when prejudice to opponents is likely to be minimal.*

*The Advisory Committee considered recommending a change to Rule 53 to make express provision for the use of referees in alternative dispute resolution and settlement proceedings, but has concluded that amendment of the rule is not necessary inasmuch as the rule now permits use of referees for this purpose in limited appropriate circumstances.*

*The Advisory Committee is also mindful that the Minnesota Supreme Court Alternative Dispute Resolution Implementation Committee has recently submitted its Final Report dated August 25, 1993. The Advisory Committee is of the opinion that that Report can be considered independently of the recommendations of this committee. The committee also believes that if more specific and comprehensive rules on the use of referees in alternative dispute resolution are advisable, such rules might better be incorporated in Rules for Alternative Dispute Resolution.*

**Advisory Committee Comment - 2006 Amendment**

*Rule 41.01(a) is amended to renumber one of the rule cross-references to reflect the amendment and renumbering of Rule 23 as part of the amendments effective January 1, 2006.*

**41.02 Involuntary Dismissal; Effect Thereof**

(a) The court may upon its own initiative, or upon motion of a party, and upon such notice as it may prescribe, dismiss an action or claim for failure to prosecute or to comply with these rules or any order of the court.

(b) After the plaintiff has completed the presentation of evidence, the defendant, without waiving the right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law, the plaintiff has shown no right to relief. In an action tried by the court without

## MINNESOTA COURT RULES

### CIVIL PROCEDURE

2

a jury, the court as trier of the fact may then determine the facts and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the plaintiff, the court shall make findings as provided in Rule 52.01.

(c) Unless the court specifies otherwise in its order, a dismissal pursuant to this rule and any dismissal not provided for in this rule or in Rule 41.01, other than a dismissal for lack of jurisdiction, for forum non conveniens, or for failure to join a party indispensable pursuant to Rule 19, operates as an adjudication upon the merits.

#### **41.03 Dismissal of Counterclaim, Cross-Claim, or Third-Party Claim**

The provisions of Rules 41.01 and 41.02 apply to the dismissal of any counterclaim, cross-claim, or third-party claim.

#### **41.04 Costs of Previously Dismissed Action**

If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the court may make such order for the payment of costs of the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order.

26.

**STATEMENT OF PROPERTY TAXES PAYABLE IN 2004 FOR ANOKA COUNTY, MINNESOTA** 510

STATE COPY

2003

2004

PIN: **R15 33 25 12 0008**

Estimated Market Value: **231000**  
 Taxable Market Value: **210300**  
 New Construction Value: **N/A**

**246000**  
**235500**  
**0**

**OWNER**  
**OHMAN LEON & CINTHIA JOAN**  
**6760 213TH AVE NW**  
**ELK RIVER, MN 55330**

Property Class:

**RES HSTD**

**RES HSTD**

**TAXPAYER**  
**OHMAN LEON E**  
**6760 213TH AVE NW**  
**ELK RIVER, MN 55330**

M-1PR Line 1 Amount \$ **1747.08**  
 M-1PR Line 2 Amount \$ **1620.94**  
 Line 6 Amount \$ **1620.94**

If this box is checked, you owe delinquent taxes and are not eligible.....  Detach this stub and include it with your M-1PR form when applying for a refund.

DETACH HERE

DETACH HERE

PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE

**ANOKA COUNTY**

**STATEMENT OF PROPERTY TAXES PAYABLE IN 2004**

Maureen J. Devine, Division Manager  
 Property Records and Taxation  
 ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
 ANOKA, MN 55303 (763)323-5400



PIN: **R15 33 25 12 0008**

**00944036**

**TAXPAYER**

**TS**

**OWNER**

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

**Property Description**

THAT PRT OF NW1/4 OF NE1/4 OF  
 SEC 15 TWP 33 RGE 25 LYG W OF  
 E 1031 FT THEREOF, AS MEAS ALG  
 ACRES: **8.60**  
**HST**  
**1R 156400 1R**  
**6760 NW 213TH AVE**

Property Class:

**2003**

**2004**

**RES HSTD**

**RES HSTD**

Improvements Excluded:

**N/A**

**0**

New Improvements:

**N/A**

**0**

Est. Market Value:

**231000**

**246000**

Taxable Market Value:

**210300**

**235500**

1. Use this amount on Form M-1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.

**1747.08**  
**1620.94**

2. Use this amount for the special property tax refund on schedule 1 of Form M-1PR.

**YOUR PROPERTY TAX And How It is Reduced By The State**

- 3. Your property tax before reduction by state-paid aids and credits.
- 4. Aid paid by the State of Minnesota to reduce your property tax.
- 5. Credits paid by the State of Minnesota to reduce your property tax:
  - A. Market value homestead credit and agricultural credit.
  - B. Agricultural preserve credit.

**6811.04**  
**5007.10**  
**160.00**  
**0.00**  
**1620.94**

6. Your property tax after reduction by state-paid aids and credits

**WHERE YOUR PROPERTY TAX DOLLARS GO**

- 7. County
- 8. County/Municipal Public Safety Radio System
- 9. City or town
- 10. State general tax
- 11. School district **15**

**712.39**  
**14.26**  
**268.48**  
**0.00**

- A. Voter approved levies
- B. Other local levies

**440.80**  
**107.44**

- 12. Special taxing districts:
  - A. Metropolitan special taxing districts
  - B. Other special taxing districts
  - C. Tax increment
  - D. Fiscal disparity

**37.20**  
**50.39**  
**0.00**  
**0.00**  
**0.00**

13. Non-school voter approved referenda levies

**1620.94**

14. Total property tax before special assessments

**1747.08**

15. Special assessments added to this tax bill

**0.00**

- A. Solid waste management charge
- B. Contamination tax

**36.09**  
**0.00**

16. Your total property tax, special assessments and charges

**1657.03**

17. Pay this amount no later than **May 15, 2004**

**891.59**

18. Pay this amount no later than **October 16, 2004**

**891.58**

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply

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STATEMENT OF PROPERTY TAXES PAYABLE IN 2004 FOR ANOKA COUNTY, MINNESOTA

STATE COPY

PIN: R15 33 25 21 0001

Estimated Market Value: 64400  
 Taxable Market Value: 32100  
 New Construction Value: N/A

2003

2004

OWNER  
 OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

Property Class:

AG NON-HSTD

AG NON-HSTD

TAXPAYER  
 OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

M-IPR Line 1 Amount \$ 0.00  
 M-IPR Line 2 Amount \$ 0.00  
 Line 6 Amount \$ 274.30

If this box is checked, you owe delinquent taxes and are not eligible for a refund.  Detach this stub and include it with your M-IPR form when applying for a refund.

DETACH HERE

DETACH HERE

PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE

**ANOKA COUNTY**

STATEMENT OF PROPERTY TAXES PAYABLE IN 2004

Maureen J. Devine, Division Manager  
 Property Records and Taxation  
 ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
 ANOKA, MN 55303 (763)323-5400



PIN: R15 33 25 21 0001

00211309

TAXPAYER

TS

OWNER

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

Property Description	Property Class:	2003	2004
		AG NON-HSTD	AG NON-HSTD
UNPLATTED BURNS TWP E1/2 OF NE1/4 OF NW1/4 15-33-25 ACRES: 20.00 NHS 1V 0 1V			
Improvements Excluded:		N/A	0
New Improvements:		N/A	0
Est. Market Value:		64400	64400
Taxable Market Value:		32100	38600
1. Use this amount on Form M-IPR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.		0.00	0.00
2. Use this amount for the special property tax refund on schedule 1 of Form M-IPR.			
<b>YOUR PROPERTY TAX And How It Is Reduced By The State</b>			
3. Your property tax before reduction by state-paid aids and credits.		1038.58	1109.36
4. Aid paid by the State of Minnesota to reduce your property tax.		764.28	829.96
5. Credits paid by the State of Minnesota to reduce your property tax:			
A. Market value homestead credit and agricultural credit.		0.00	0.00
B. Agricultural preserve credit.		0.00	0.00
6. Your property tax after reduction by state-paid aids and credits		274.30	279.40
<b>WHERE YOUR PROPERTY TAX DOLLARS GO</b>			
7. County		121.06	135.86
8. County/Municipal Public Safety Radio System		2.42	2.10
9. City or town		43.93	51.42
10. State general tax		0.00	0.00
11. School district: 16			
A. Voter approved levies:		73.76	57.69
B. Other local levies:		18.26	15.89
12. Special taxing districts:			
A. Metropolitan special taxing districts:		6.32	6.69
B. Other special taxing districts:		8.66	9.85
C. Tax increment:		0.00	0.00
D. Fiscal disparity:		0.00	0.00
13. Non school voter approved referendum levies:		0.00	0.00
14. Total property tax before special assessments:		274.30	279.40
15. Special assessments added to this tax bill:			
A. Solid waste management charge:		0.00	0.00
B. Contamination tax:		0.00	0.00
16. Your total property tax, special assessments and charges:		274.30	279.40
17. Pay this amount no later than <b>May 15, 2004</b>			139.70
18. Pay this amount no later than <b>November 15, 2004</b>			139.70

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.

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STATEMENT OF PROPERTY TAXES PAYABLE IN 2004 FOR ANOKA COUNTY, MINNESOTA

STAYERS COPY  
 PIN: R15 33 25 24 0001  
 Estimated Market Value:  
 Taxable Market Value:  
 New Construction Value:

	2003	2004
Estimated Market Value:	11500	11500
Taxable Market Value:	6400	7400
New Construction Value:	N/A	0

OWNER  
 OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

Property Class: AG NON-HSTD AG NON-HSTD

TAXPAYER  
 OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

M-IPR Line 1 Amount	\$	0.00
M-IPR Line 2 Amount	\$	54.68
Line 6 Amount	\$	53.55

If this box is checked, you owe delinquent taxes and are not eligible.  Detach this stub and include it with your M-IPR form when applying for a refund

DETACH HERE DETACH HERE

PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE



STATEMENT OF PROPERTY TAXES PAYABLE IN 2004

Maureen J. Devine, Division Manager  
 Property Records and Taxation  
 ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
 ANOKA, MN 55303 (763)323-5400



PIN: R15 33 25 24 0001 00211345

TAXPAYER TS OWNER

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330

Property Description	Property Class:	2003	2004
		AG NON-HSTD	AG NON-HSTD
UNPLATTED BURNS TWP SE1/4 OF NW1/4 15-33-25			
ACRES: 40.00			
1V 0 1V			
Improvements Excluded:		N/A	0
New Improvements:		N/A	0
Est. Market Value		11500	11500
Taxable Market Value		6400	7400
1. Use this amount on Form M-IPR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible		<input type="checkbox"/>	0.00
2. Use this amount for the special property tax refund on schedule 1 of Form M-IPR		0.00	0.00
<b>YOUR PROPERTY TAX And How It is Reduced By The State</b>			
3. Your property tax before reduction by state-paid aids and credits		207.06	212.66
4. Aid paid by the State of Minnesota to reduce your property tax		152.38	169.11
5. Credits paid by the State of Minnesota to reduce your property tax:			
A. Market value homestead credit and agricultural credit		0.00	0.00
B. Agricultural preserve credit		0.00	0.00
6. Your property tax after reduction by state-paid aids and credits		54.68	53.55
<b>WHERE YOUR PROPERTY TAX DOLLARS GO</b>			
7. County		24.13	26.06
8. County/Municipal Public Safety Radio System		0.48	0.40
9. City or town		8.76	9.96
10. State general tax		0.00	0.00
11. School district 16			
A. Voter approved levies		14.70	11.06
B. Other local levies		3.64	3.05
12. Special taxing districts:			
A. Metropolitan special taxing districts		1.26	1.27
B. Other special taxing districts		1.71	1.85
C. Tax increment		0.00	0.00
D. Fiscal disparity		0.00	0.00
13. Non-school voter approved referenda levies		0.00	0.00
14. Total property tax before special assessments		54.68	53.55
15. Special assessments added to this tax bill			
A. Solid waste management charge		0.00	0.00
B. Contamination tax		0.00	0.00
16. Your total property tax, special assessments and charges		54.68	53.55
17. Pay this amount no later than <b>May 15, 2004</b>			26.78
18. Pay this amount no later than <b>November 15, 2004</b>			28.77

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply. DETACH HERE DETACH HERE

**STATEMENT OF PROPERTY TAXES PAYABLE IN 2005 FOR ANOKA COUNTY, MINNESOTA**

**STATE COPY**

Property I.D.: 15-33-25-24-0001 REAL  
 Estimated Market Value:  
 Taxable Market Value:  
 New Improvements:

2004	2005
11,500	11,500
7,400	8,500

Owner(s): OHMAN LEON E

Taxpayer(s): OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-0000

Property Class(es): Ag Non-Hstd Ag Hstd

M-1PR Line 1 Amount	\$		\$0.00
M-1PR Line 2 Amount	\$	0.00	
Line 6 Amount	\$	53.55	\$7.77

Detach this stub and include it with your M-1PR form when applying for a refund.

**TAXPAYER COPY**

**STATEMENT OF PROPERTY TAXES PAYABLE IN 2005**

PLEASE SAVE THIS STATEMENT  
 FOR FUTURE REFERENCE

ANOKA COUNTY, MINNESOTA  
 Maureen J. Davine, Division Manager  
 Property Records and Taxation  
 ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
 ANOKA, MN 55303 (763)323-5400



Owner(s): OHMAN LEON E  
 Property I.D.: 15-33-25-24-0001 REAL  
 Property description: THE SE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, SUBJ TO EASE OF REC

UNASSIGNED SITUS BURNS, MN 00000-0000  
 TCA: 46015- ACRES: 40.00 LINKED PROPERTY: 3 of 3

**Taxpayer(s):**  
 OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466

Property Class(es):	2004	2005
	Ag Non-Hstd	Ag Hstd
Improvements Excluded:		
New Improvements/ Expired Exclusions:		
Estimated Market Value:	11,500	11,500
Taxable Market Value:	7,400	8,500

1. Use this amount on Form M-1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible	<input type="checkbox"/>	\$0.00
2. Use this amount for the special property tax refund on schedule 1 of Form M-1PR		\$0.00
<b>Your Property Tax And How It Is Reduced By The State</b>		
3. Your property tax before reduction by state-paid aids and credits		\$212.66
4. Aid paid by the state of Minnesota to reduce your property tax		\$159.11
5. Credits paid by the state of Minnesota to reduce your property tax:		
A. Homestead and agricultural credits		\$0.00
B. Other credits		\$0.00
6. Your property tax after reduction by state-paid aids and credits		\$53.55
<b>Where Your Property Tax Dollars Go</b>		
7. County		\$26.06
8. County/municipal public safety radio system		\$0.40
9. City or town		\$9.86
10. State general tax		\$0.00
11. School district: 15:		
A. Voter approved levies		\$11.06
B. Other local levies		\$3.05
12. Special taxing districts:		
A. Metropolitan special taxing districts		\$1.27
B. Other special taxing districts		\$1.85
C. Tax increment		\$0.00
D. Fiscal disparity		\$0.00
13. Non-school voter approved referenda levies		\$0.00
14. Total property tax before special assessments		\$53.55
15. Special assessments added to this tax bill:		
A. Waste management special assessments		\$0.00
B. Conamination tax		\$0.00
16. Your total property tax and special assessments		\$53.55

Pay this amount no later than **May 15, 2005**  
 Pay this amount no later than

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.

**STATEMENT OF PROPERTY TAXES PAYABLE IN 2005 FOR ANOKA COUNTY, MINNESOTA**

**STATE COPY**

Property I.D.: 16-33-26-12-0008 REAL

	<b>2004</b>	<b>2005</b>
Estimated Market Value:	246,000	253,100
Taxable Market Value:	235,500	253,100
New Improvements:		
Property Class(es):	Res Hstd	Ag Hstd

Owner(s): OHMAN LEON & CINTHIA JOAN

Taxpayer(s): OHMAN LEON & CINTHIA JOAN  
6760 213TH AVE NW  
ELK RIVER, MN 55330-0000

M-1PR Line 1 Amount	\$		\$1,549.89
M-1PR Line 2 Amount	\$	1,747.10	
Line 6 Amount	\$	1,747.08	\$1,578.80

If this box is checked, you owe delinquent taxes and are not eligible for a refund.  Delatch this stub and include it with your M-1PR form when applying for a refund.

**TAXPAYER COPY**

**STATEMENT OF PROPERTY TAXES PAYABLE IN 2005**

PLEASE SAVE THIS STATEMENT  
FOR FUTURE REFERENCE

ANOKA COUNTY, MINNESOTA  
Maureen J. Devine, Division Manager  
Property Records and Taxation  
ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
ANOKA, MN 55303 (763)323-5400



Owner(s): OHMAN LEON & CINTHIA JOAN Property I.D.: 16-33-26-12-0008 REAL Property description: THAT PRT OF NW1/4 OF NE1/4 OF SEC 16 TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC  6760 213TH AVE NW BURNS, MN 55330-0000 TCA: 46016- ACRES: 8.60 LINKED PROPERTY: 1 of 3    Taxpayer(s): OHMAN LEON & CINTHIA JOAN 6760 213TH AVE NW ELK RIVER, MN 55330-8466	Property Class(es):	<b>2004</b>	<b>2005</b>
		Res Hstd	Ag Hstd
Improvements Excluded:			
New Improvements/Expired Exclusions:			
Estimated Market Value:		246,000	253,100
Taxable Market Value:		235,500	253,100
1. Use this amount on Form M-1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible	<input type="checkbox"/>		\$1,549.89
2. Use this amount for the special property tax refund on schedule 1 of Form M-1PR		\$1,747.10	
<b>Your Property Tax And How It Is Reduced By The State</b>			
3. Your property tax before reduction by state-paid aids and credits		\$6,970.89	\$6,176.27
4. Aid paid by the state of Minnesota to reduce your property tax		\$5,063.60	\$4,324.72
5. Credits paid by the state of Minnesota to reduce your property tax:			
A. Homestead and agricultural credits		\$160.00	\$271.76
B. Other credits		\$0.00	\$0.00
6. Your property tax after reduction by state-paid aids and credits		\$1,747.08	\$1,678.80
<b>Where Your Property Tax Dollars Go</b>			
7. County		\$761.60	\$661.61
8. County/municipal public safety radio system		\$11.61	\$10.02
9. City or town		\$284.25	\$284.80
10. State general tax		\$0.00	\$0.00
11. School district: <b>15:</b>			
A. Voter approved levies		\$401.39	\$404.30
B. Other local levies		\$117.92	\$129.20
12. Special taxing districts:			
A. Metropolitan special taxing districts		\$36.94	\$31.49
B. Other special taxing districts		\$63.37	\$57.38
C. Tax increment		\$0.00	\$0.00
D. Fiscal disparity		\$0.00	\$0.00
13. Non-school voter approved referenda levies		\$0.00	\$0.00
14. Total property tax before special assessments		\$1,747.08	\$1,678.80
15. Special assessments added to this tax bill:			
A. Waste management special assessments		\$36.09	\$36.09
B. Contamination tax		\$0.00	\$0.00
16. Your total property tax and special assessments		\$1,783.17	\$1,614.89

Pay this amount no later than **May 15, 2005** \$807.44  
Pay this amount no later than **November 15, 2005** \$807.45

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.

STATEMENT OF PROPERTY TAXES PAYABLE IN 2005 FOR ANOKA COUNTY, MINNESOTA

STATE COPY

Property I.D.: 15-33-25-21-0001 REAL

Estimated Market Value: 64,400  
 Taxable Market Value: 38,600  
 New Improvements:

2004 2005

66,900  
 47,500

Owner(s): OHMAN LEON E & CINTHIA

Taxpayer(s): OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-0000

Property Class(es): Ag Non-Hstd

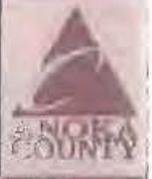
Ag Hstd

M-1PR Line 1 Amount \$ \$0.00  
 M-1PR Line 2 Amount \$ 0.00  
 Line 6 Amount \$ 279.40

If this box is checked, you owe delinquent taxes and are not eligible for a refund.  Detach this stub and include it with your M-1PR form when applying for a refund.

TAXPAYER COPY

STATEMENT OF PROPERTY TAXES PAYABLE IN 2005



PLEASE SAVE THIS STATEMENT  
 FOR FUTURE REFERENCE

ANOKA COUNTY, MINNESOTA  
 Maureen J. Devine, Division Manager  
 Property Records and Taxation  
 ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
 ANOKA, MN 55303 (763)323-5400

Owner(s): OHMAN LEON E & CINTHIA  
 Property I.D.: 15-33-25-21-0001 REAL  
 Property description: THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15  
 TWP 33 RGE 26, EX RD, SUBJ TO EASE OF REC  
 UNASSIGNED SITUS BURNS, MN 00000-0000  
 TCA: 46016- ACRES: 20.00 LINKED PROPERTY: 2 of 3  
 Taxpayer(s): OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466

Property Class(es):	2004	2005
	Ag Non-Hstd	Ag Hstd
Improvements Excluded:		
New Improvements/ Expired Exclusions:		
Estimated Market Value:	64,400	66,900
Taxable Market Value:	38,600	47,500

1. Use this amount on Form M-1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.	<input type="checkbox"/>	\$0.00
2. Use this amount for the special property tax refund on schedule 1 of Form M-1PR		\$0.00
<b>Your Property Tax And How It is Reduced By The State</b>		
3. Your property tax before reduction by state-paid aids and credits	\$1,109.36	\$658.22
4. Aid paid by the state of Minnesota to reduce your property tax	\$829.96	\$473.47
5. Credits paid by the state of Minnesota to reduce your property tax:		
A. Homestead and agricultural credits	\$0.00	\$142.50
B. Other credits	\$0.00	\$0.00
6. Your property tax after reduction by state-paid aids and credits	\$279.40	\$42.25
<b>Where Your Property Tax Dollars Go</b>		
7. County	\$136.96	\$18.76
8. County/municipal public safety radio system	\$2.10	\$0.30
9. City or town	\$51.42	\$8.50
10. State general tax	\$0.00	\$0.00
11. School district: 15:		
A. Voter approved levies	\$57.69	\$7.93
B. Other local levies	\$15.89	\$3.12
12. Special taxing districts:		
A. Metropolitan special taxing districts	\$6.69	\$0.94
B. Other special taxing districts	\$9.65	\$1.71
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
13. Non-school voter approved referenda levies	\$0.00	\$0.00
14. Total property tax before special assessments	\$279.40	\$42.25
15. Special assessments added to this tax bill:		
A. Waste management special assessments	\$0.00	\$0.00
B. Contamination tax	\$0.00	\$0.00
16. Your total property tax and special assessments	\$279.40	\$42.25

*Handwritten note:* FURNISH

Pay this amount no later than May 15, 2005  
 Pay this amount no later than

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.

STATEMENT OF PROPERTY TAXES PAYABLE IN 2006 FOR ANOKA COUNTY, MINNESOTA

STATE COPY

Owner(s): OHMAN LEON & CINTHIA JOAN

2005

2006

Property I.D.: 15-33-25-12-0008 REAL  
 Estimated Market Value: 253,100 274,900  
 Taxable Market Value: 253,100 274,900  
 New Improvements:

Taxpayer(s):

Property Class(es): Ag Hstd Ag Hstd

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466

*1-05-2  
 pd check # 589c / 2 of 2  
 Paid - 10-24-06  
 # 5723*

M1PR Line 1 Amount: \$1,916.90  
 M1PR Line 2 Amount: \$1,549.89  
 Line 6 Amount: \$1,578.80  
 If this box is checked, you owe delinquent taxes and are not eligible.....

Detach this stub and include it with your M1PR form when applying for a refund.

TAXPAYER COPY

PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE

STATEMENT OF PROPERTY TAXES PAYABLE IN 2006 ANOKA COUNTY, MINNESOTA

Maureen J. Devine, Division Manager  
 Property Records and Taxation  
 ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
 ANOKA, MN 55303 (763)323-5400



Owner(s): OHMAN LEON & CINTHIA JOAN  Property I.D.: 15-33-25-12-0008 REAL Property description: THAT PRT OF NW1/4 OF NE1/4 OF SEC 18 TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC 6760 213TH AVE NW BURNS, MN 55330-0000 TCA: 48015- ACRES: 8.80 LINKED PROPERTY: 1 of 3 Taxpayer(s): OHMAN LEON & CINTHIA JOAN 6760 213TH AVE NW ELK RIVER, MN 55330-8466	Property Class(es):	2005 Ag Hstd	2006 Ag Hstd
		Ag Hstd	
	New Improvements/ Expired Exclusions:		
	Estimated Market Value:	253,100	274,900
	Taxable Market Value:	253,100	274,900
1. Use this amount on Form M1PR to see if you're eligible for a property tax refund File by August 15. If box is checked, you owe delinquent taxes and are not eligible		<input type="checkbox"/>	\$1,916.90
2. Use this amount for the special property tax refund on schedule 1 of Form M1PR Your Property Tax And How it is Reduced By The State		\$1,549.89	
3. Your property tax before reduction by state-paid aids and credits		\$6,175.27	\$6,717.69
4. Aid paid by the state of Minnesota to reduce your property tax		\$4,324.72	\$4,613.76
5. Credits paid by the state of Minnesota to reduce your property tax:			
A. Homestead and agricultural credits		\$271.75	\$249.40
B. Agricultural preserve credit		\$0.00	\$0.00
6. Your property tax after reduction by state-paid aids and credits		\$1,578.80	\$1,954.53
Where Your Property Tax Dollars Go			
7. County:			
A. General county levy		\$661.61	\$731.02
B. Regional rail authority		\$31.22	\$30.20
8. County/municipal public safety radio system		\$10.02	\$10.19
9. City or town		\$284.80	\$376.95
10. State general tax		\$0.00	\$0.00
11. School district: 15:			
A. Voter approved levies		\$404.30	\$427.24
B. Other local levies		\$129.20	\$317.66
12. Special taxing districts:			
A. Metropolitan special taxing districts		\$31.49	\$31.32
B. Other special taxing districts		\$26.16	\$29.96
C. Tax increment		\$0.00	\$0.00
D. Fiscal disparity		\$0.00	\$0.00
13. Non-school voter approved referenda levies		\$0.00	\$0.00
14. Total property tax before special assessments		\$1,578.80	\$1,954.53
15. Special assessments added to this tax bill:			
A. Waste management special assessments		\$36.09	\$36.09
B. All other special assessments		\$0.00	\$0.00
C. Contamination tax		\$0.00	\$0.00
16. Your total property tax and special assessments		\$1,614.89	\$1,990.62
	Pay this amount no later than	May 15, 2006	\$995.31
	Pay this amount no later than	November 15, 2006	\$995.31

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.

STATEMENT OF PROPERTY TAXES PAYABLE IN 2006 FOR ANOKA COUNTY, MINNESOTA

STATE COPY

Owner(s): OHMAN LEON E & CINTHIA

Property I.D.: 15-33-25-21-0001 REAL
Estimated Market Value: 66,900
Taxable Market Value: 47,500
New Improvements:

Taxpayer(s):

Property Class(es): Ag Hstd Ag Hstd



OHMAN LEON E & CINTHIA
6760 213TH AVE NW
ELK RIVER, MN 55330-8466

Handwritten notes: 2 of 2, P# 5923, 10-24-6

M1PR Line 1 Amount: \$0.00
M1PR Line 2 Amount: \$0.00
Line 6 Amount: \$42.25

If this box is checked, you owe delinquent taxes and are not eligible. [ ]

Detach this stub and include it with your M1PR form when applying for a refund.

TAXPAYER COPY

PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE

STATEMENT OF PROPERTY TAXES PAYABLE IN 2006 ANOKA COUNTY, MINNESOTA

Maureen J. Devine, Division Manager
Property Records and Taxation
ANOKA COUNTY 2100 3RD AVE
ANOKA, MN 55303 (763)323-5400



Table with columns for 2005 and 2006 Ag Hstd. Rows include Property Classes, Estimated Market Value, Taxable Market Value, and various tax line items (1-16) with sub-items A, B, C, D. Total property tax is \$42.25 for 2005 and \$72.98 for 2006.

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.

STATEMENT OF PROPERTY TAXES PAYABLE IN 2006 FOR ANOKA COUNTY, MINNESOTA

STATE COPY

Owner(s): OHMAN LEON E

2005

2006

Property I.D.: 16-33-26-24-0001 REAL
Estimated Market Value: 11,500 43,000
Taxable Market Value: 8,500 17,100
New Improvements:

Taxpayer(s):

Property Class(es): Ag Hstd Ag Hstd



OHMAN LEON E
6760 213TH AVE NW
ELK RIVER, MN 55330-8466

M1PR Line 1 Amount: \$0.00
M1PR Line 2 Amount: \$0.00
Line 6 Amount: \$7.77

If this box is checked, you owe delinquent taxes and are not eligible

Detach this stub and include it with your M1PR form when applying for a refund.

TAXPAYER COPY

PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE

STATEMENT OF PROPERTY TAXES PAYABLE IN 2006 ANOKA COUNTY, MINNESOTA

Maureen J. Devine, Division Manager
Property Records and Taxation
ANOKA COUNTY 2100 3RD AVE
ANOKA, MN 55303 (763)325-6400



Table with columns for Owner(s), Property Class(es), 2005 Ag Hstd, 2006 Ag Hstd, and various tax values (Estimated Market Value, Taxable Market Value, etc.).

- 1. Use this amount on Form M1PR to see if you're eligible for a property tax refund.
2. Use this amount for the special property tax refund on schedule 1 of Form M1PR
3. Your property tax before reduction by state-paid aids and credits
4. Aid paid by the state of Minnesota to reduce your property tax
5. Credits paid by the state of Minnesota to reduce your property tax:
A. Homestead and agricultural credits
B. Agricultural preserve credit
6. Your property tax after reduction by state-paid aids and credits
7. County:
A. General county levy
B. Regional rail authority
8. County/municipal public safety radio system
9. City or town

Form with fields for STATE, ZIP, CITY, STREET ADDRESS, NAME, ADDRESS CORRECTION

PLEASE BE SURE THAT - the Property (I.D.) is on your check(s) the check is signed and made out for the proper amount the payment stub is enclosed TO AVOID LATE FEES, YOUR PAYMENT MUST BE POSTMARKED BY THE DATE SHOWN ON THE FACE

Table with columns for 2005 Ag Hstd, 2006 Ag Hstd, and various tax values (General county levy, Regional rail authority, etc.).

ay 15, 2006 ty tax. Read the back of this form to find out how to apply. 1st Half Pau Shih - Pavahis 2006

**Notice of Valuation and Classification — County of Anoka**  
**— This is not a bill —**

Property Records and Taxation  
 Michael R. Sutherland  
 Anoka County Assessor  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763)323-5475

This form is to notify you of the market value and classification of your property for assessment year 2006. The property taxes you will pay in 2007 will be based on this valuation and classification.

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-0000

If you believe your valuation and property class are correct, it is not necessary to contact your assessor or attend any listed meeting.

If the property information is not correct, you disagree with the values, or you have other questions about this notice, please contact your assessor first to discuss any questions or concerns. Often your issues can be resolved at this level.

If your questions or concerns are not resolved, more formal appeal options are available. Please read the back of this notice for important information about the formal appeal process.

**Property Information (legal description and/or property address)**

THE SE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, SUBJ TO EASE OF REC  
 UNASSIGNED SITUS  
 BURNS, MN 00000-0000

Parcel I.D.: 15-33-25-24-0001

**Property Classification**

Assessment Year 2005  
 Ag Hstd

Assessment Year 2006  
 Ag Hstd

**Property Valuation**

	Assessment Year 2005	Assessment Year 2006
Estimated Market Value	\$ 43,000	\$ 47,300
Limited Market Value	\$ 17,100	\$ 24,700
<b>Taxable Market Value</b>	<b>\$ 17,100</b>	<b>\$ 24,700</b>

**Local Board of Appeal and Equalization**

April 11, 2006 - 7:00 PM  
 BURNS TOWN HALL  
 19800 NOWTHEN BLVD NW  
 ANOKA MN 55303

TO APPEAR CALL LOCAL ASSESSOR AT 763-323-5548

**County Board of Appeal and Equalization**

June 19, 2006 - 9:00 AM  
 ANOKA COUNTY GOVERNMENT CENTER  
 COUNTY BOARDROOM  
 2100 3RD AVE  
 ANOKA MN 55303

TO APPEAR CALL 763-323-5475

**Please read the back of this notice for important appeal information.**

## Notice of Valuation and Classification — County of Anoka

- This is not a bill -

Property Records and Taxation  
 Michael R. Sutherland  
 Anoka County Assessor  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763)323-5475

This form is to notify you of the market value and classification of your property for assessment year 2006. The property taxes you will pay in 2007 will be based on this valuation and classification.

OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-0000

If you believe your valuation and property class are correct, it is not necessary to contact your assessor or attend any listed meeting.

If the property information is not correct, you disagree with the values, or you have other questions about this notice, please contact your assessor first to discuss any questions or concerns. Often your issues can be resolved at this level.

If your questions or concerns are not resolved, more formal appeal options are available. Please read the back of this notice for important information about the formal appeal process.

### Property Information (legal description and/or property address)

THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP 38 RGE 26, EX RD, SUBJ TO EASE OF REC  
 UNASSIGNED SITUS  
 BURNS, MN 00000-0000

Parcel I.D.: 15-33-25-21-0001

### Property Classification

Assessment Year 2005  
 Ag Hstd

Assessment Year 2006  
 Ag Hstd

### Property Valuation

	Assessment Year 2005	Assessment Year 2006
Estimated Market Value	\$ 101,400	\$ 112,900
Limited Market Value	\$ 61,000	\$ 74,000
<b>Taxable Market Value</b>	<b>\$ 61,000</b>	<b>\$ 74,000</b>

#### Local Board of Appeal and Equalization

April 11, 2006 - 7:00 PM  
 BURNS TOWN HALL  
 19800 NOWTHEN BLVD NW  
 ANOKA MN 55303

TO APPEAR CALL LOCAL ASSESSOR AT 763-323-5548

#### County Board of Appeal and Equalization

June 19, 2006 - 9:00 AM  
 ANOKA COUNTY GOVERNMENT CENTER  
 COUNTY BOARDROOM  
 2100 3RD AVE  
 ANOKA MN 55303

TO APPEAR CALL 763-323-5475

Please read the back of this notice for important appeal information.

## Notice of Valuation and Classification — County of Anoka

— This is not a bill —

Property Records and Taxation  
 Michael R. Sutherland  
 Anoka County Assessor  
 2100 3rd Avenue  
 Anoka, MN 55303-2281  
 (763)323-5475

This form is to notify you of the market value and classification of your property for assessment year 2006. The property taxes you will pay in 2007 will be based on this valuation and classification.

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-0000

If you believe your valuation and property class are correct, it is not necessary to contact your assessor or attend any listed meeting.

If the property information is not correct, you disagree with the values, or you have other questions about this notice, please contact your assessor first to discuss any questions or concerns. Often your issues can be resolved at this level.

If your questions or concerns are not resolved, more formal appeal options are available. Please read the back of this notice for important information about the formal appeal process.

### Property Information (legal description and/or property address)

THAT PRT OF NW1/4 OF NE1/4 OF SEC 15 TWP 33 R0E 25 LYQ W OF E 1031 FT THEREOF, AS HEAS  
 ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC  
 6760 213TH AVE NW  
 BURNS, MN 55330-0000

Parcel I.D.: 15-33-25-12-0008

### Property Classification

Assessment Year 2005  
 Ag Hstd

Assessment Year 2006  
 Ag Hstd

### Property Valuation

	Assessment Year 2005	Assessment Year 2006
Estimated Market Value	\$ 274,900	\$ 292,200
Limited Market Value	\$ 274,900	\$ 292,200
<b>Taxable Market Value</b>	<b>\$ 274,900</b>	<b>\$ 292,200</b>

### Local Board of Appeal and Equalization

April 11, 2006 - 7:00 PM  
 BURNS TOWN HALL  
 19800 NOWTHEN BLVD NW  
 ANOKA MN 55303

TO APPEAR CALL LOCAL ASSESSOR AT 763-323-5548

### County Board of Appeal and Equalization

June 19, 2006 - 9:00 AM  
 ANOKA COUNTY GOVERNMENT CENTER  
 COUNTY BOARDROOM  
 2100 3RD AVE  
 ANOKA MN 55303

TO APPEAR CALL 763-323-5475

**Please read the back of this notice for important appeal information.**

STATEMENT OF PROPERTY TAXES PAYABLE IN 2007 FOR ANOKA COUNTY, MINNESOTA  
 STATE COPY

12050

Owner(s): OHMAN LEON E & CINTHIA

Property I.D.: 15-33-25-21-0001 REAL  
 Estimated Market Value: 101,400 112,900  
 Taxable Market Value: 61,000 74,000  
 New Improvements:

Property Class(es): Ag Hstd Ag Hstd

Taxpayer(s):

OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER, MN 56330-8466

M1PR Line 1 Amount: \$0.00  
 M1PR Line 2 Amount: \$0.00  
 Line 6 Amount: \$72.98 \$84.41

If this box is checked, you owe delinquent taxes and are not eligible.

Detach this stub and include it with your M1PR form when applying for a refund.

TAXPAYER COPY

PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE

STATEMENT OF PROPERTY TAXES PAYABLE IN 2007 ANOKA COUNTY, MINNESOTA

Maureen J. Devine, Division Manager  
 Property Records and Taxation  
 ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
 ANOKA, MN 55303 (763)323-5400



Owner(s): OHMAN LEON E & CINTHIA  Property I.D.: 15-33-25-21-0001 REAL Property Description: THE E1/2 OF NE1/4 OF NW1/4 OF SEC 16 TWP 33 RGE 25, EX RD, SUBJ TO EASE OF REC  UNASSIGNED SITUS BURNS, MN 00000-0000 TCA: 46015- ACRES: 20.00 LINKED PROPERTY: 2 of 3 Taxpayer(s): OHMAN LEON E & CINTHIA 6760 213TH AVE NW ELK RIVER, MN 56330-8466	Property Class(es):	2006 Ag Hstd	2007 Ag Hstd
		New Improvements/ Expired Exclusions: <sup>6</sup>	
	Estimated Market Value:	101,400	112,900
	Taxable Market Value:	61,000	74,000
1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible	<input type="checkbox"/>		\$0.00
2. Use this amount for the special property tax refund on schedule 1 of Form M1PR		\$0.00	
<b>Your Property Tax And How It Is Reduced By The State</b>			
3. Your property tax before reduction by state-paid aids and credits		\$838.18	\$958.11
4. Aid paid by the state of Minnesota to reduce your property tax		\$582.20	\$651.70
5. Credits paid by the state of Minnesota to reduce your property tax:			
A. Homestead and agricultural credits		\$183.00	\$222.00
B. Agricultural preserve credit		\$0.00	\$0.00
6. Your property tax after reduction by state-paid aids and credits		\$72.98	\$84.41
<b>Where Your Property Tax Dollars Go</b>			
7. County:			
A. General county levy		\$30.74	\$34.40
B. Regional rail authority		\$1.27	\$1.46
8. County/municipal public safety radio system		\$0.43	\$0.45
9. City or town		\$15.86	\$17.56
10. State general tax		\$0.00	\$0.00
11. School district: #15:			
A. Voter approved levies		\$11.14	\$15.78
B. Other local levies		\$10.97	\$11.82
12. Special taxing districts:			
A. Metropolitan special taxing districts		\$1.31	\$1.48
B. Other special taxing districts		\$1.26	\$1.46
C. Tax increment		\$0.00	\$0.00
D. Fiscal disparity		\$0.00	\$0.00
13. Non-school voter approved referenda levies		\$0.00	\$0.00
14. Total property tax before special assessments		\$72.98	\$84.41
15. Special assessments added to this tax bill:			
A. Solid waste management charge		\$0.00	\$0.00
B. All other special assessments		\$0.00	\$0.00
C. Contamination tax		\$0.00	\$0.00
16. Your total property tax and special assessments		\$72.98	\$84.41
	Pay this amount no later than	May 15, 2007-5-9-07	\$42.20
	Pay this amount no later than	November 15, 2007	\$42.21

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.

STATEMENT OF PROPERTY TAXES PAYABLE IN 2007 FOR ANOKA COUNTY, MINNESOTA  
STATE COPY

2006 2007

Owner(s): OHMAN LEON & CINTHIA JOAN

Property I.D.: 15-33-25-12-0008 REAL  
Estimated Market Value: 274,900 292,200  
Taxable Market Value: 274,900 292,200  
New Improvements:

Property Class(es): Ag Hstd Ag Hstd

Taxpayer(s):

OHMAN LEON & CINTHIA JOAN  
6760 213TH AVE NW  
ELK RIVER, MN 55330-8466

M1PR Line 1 Amount: \$2,048.82  
M1PR Line 2 Amount: \$1,916.90  
Line 6 Amount: \$1,954.53

If this box is checked, you owe delinquent taxes and are not eligible.....

Detach this stub and include it with your M1PR form when applying for a refund.

TAXPAYER COPY

STATEMENT OF PROPERTY TAXES  
PAYABLE IN 2007  
ANOKA COUNTY, MINNESOTA

Maureen J. Devine, Division Manager  
Property Records and Taxation  
ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
ANOKA, MN 55303 (763)323-5400



PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE

Owner(s): OHMAN LEON & CINTHIA JOAN

Property I.D.: 15-33-25-12-0008 REAL  
Property Description: THAT PRT OF NW1/4 OF NE1/4 OF SEC 15  
TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N LINE  
THEREOF, EX RD, SUBJ TO EASE OF REC  
8760 213TH AVE NW BURNS, MN 55330-0000  
TCA: 46015- ACRES: 8.60 LINKED PROPERTY: 1 of 3  
Taxpayer(s): OHMAN LEON & CINTHIA JOAN  
6760 213TH AVE NW  
ELK RIVER, MN 55330-8466

2006 2007  
Ag Hstd Ag Hstd

Property Class(es):

New Improvements/  
Expired Exclusions:\*

Estimated Market Value: 274,900 292,200  
Taxable Market Value: 274,900 292,200

1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible	<input type="checkbox"/>	\$2,048.82
2. Use this amount for the special property tax refund on schedule 1 of Form M1PR	\$1,916.90	
<b>Your Property Tax And How It Is Reduced By The State</b>		
3. Your property tax before reduction by state-paid aids and credits	\$6,717.69	\$6,786.92
4. Aid paid by the state of Minnesota to reduce your property tax	\$4,513.76	\$4,441.81
5. Credits paid by the state of Minnesota to reduce your property tax:		
A. Homestead and agricultural credits	\$249.40	\$237.73
B. Agricultural preserve credit	\$0.00	\$0.00
6. Your property tax after reduction by state-paid aids and credits	\$1,954.53	\$2,086.38
<b>Where Your Property Tax Dollars Go</b>		
7. County:		
A. General county levy	\$731.02	\$764.69
B. Regional rail authority	\$30.20	\$31.88
8. County/municipal public safety radio system	\$10.18	\$9.78
9. City or town	\$376.95	\$384.84
10. State general tax	\$0.00	\$0.00
11. School district: #15:		
A. Voter approved levies	\$427.24	\$520.52
B. Other local levies	\$317.66	\$320.49
12. Special taxing districts:		
A. Metropolitan special taxing districts	\$31.32	\$32.40
B. Other special taxing districts	\$29.96	\$31.88
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
13. Non-school voter approved referenda levies	\$0.00	\$0.00
14. Total property tax before special assessments	\$1,954.53	\$2,086.38
15. Special assessments added to this tax bill:		
A. Solid waste management charge	\$36.09	\$36.09
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
16. Your total property tax and special assessments	\$1,990.62	\$2,122.47
	Pay this amount no later than <b>May 15, 2007</b>	\$1,061.23
	Pay this amount no later than <b>November 15, 2007</b>	\$1,061.24

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.

STATEMENT OF PROPERTY TAXES PAYABLE IN 2007 FOR ANOKA COUNTY, MINNESOTA  
STATE COPY

Owner(s): OHMAN LEON E

Property I.D.: 15-33-25-24-0001 REAL  
Estimated Market Value: 43,000 47,300  
Taxable Market Value: 17,100 24,700  
New Improvements:

Property Class(es): Ag Hstd Ag Hstd

Taxpayer(s):

OHMAN LEON E  
6760 213TH AVE NW  
ELK RIVER, MN 55330-8466

M1PR Line 1 Amount: \$0.00  
M1PR Line 2 Amount: \$0.00  
Line 6 Amount: \$20.31 \$86.39  
If this box is checked, you owe delinquent taxes and are not eligible.....

Detach this stub and include it with your M1PR form when applying for a refund.

TAXPAYER COPY

PLEASE SAVE THIS STATEMENT FOR FUTURE REFERENCE

STATEMENT OF PROPERTY TAXES PAYABLE IN 2007 ANOKA COUNTY, MINNESOTA

Maureen J. Devine, Division Manager  
Property Records and Taxation  
ANOKA COUNTY 2100 3<sup>RD</sup> AVE  
ANOKA, MN 55303 (763)323-5400



Table with columns for 2006 and 2007, and rows for Property Class(es), Estimated Market Value, Taxable Market Value, and New improvements/Expired Exclusions.\*

Main table with 16 rows detailing property tax breakdown, including levies for county, city, school districts, and special assessments, with handwritten dates -5-9-07 and 11-6-07.

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this form to find out how to apply.



**Anoka County**  
 Maurcen J. Devine, Division Manager  
 Property Records & Taxation  
 2100 3rd Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2008** **PROPERTY TAX STATEMENT**

**YOUR PROPERTY TAX VALUES & CLASSIFICATION**

Taxes Payable Year:	2007	2008
Estimated Market Value:	292,200	296,600
New Improvements/ Expired Exclusions:		
Taxable Market Value:	292,200	296,600
Property Classification:	Ag Hstd	Ag Hstd

**Taxpayer(s):**

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466

*Pd in 2008*

Property LD.: 15-33-25-12-0008 REAL

Property Description: THAT PRT OF NW1/4 OF NE1/4 OF SEC 15 TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC

6760 213TH AVE NW BURNS, MN 55330-0000  
 TCA: 46015- ACRES: 8.60 LINKED PROPERTY: 1 of 3

Owner(s): OHMAN LEON & CINTHIA JOAN

**\$\$\$**

*You may be eligible for one or even two refunds to reduce your property tax.*

**REFUNDS?**

*Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2007	2008
1. Use this amount on Form MIPR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$2,119.78
2. Use these amounts on Form MIPR to see if you are eligible for a special refund.	\$2,048.82	
<b>Your Property Tax and How It Is Reduced By The State</b>		
3. Your property tax before reduction by state paid aids and credits	\$6,765.92	\$6,627.16
4. Aid paid by the State of Minnesota to reduce your property tax	\$4,441.81	\$4,209.36
5. Credits paid by the State of Minnesota to reduce your property tax		
A. Homestead and agricultural market value credits	\$237.73	\$250.54
B. Agricultural preserve credit	\$0.00	\$0.00
6. Your property tax after reduction by state-paid aids and credits	\$2,086.38	\$2,167.26
<b>Property Tax by Jurisdiction</b>		
7. County		
A. General county levy	\$754.59	\$769.52
B. Regional rail authority	\$31.88	\$60.30
8. County/municipal public safety radio system	\$9.78	\$9.29
9. City or town	\$384.84	\$439.44
10. State general tax	\$0.00	\$0.00
11. School district #15:		
A. Voter approved levies	\$520.52	\$514.52
B. Other local levies	\$320.49	\$305.13
12. Special taxing districts		
A. Metropolitan special taxing districts	\$32.40	\$31.70
B. Other special taxing districts	\$31.88	\$37.36
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
13. Non-school voter approved referenda levies	\$0.00	\$0.00
14. Total property tax before special assessments	\$2,086.38	\$2,167.26
<b>Special Assessments on Your Property</b>		
15. Special Assessments		
A. Solid waste management charge	\$36.09	\$36.09
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>16. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$2,122.47</b>	<b>\$2,203.35</b>
Pay this amount no later than: May 15, 2008		<b>\$1,101.67</b>
Pay this amount no later than: November 15, 2008		<b>\$1,101.68</b>



**Anoka County**  
 Maureen J. Devine, Division Manager  
 Property Records & Taxation  
 2100 3rd Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

## Taxpayer(s):

OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466

Property I.D.: 15-33-25-21-0001 REAL

Property Description: THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP  
 33 RGE 25, EX RD, SUBJ TO EASE OF REC

UNASSIGNED SITUS BURNS, MN 05000-0000  
 TCA: 46015- ACRES: 20.00 LINKED PROPERTY: 2 of 3

Owner(s): OHMAN LEON E &amp; CINTHIA

**2008****PROPERTY TAX STATEMENT****YOUR PROPERTY TAX VALUES & CLASSIFICATION**

Taxes Payable Year:	2007	2008
Estimated Market Value:	112,900	121,500
New Improvements/ Expired Exclusions:		
Taxable Market Value:	74,000	89,700
Property Classification:	Ag Hstd	Ag Hstd

**\$\$\$**

You may be eligible for one or even two  
 refunds to reduce your property tax.

REFUNDS?

Read the back of this statement to find  
 out how to apply.

Taxes Payable Year:	2007	2008
1. Use this amount on Form MIPR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form MIPR to see if you are eligible for a special refund.	\$0.00	
<b>Your Property Tax and How It Is Reduced By The State</b>		
3. Your property tax before reduction by state paid aids and credits	\$958.11	\$1,123.97
4. Aid paid by the State of Minnesota to reduce your property tax	\$651.70	\$741.41
5. Credits paid by the State of Minnesota to reduce your property tax		
A. Homestead and agricultural market value credits	\$222.00	\$209.80
B. Agricultural preserve credit	\$0.00	\$0.00
6. Your property tax after reduction by state-paid aids and credits	\$84.41	\$172.76
<b>Property Tax by Jurisdiction</b>		
7. County		
A. General county levy	\$34.40	\$69.17
B. Regional rail authority	\$1.46	\$5.42
8. County/municipal public safety radio system	\$0.45	\$0.84
9. City or town	\$17.56	\$39.52
10. State general tax	\$0.00	\$0.00
11. School district #15:		
A. Voter approved levies	\$15.78	\$29.92
B. Other local levies	\$11.82	\$21.67
12. Special taxing districts		
A. Metropolitan special taxing districts	\$1.48	\$2.86
B. Other special taxing districts	\$1.46	\$3.36
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
13. Non-school voter approved referenda levies	\$0.00	\$0.00
14. Total property tax before special assessments	\$84.41	\$172.76
<b>Special Assessments on Your Property</b>		
15. Special Assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
16. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$84.41	\$172.76
Pay this amount no later than: May 15, 2008		\$86.38
Pay this amount no later than: November 15, 2008		\$86.38



**Anoka County**  
 Maureen J. Devine, Division Manager  
 Property Records & Taxation  
 2100 3rd Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

## Taxpayer(s):



OHMAN LEON E.  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466

Property LD.: 15-33-25-24-0001 REAL

Property Description: THE SE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE  
 25, SUBJ TO EASE OF REC

UNASSIGNED SITUS BURNS, MN 00000-0000  
 TCA: 46015- ACRES: 40.00 LINKED PROPERTY: 3 of 3

Owner(s): OHMAN LEON E

**2008****PROPERTY TAX  
STATEMENT****YOUR PROPERTY TAX VALUES & CLASSIFICATION**

Taxes Payable Year:	2007	2008
Estimated Market Value:	47,300	56,800
New Improvements/ Expired Exclusions:		
Taxable Market Value:	24,700	35,300
Property Classification:	Ag Hstid	Ag Hstid

**\$\$\$**

You may be eligible for one or even two  
 refunds to reduce your property tax.

**REFUNDS?**

Read the back of this statement to find  
 out how to apply.

Taxes Payable Year:	2007	2008
1. Use this amount on Form MIPR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form MIPR to see if you are eligible for a special refund.	\$0.00	
<b>Your Property Tax and How It Is Reduced By The State</b>		
3. Your property tax before reduction by state paid aids and credits	\$320.16	\$442.29
4. Aid paid by the State of Minnesota to reduce your property tax	\$217.77	\$291.75
5. Credits paid by the State of Minnesota to reduce your property tax		
A. Homestead and agricultural market value credits	\$16.00	\$0.00
B. Agricultural preserve credit	\$0.00	\$0.00
6. Your property tax after reduction by state paid aids and credits	\$86.39	\$150.54
<b>Property Tax by Jurisdiction</b>		
7. County		
A. General county levy	\$35.24	\$60.30
B. Regional rail authority	\$1.48	\$4.72
8. County/municipal public safety radio system	\$0.46	\$0.73
9. City or town	\$17.96	\$34.42
10. State general tax	\$0.00	\$0.00
11. School district #15:		
A. Voter approved levies	\$16.16	\$26.07
B. Other local levies	\$12.10	\$18.89
12. Special taxing districts		
A. Metropolitan special taxing districts	\$1.51	\$2.48
B. Other special taxing districts	\$1.48	\$2.93
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
13. Non-school voter approved referenda levies	\$0.00	\$0.00
14. Total property tax before special assessments	\$86.39	\$150.54
<b>Special Assessments on Your Property</b>		
15. Special Assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>16. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$86.39</b>	<b>\$150.54</b>
Pay this amount no later than: May 15, 2008		\$75.27
Pay this amount no later than: November 15, 2008		\$75.27



**Anoka County**  
 Maureen J. Devine, Division Manager  
 Property Records & Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

Taxpayer(s):

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466



Property ID.: 15-33-25-12-0008 REAL

Property Description: THAT PRT OF NW1/4 OF NE1/4 OF SEC 15  
 TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N  
 LINE THEREOF, EX RD, SUBJ TO EASE OF REC

6760 213TH AVE NW NOWTHEN, MN 55330-0000  
 TCA: 46015- ACRES: 8.60 LINKED PROPERTY: 1 of 3

Owner(s): OHMAN LEON &amp; CINTHIA JOAN

2009

## PROPERTY TAX STATEMENT

## YOUR PROPERTY TAX VALUES &amp; CLASSIFICATION

Taxes Payable Year:	2008	2009
Estimated Market Value:	296,600	288,600
New Improvements/ Expired Exclusions:		
Taxable Market Value:	296,600	288,600
Property Classification:	Ag Hstd	Ag Hstd

\$\$\$

You may be eligible for one or even two  
 refunds to reduce your property tax.

REFUNDS?

Read the back of this statement to  
 find out how to apply.

Taxes Payable Year:	2008	2009
1. Use this amount on Form MIPR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$1,825.44
2. Use these amounts on Form MIPR to see if you are eligible for a special refund.	\$2,119.78	
<b>Your Property Tax and How It Is Reduced By The State</b>		
3. Your property tax before reduction by state paid credits	\$2,417.80	\$2,112.43
4. Credits paid by the State of Minnesota to reduce your property tax		
A. Homestead and agricultural market value credits	\$250.54	\$257.74
B. Agricultural preserve credit	\$0.00	\$0.00
5. Your property tax after reduction by state-paid credits	\$2,167.26	\$1,854.69
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$769.52	\$756.92
B. Regional rail authority	\$60.30	\$27.09
7. County/municipal public safety radio system	\$9.29	\$8.66
8. City or town	\$439.44	\$437.01
9. State general tax	\$0.00	\$0.00
10. School district #15		
A. Voter approved levies	\$514.52	\$262.93
B. Other local levies	\$305.13	\$299.56
11. Special taxing districts		
A. Metropolitan special taxing districts	\$31.70	\$30.04
B. Other special taxing districts	\$37.36	\$32.48
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$2,167.26	\$1,854.69
<b>Special Assessments on Your Property</b>		
14. Special assessments		
A. Solid waste management charge	\$36.09	\$36.09
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
15. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$2,203.35	\$1,890.78

Pay this amount no later than: May 15, 2009 - PD 5-14-9

Pay this amount no later than: November 15, 2009 PD 11-10-9

\$945.39

\$945.39

2nd 42 total  
 1134.56



**Anoka County**  
 Maureen J. Devine, Division Manager  
 Property Records & Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

Taxpayer(s):

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466



Property I.D.: 15-33-25-24-0001 REAL

Property Description: THE SE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015- ACRES: 40.00 LINKED PROPERTY: 3 of 3

Owner(s): OHMAN LEON E

2009

**PROPERTY TAX STATEMENT**

**YOUR PROPERTY TAX VALUES & CLASSIFICATION**

Taxes Payable Year:	2008	2009
Estimated Market Value:	56,800	56,800
New Improvements/ Expired Exclusions:		
Taxable Market Value:	35,300	46,100
Property Classification:	Ag Hstd	Ag Hstd

\$\$\$

You may be eligible for one or even two refunds to reduce your property tax.

REFUNDS?

Read the back of this statement to find out how to apply.

Taxes Payable Year:	2008	2009
1. Use this amount on Form MIPR to see if you are eligible for a property tax refund File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form MIPR to see if you are eligible for a special refund.	\$0.00	
<b>Your Property Tax and How It Is Reduced By The State</b>		
3. Your property tax before reduction by state paid credits	\$150.54	\$174.93
4. Credits paid by the State of Minnesota to reduce your property tax		
A. Homestead and agricultural market value credits	\$0.00	\$0.00
B. Agricultural preserve credit	\$0.00	\$0.00
5. Your property tax after reduction by state-paid credits	\$150.54	\$174.93
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$60.30	\$74.11
B. Regional rail authority	\$4.72	\$2.65
7. County/municipal public safety radio system	\$0.73	\$0.85
8. City or town	\$34.42	\$42.78
9. State general tax	\$0.00	\$0.00
10. School district #15		
A. Voter approved levies	\$26.07	\$25.74
B. Other local levies	\$18.89	\$22.68
11. Special taxing districts		
A. Metropolitan special taxing districts	\$2.48	\$2.94
B. Other special taxing districts	\$2.93	\$3.18
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$150.54	\$174.93
<b>Special Assessments on Your Property</b>		
14. Special assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
15. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$150.54	\$174.93

Pay this amount no later than: May 15, 2009 *PO 5-14-9*

Pay this amount no later than: November 15, 2009 *PO 11-10-9*

\$87.46

\$87.47



**Anoka County**  
 Maurcen J. Devine, Division Manager  
 Property Records & Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2009** **PROPERTY TAX STATEMENT**

Taxpayer(s):

**OHMAN LEON E & CINTHIA**  
 6760 213TH AVE NW  
 ELK RIVER, MN 55330-8466



Property I.D.: 15-33-25-21-0001 REAL

Property Description: THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, EX RD, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015- ACRES: 20.00 LINKED PROPERTY: 2 of 3

Owner(s): OHMAN LEON E & CINTHIA

YOUR PROPERTY TAX VALUES & CLASSIFICATION		
Taxes Payable Year:	2008	2009
Estimated Market Value:	121,500	121,500
New Improvements/ Expired Exclusions:		
Taxable Market Value:	89,700	105,600
Property Classification:	Ag Hstd	Ag Hstd

**\$\$\$**

*You may be eligible for one or even two refunds to reduce your property tax.*

**REFUNDS?**

*Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2008	2009
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$0.00	
<b>Your Property Tax and How It Is Reduced By The State</b>		
3. Your property tax before reduction by state paid credits	\$382.56	\$399.84
4. Credits paid by the State of Minnesota to reduce your property tax		
A. Homestead and agricultural market value credits	\$209.80	\$196.45
B. Agricultural preserve credit	\$0.00	\$0.00
5. Your property tax after reduction by state-paid credits	\$172.76	\$203.39
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$69.17	\$86.16
B. Regional rail authority	\$5.42	\$3.08
7. County/municipal public safety radio system	\$0.84	\$0.99
8. City or town	\$39.52	\$49.74
9. State general tax	\$0.00	\$0.00
10. School district #15		
A. Voter approved levies	\$29.92	\$29.93
B. Other local levies	\$21.67	\$26.37
11. Special taxing districts		
A. Metropolitan special taxing districts	\$2.86	\$3.43
B. Other special taxing districts	\$3.36	\$3.69
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$172.76	\$203.39
<b>Special Assessments on Your Property</b>		
14. Special assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>15. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$172.76</b>	<b>\$203.39</b>

Pay this amount no later than: May 15, 2009 *pd-5-14-9*

Pay this amount no later than: November 15, 2009 *pd 11-10-9*

**\$101.69**  
**\$101.70**

# Your Proposed Property Tax for 2010

## County of Anoka

— This is Not a Bill • Do Not Pay —

**Owner(s):** OHMAN LEON & CINTHIA JOAN

**PIN:** 15-33-25-12-0008

**Property address:** 6760 213TH AVE NW  
NOWTHEN, MN 55330-0000

**Taxpayer(s):**

OHMAN LEON & CINTHIA JOAN  
6760 213TH AVE NW  
ELK RIVER, MN 55330-8466

**Legal description:** THAT PRT OF NW1/4 OF NE1/4 OF SEC 15 TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC

TCA: 46018-                      ACRES: 8.60                      LINKED PROPERTY: 1 of 6

<b>Taxes payable in 2009</b>	<b>Taxes payable in 2010</b>
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<b>Property classification:</b>	Ag Hstd	Ag Hstd
---------------------------------	---------	---------

<b>Taxable market value:</b>	\$288,600	\$273,700
------------------------------	-----------	-----------

*Your taxable market value for property tax payable in 2010 was sent to you in the spring of 2009. The period to discuss possible changes has passed and changes can no longer be made to your property valuation. It is included here for your information only.*

	(1) Actual 2009 Property Tax	(2) Proposed 2010 Property Tax	Percent Change
<b>Total excluding special assessments</b>	\$1,854.69	\$1,978.70	6.7%

**COUNTY:**

GENERAL COUNTY LEVY	\$756.92	\$799.28
REGIONAL RAIL AUTHORITY	\$27.09	\$28.98
COUNTY/MUNICIPAL PUBLIC SAFETY RADIO SYSTEM	\$8.66	\$8.73
CITY OF NOWTHEN	\$437.01	\$436.18
STATE GENERAL TAX	\$0.00	\$0.00

**ST FRANCIS SCHOOL DISTRICT #15**

Your school district was scheduled to hold a referendum at the November general election. If the referendum was approved by the voters, the school district's voter approved property tax for 2010 may be higher than the proposed amount shown on this notice.

VOTER APPROVED SCHOOL LEVIES	\$262.93	\$331.07
OTHER LOCAL SCHOOL LEVIES	\$299.56	\$305.27
METROPOLITAN SPECIAL TAXING DISTRICTS	\$30.04	\$29.00
OTHER SPECIAL TAXING DISTRICTS	\$32.48	\$40.19
TAX INCREMENT	\$0.00	\$0.00
FISCAL DISPARITY	\$0.00	\$0.00

Public and Tax Hearings - Locations and Dates	Mailing Addresses and Telephone Numbers
<p>COUNTY OF ANOKA GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 3, 2009 - 6:00PM (Discuss County Portion)</p> <p>NOWTHEN NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 8, 2009 - 6:00PM (Discuss City Portion)</p> <p>ST FRANCIS SCHOOL DISTRICT #15 CENTRAL SERVICES CENTER 4115 AMBASSADOR BLVD - ST FRANCIS DECEMBER 14, 2009 - 7:00PM (Discuss SD Portion)</p> <p>METROPOLITAN SPECIAL TAXING DISTRICTS COUNCIL OFFICES 390 ROBERT ST N - ST. PAUL DECEMBER 9, 2009 - 6:00PM (Discuss Metro Districts Portion)</p>	<p>COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400</p> <p>NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347</p> <p>ST FRANCIS SCHOOL DISTRICT #15 4115 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-753-7057</p> <p>METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446</p>

— This is Not a Bill • Do Not Pay —

**Your Proposed Property Tax for 2010**  
**County of Anoka**  
**— This is Not a Bill • Do Not Pay —**

Owner(s): OHMAN LEON E & CINTHIA

PIN: 15-33-25-21-0001

Property address: UNASSIGNED SITUS  
 NOWTHEN, MN 00000-0000

**Taxpayer(s):**

OHMAN LEON E & CINTHIA  
 6780 213TH AVE NW  
 ELK RIVER, MN 55330-8466

Legal description: THE E1/2 OF NE1/4 OF NW1/4 OF SEC  
 15 TWP 33 RGE 25, EX RD, SUBJ TO  
 EASE OF REC

TCA: 46015- ACRES: 20.00 LINKED PROPERTY: 2 of 6

Taxes payable  
 in 2009      Taxes payable  
 in 2010

Property classification:      Ag Hstd      Ag Hstd

Taxable market value:      \$105,600      \$115,400

*Your taxable market value for property tax payable in 2010 was sent to you in the spring of 2009. The period to discuss possible changes has passed and changes can no longer be made to your property valuation. It is included here for your information only.*

	(1) Actual 2009 Property Tax	(2) Proposed 2010 Property Tax	Percent Change
<b>Total excluding special assessments</b>	<b>\$203.39</b>	<b>\$287.40</b>	<b>41.3%</b>

**COUNTY:**

GENERAL COUNTY LEVY	\$86.16	\$118.59
REGIONAL RAIL AUTHORITY	\$3.08	\$4.31
COUNTY/MUNICIPAL PUBLIC SAFETY RADIO SYSTEM	\$0.99	\$1.30
CITY OF NOWTHEN	\$49.74	\$64.72
STATE GENERAL TAX	\$0.00	\$0.00
ST FRANCIS SCHOOL DISTRICT #15		

Your school district was scheduled to hold a referendum at the November general election. If the referendum was approved by the voters, the school district's voter approved property tax for 2010 may be higher than the proposed amount shown on this notice.

VOTER APPROVED SCHOOL LEVIES	\$29.93	\$49.12
OTHER LOCAL SCHOOL LEVIES	\$26.37	\$39.10
METROPOLITAN SPECIAL TAXING DISTRICTS	\$3.43	\$4.30
OTHER SPECIAL TAXING DISTRICTS	\$3.69	\$5.96
TAX INCREMENT	\$0.00	\$0.00
FISCAL DISPARITY	\$0.00	\$0.00

Meeting Date, Time, Location and Agenda	Meeting Address and Telephone Number
COUNTY OF ANOKA GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 3, 2009 - 6:00PM (Discuss County Portion)	COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400
NOWTHEN NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 8, 2009 - 6:00PM (Discuss City Portion)	NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347
ST FRANCIS SCHOOL DISTRICT #15 CENTRAL SERVICES CENTER 4115 AMBASSADOR BLVD - ST FRANCIS DECEMBER 14, 2009 - 7:00PM (Discuss SD Portion)	ST FRANCIS SCHOOL DISTRICT #15 4116 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-753-7057
METROPOLITAN SPECIAL TAXING DISTRICTS COUNCIL OFFICES 390 ROBERT ST N - ST. PAUL DECEMBER 9, 2009 - 6:00PM (Discuss Metro Districts Portion)	METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446

**— This is Not a Bill • Do Not Pay —**

# Your Proposed Property Tax for 2010

## County of Anoka

— This is Not a Bill • Do Not Pay —

Owner(s): OHMAN LEON E

PIN: 15-33-25-24-0001

Property address: UNASSIGNED SITUS  
NOWTHEN, MN 00000-0000

**Taxpayer(s):**



OHMAN LEON E  
6780 213TH AVE NW  
ELK RIVER, MN 55330-8466

Legal description: THE SE1/4 OF NW1/4 OF SEC 15 TWP  
33 RGE 25, SUBJ TO EASE OF REC

TCA: 46015-                      ACRES: 40.00                      LINKED PROPERTY: 3 of 6

Taxes payable in 2009	Taxes payable in 2010
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Property classification:	Ag Hstd	Ag Hstd
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Taxable market value:	\$46,100	\$54,000
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*Your taxable market value for property tax payable in 2010 was sent to you in the spring of 2009. The period to discuss possible changes has passed and changes can no longer be made to your property valuation. It is included here for your information only.*

	(A) Actual 2009 Property Tax	(C) Proposed 2010 Property Tax	Percent Change
<b>Total excluding special assessments</b>	\$174.93	\$231.66	32.4%

**COUNTY:**

GENERAL COUNTY LEVY	\$74.11	\$95.59
REGIONAL RAIL AUTHORITY	\$2.65	\$3.47
COUNTY/MUNICIPAL PUBLIC SAFETY RADIO SYSTEM	\$0.85	\$1.04
CITY OF NOWTHEN	\$42.78	\$52.17
STATE GENERAL TAX	\$0.00	\$0.00
ST FRANCIS SCHOOL DISTRICT #15		
Your school district was scheduled to hold a referendum at the November general election. If the referendum was approved by the voters, the school district's voter approved property tax for 2010 may be higher than the proposed amount shown on this notice.		
VOTER APPROVED SCHOOL LEVIES	\$25.74	\$39.60
OTHER LOCAL SCHOOL LEVIES	\$22.68	\$31.52
METROPOLITAN SPECIAL TAXING DISTRICTS	\$2.94	\$3.46
OTHER SPECIAL TAXING DISTRICTS	\$3.18	\$4.81
TAX INCREMENT	\$0.00	\$0.00
FISCAL DISPARITY	\$0.00	\$0.00

Budget and Tax Hearings, Locations and Dates	Mailing Addresses and Telephone Numbers
COUNTY OF ANOKA GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 3, 2009 - 6:00PM (Discuss County Portion)	COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400
NOWTHEN NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 8, 2009 - 6:00PM (Discuss City Portion)	NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347
ST FRANCIS SCHOOL DISTRICT #15 CENTRAL SERVICES CENTER 4115 AMBASSADOR BLVD - ST FRANCIS DECEMBER 14, 2009 - 7:00PM (Discuss SD Portion)	ST FRANCIS SCHOOL DISTRICT #15 4115 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-753-7057
METROPOLITAN SPECIAL TAXING DISTRICTS COUNCIL OFFICES 390 ROBERT ST N - ST. PAUL DECEMBER 9, 2009 - 6:00PM (Discuss Metro Districts Portion)	METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446

— This is Not a Bill • Do Not Pay —

# Your Proposed Property Tax for 2011

## County of Anoka

— This is Not a Bill • Do Not Pay —

Owner(s): OHMAN LEON E

PIN: 15-33-25-24-0001

Property address: UNASSIGNED SITUS  
NOWTHEN, MN 00000-0000

Taxpayer(s):

Legal description: THE SE1/4 OF NW1/4 OF SEC 15 TWP  
33 RGE 25, SUBJ TO EASE OF REC

OHMAN LEON E  
6760 213TH AVE NW  
ELK RIVER MN 55330-8466



TCA: 46015- ACRES: 40.00 LINKED PROPERTY: 5 of 6

Taxes payable in 2010	Taxes payable in 2011
Ag Hstd	Ag Hstd

Property classification:

Taxable market value:	\$54,000	\$46,400
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*Your taxable market value for property tax payable in 2011 was sent to you in the spring of 2010. The period to discuss possible changes has passed and changes can no longer be made to your property valuation. It is included here for your information only.*

	(1) Actual 2010 Property Tax	(2) Proposed 2011 Property Tax	Percent Change
<b>Total excluding special assessments</b>	\$227.90	\$225.02	-1.3%
<b>COUNTY:</b>			
GENERAL COUNTY LEVY	\$95.37	\$92.91	
REGIONAL RAIL AUTHORITY	\$3.47	\$5.00	
COUNTY/MUNICIPAL PUBLIC SAFETY RADIO SYSTEM	\$1.04	\$0.99	
CITY OF NOWTHEN	\$52.43	\$51.63	
STATE GENERAL TAX	\$0.00	\$0.00	
ST FRANCIS SCHOOL DISTRICT #15			
VOTER APPROVED LEVIES	\$36.40	\$37.86	
OTHER LOCAL LEVIES	\$30.97	\$29.25	
METROPOLITAN SPECIAL TAXING DISTRICTS	\$3.47	\$3.23	
OTHER SPECIAL TAXING DISTRICTS	\$4.75	\$4.15	
TAX INCREMENT	\$0.00	\$0.00	
FISCAL DISPARITY	\$0.00	\$0.00	

Building and Tax Hearing: Location and Date	Mailing Address and Telephone Numbers
COUNTY OF ANOKA GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 2, 2010 - 6:00PM (Discuss County Portion)	COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400
NOWTHEN NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 14, 2010 - 6:01PM (Discuss City Portion)	NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347
ST FRANCIS SCHOOL DISTRICT #15 CENTRAL SERVICES CENTER 4115 AMBASSADOR BLVD - ST FRANCIS DECEMBER 13, 2010 - 7:00PM (Discuss SD Portion)	ST FRANCIS SCHOOL DISTRICT #15 4115 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-753-7057
METROPOLITAN SPECIAL TAXING DISTRICTS COUNCIL CHAMBERS 390 ROBERT ST N - ST. PAUL DECEMBER 8, 2010 - 6:00PM (Discuss Metro Districts Portion)	METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446

— This is Not a Bill • Do Not Pay —

**Your Proposed Property Tax for 2011  
County of Anoka  
— This is Not a Bill • Do Not Pay —**

**Owner(s):** OHMAN LEON & CINTHIA JOAN

**PIN:** 15-33-25-12-0008

**Property address:** 6760 213TH AVE NW  
NOWTHEN, MN 55330-0000

**Taxpayer(s):**

OHMAN LEON & CINTHIA JOAN  
6760 213TH AVE NW  
ELK RIVER MN 55330-8466



**Legal description:** THAT PRT OF NW1/4 OF NE1/4 OF  
SEC 15 TWP 33 RGE 25 LYG W OF E  
1031 FT THEREOF, AS MEAS ALG N  
LINE THEREOF, EX RD, SUBJ TO  
EASE OF REC

**TCA:** 46015-      **ACRES:** 8.60      **LINKED PROPERTY:** 1 of 6

<b>Taxes payable in 2010</b>	<b>Taxes payable in 2011</b>
Ag Hstd	Ag Hstd

**Property classification:**

**Taxable market value:**      \$273,700      \$244,700

*Your taxable market value for property tax payable in 2011 was sent to you in the spring of 2010. The period to discuss possible changes has passed and changes can no longer be made to your property valuation. It is included here for your information only.*

	(1) Actual 2010 Property Tax	(2) Proposed 2011 Property Tax	Percent Change
<b>Total excluding special assessments</b>	\$2,165.41	\$2,138.91	-1.2%

**COUNTY:**

GENERAL COUNTY LEVY	\$795.62	\$793.46
REGIONAL RAIL AUTHORITY	\$28.97	\$42.66
COUNTY/MUNICIPAL PUBLIC SAFETY RADIO SYSTEM	\$8.71	\$8.42
CITY OF NOWTHEN	\$437.43	\$440.80
STATE GENERAL TAX	\$0.00	\$0.00
ST FRANCIS SCHOOL DISTRICT #15		
VOTER APPROVED LEVIES	\$488.36	\$473.84
OTHER LOCAL LEVIES	\$337.68	\$316.68
METROPOLITAN SPECIAL TAXING DISTRICTS	\$28.98	\$27.58
OTHER SPECIAL TAXING DISTRICTS	\$39.66	\$35.47
TAX INCREMENT	\$0.00	\$0.00
FISCAL DISPARITY	\$0.00	\$0.00

Budget and Tax Hearing Location and Dates	Mailing Addresses and Telephone Numbers
COUNTY OF ANOKA GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 2, 2010 - 6:00PM (Discuss County Portion)	COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400
NOWTHEN NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 14, 2010 - 6:01PM (Discuss City Portion)	NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347
ST FRANCIS SCHOOL DISTRICT #15 CENTRAL SERVICES CENTER 4115 AMBASSADOR BLVD - ST FRANCIS DECEMBER 13, 2010 - 7:00PM (Discuss SD Portion)	ST FRANCIS SCHOOL DISTRICT #15 4115 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-753-7057
METROPOLITAN SPECIAL TAXING DISTRICTS COUNCIL CHAMBERS 390 ROBERT ST N - ST. PAUL DECEMBER 8, 2010 - 6:00PM (Discuss Metro Districts Portion)	METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446

**— This is Not a Bill • Do Not Pay —**

# Your Proposed Property Tax for 2011

## County of Anoka

— This is Not a Bill • Do Not Pay —

**Owner(s):** OHMAN LEON E & CINTHIA

**PIN:** 15-33-25-21-0001

**Property address:** UNASSIGNED SITUS  
NOWTHEN, MN 00000-0000

**Taxpayer(s):**

OHMAN LEON E & CINTHIA  
6760 213TH AVE NW  
ELK RIVER MN 55330-8466



**Legal description:** THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, EX RD, SUBJ TO EASE OF REC

TCA: 46015-      ACRES: 20.00      LINKED PROPERTY: 3 of 6

	Taxes payable in 2010	Taxes payable in 2011
<b>Property classification:</b>	Ag Hstd	Ag Hstd
<b>Taxable market value:</b>	\$115,400	\$97,400

*Your taxable market value for property tax payable in 2011 was sent to you in the spring of 2010. The period to discuss possible changes has passed and changes can no longer be made to your property valuation. It is included here for your information only.*

	(1) Actual 2010 Property Tax	(2) Proposed 2011 Property Tax	Percent Change
<b>Total excluding special assessments</b>	\$279.37	\$255.92	-8.4%

**COUNTY:**

GENERAL COUNTY LEVY	\$116.90	\$105.69	
REGIONAL RAIL AUTHORITY	\$4.25	\$5.68	
COUNTY/MUNICIPAL PUBLIC SAFETY RADIO SYSTEM	\$1.28	\$1.12	
CITY OF NOWTHEN	\$64.27	\$58.72	
STATE GENERAL TAX	\$0.00	\$0.00	
ST FRANCIS SCHOOL DISTRICT #15			
VOTER APPROVED LEVIES	\$44.62	\$43.08	
OTHER LOCAL LEVIES	\$37.97	\$33.26	
METROPOLITAN SPECIAL TAXING DISTRICTS	\$4.25	\$3.87	
OTHER SPECIAL TAXING DISTRICTS	\$5.83	\$4.72	
TAX INCREMENT	\$0.00	\$0.00	
FISCAL DISPARITY	\$0.00	\$0.00	

Meeting Location and Date	Meeting Address and Telephone Number
COUNTY OF ANOKA GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 2, 2010 - 6:00PM (Discuss County Portion)	COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400
NOWTHEN NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 14, 2010 - 6:01PM (Discuss City Portion)	NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347
ST FRANCIS SCHOOL DISTRICT #15 CENTRAL SERVICES CENTER 4115 AMBASSADOR BLVD - ST FRANCIS DECEMBER 13, 2010 - 7:00PM (Discuss SD Portion)	ST FRANCIS SCHOOL DISTRICT #15 4115 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-753-7057
METROPOLITAN SPECIAL TAXING DISTRICTS COUNCIL CHAMBERS 390 ROBERT ST N - ST. PAUL DECEMBER 8, 2010 - 6:00PM (Discuss Metro Districts Portion)	METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446

— This is Not a Bill • Do Not Pay —



**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2011**

**PROPERTY TAX STATEMENT**

**Taxpayer(s):**

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



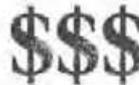
094889

**PROPERTY TAX VALUES & CLASSIFICATION**

Taxes Payable Year:	2010	2011
Estimated Market Value:	273,700	244,700
New Improvements/ Expired Exclusions:		
Taxable Market Value:	273,700	244,700
Property Classification:	Ag Hstd	Ag Hstd

**Property I.D.:** 15-33-25-12-0008 REAL  
**Property Description:** THAT PRT OF NW1/4 OF NE1/4 OF SEC 15 TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC

6760 213TH AVE NW NOWTHEN, MN 55330-0000  
 TCA: 46015- ACRES: 8.60 LINKED PROPERTY: 1 of 6  
**Owners(s):** OHMAN LEON & CINTHIA JOAN



**REFUNDS?**

*You may be eligible for one or even two refunds to reduce your property tax.*

*Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2010	2011
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$2,062.22
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$2,108.18	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$2,416.82	\$2,403.33
4. Credits that reduce property taxes		
A. Homestead and agricultural market value credits	\$251.41	\$281.65
B. Agricultural preserve credit	\$0.00	\$0.00
5. Property taxes after credits	\$2,165.41	\$2,121.68
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$795.62	\$793.90
B. Regional rail authority	\$28.97	\$26.46
7. County/municipal public safety radio system	\$8.71	\$8.42
8. City or town	\$437.43	\$440.57
9. State general tax	\$0.00	\$0.00
10. School district #15:		
A. Voter approved levies	\$488.36	\$473.47
B. Other local levies	\$337.68	\$316.35
11. Special taxing districts		
A. Metropolitan special taxing districts	\$28.98	\$27.06
B. Other special taxing districts	\$39.66	\$35.45
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$2,165.41	\$2,121.68
<b>Special Assessments</b>		
14. Special assessments		
A. Solid waste management charge	\$36.09	\$36.09
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$2,201.50</b>	<b>\$2,157.77</b>
	Pay this amount no later than May 15, 2011	\$1,078.88
	Pay this amount no later than November 15, 2011	\$1,078.89



**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2011** **PROPERTY TAX STATEMENT**

Taxpayer(s):

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



094897

**PROPERTY TAX VALUES & CLASSIFICATION**

Taxes Payable Year:	2010	2011
Estimated Market Value:	54,000	46,400
New Improvements/ Expired Exclusions:		
Taxable Market Value:	54,000	46,400
Property Classification:	Ag Hstd	Ag Hstd

Property I.D.: 15-33-25-24-0001 REAL  
 Property Description: THE SE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015- ACRES: 40.00 LINKED PROPERTY: 5 of 6  
 Owners(s): OHMAN LEON E



You may be eligible for one or even two refunds to reduce your property tax.

Read the back of this statement to find out how to apply.

Taxes Payable Year:	2010	2011
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$0.00	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$227.90	\$223.26
4. Credits that reduce property taxes		
A. Homestead and agricultural market value credits	\$0.00	\$0.00
B. Agricultural preserve credit	\$0.00	\$0.00
5. Property taxes after credits	\$227.90	\$223.26
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$95.37	\$93.09
B. Regional rail authority	\$3.47	\$3.10
7. County/municipal public safety radio system	\$1.04	\$0.99
8. City or town	\$52.43	\$51.66
9. State general tax	\$0.00	\$0.00
10. School district #15:		
A. Voter approved levies	\$36.40	\$37.86
B. Other local levies	\$30.97	\$29.23
11. Special taxing districts		
A. Metropolitan special taxing districts	\$3.47	\$3.17
B. Other special taxing districts	\$4.75	\$4.16
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$227.90	\$223.26
<b>Special Assessments</b>		
14. Special assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$227.90</b>	<b>\$223.26</b>
	Pay this amount no later than May 15, 2011	\$111.63
	Pay this amount no later than November 15, 2011	\$111.63



**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2011**

**PROPERTY TAX STATEMENT**

Taxpayer(s):

OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



094892

**PROPERTY TAX VALUES & CLASSIFICATION**

Taxes Payable Year:	2010	2011
Estimated Market Value:	115,400	97,400
New Improvements/ Expired Exclusions:		
Taxable Market Value:	115,400	97,400
Property Classification:	Ag Hstd	Ag Hstd

**Property I.D.:** 15-33-25-21-0001 REAL  
**Property Description:** THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, EX RD, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015- ACRES: 20.00 LINKED PROPERTY: 3 of 6  
**Owners(s):** OHMAN LEON E & CINTHIA

**\$\$\$**

*You may be eligible for one or even two refunds to reduce your property tax.*



**REFUNDS?**

*Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2010	2011
1. Use this amount on Form MIPR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form MIPR to see if you are eligible for a special refund.	\$0.00	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$486.07	\$466.64
4. Credits that reduce property taxes		
A. Homestead and agricultural market value credits	\$206.70	\$214.40
B. Agricultural preserve credit	\$0.00	\$0.00
5. Property taxes after credits	\$279.37	\$252.24
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$116.90	\$105.17
B. Regional rail authority	\$4.25	\$3.50
7. County/municipal public safety radio system	\$1.28	\$1.11
8. City or town	\$64.27	\$58.37
9. State general tax	\$0.00	\$0.00
10. School district #15:		
A. Voter approved levies	\$44.62	\$42.77
B. Other local levies	\$37.97	\$33.04
11. Special taxing districts		
A. Metropolitan special taxing districts	\$4.25	\$3.58
B. Other special taxing districts	\$5.83	\$4.70
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$279.37	\$252.24
<b>Special Assessments</b>		
14. Special assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$279.37</b>	<b>\$252.24</b>
Pay this amount no later than May 15, 2011		\$126.12
Pay this amount no later than November 15, 2011		\$126.12



**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2012 PROPERTY TAX STATEMENT**

**Taxpayer(s):**

025297

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8486



**Property I.D.:** 15-33-25-12-0008 REAL

**Property Description:** THAT PRT OF NW1/4 OF NE1/4 OF SEC 15 TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC

6760 213TH AVE NW NOWTHEN, MN 55330-0000  
 TCA: 46015- ACRES: 8.60 LINKED PROPERTY: 1 of 6

**Owners(s):** OHMAN LEON & CINTHIA JOAN



PROPERTY TAX VALUES & CLASSIFICATION		
Taxes Payable Year:	2011	2012
Estimated Market Value:	244,700	247,200
Homestead Exclusion:		18,934
Taxable Market Value:	244,700	228,266
New Improvements/ Expired Exclusions:		
Property Classification:	Ag Hstd	Ag Hstd Comm/Ind

**\$\$\$**

*You may be eligible for one or even two refunds to reduce your property tax.*

**REFUNDS?**

*Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2011	2012
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$2,057.97
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$2,062.22	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$2,221.28	\$2,493.95
4. Credits that reduce property taxes		
A. Agricultural market value credit	\$99.60	\$101.40
B. Agricultural preserve credit	\$0.00	\$0.00
5. Property taxes after credits	\$2,121.68	\$2,392.55
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$793.90	\$823.60
B. Regional rail authority	\$26.46	\$13.01
7. County/municipal public safety radio system	\$8.42	\$9.38
8. City or town	\$440.57	\$475.28
9. State general tax	\$0.00	\$76.65
10. School district #15:		
A. Voter approved levies	\$473.47	\$516.69
B. Other local levies	\$316.35	\$323.95
11. Special taxing districts		
A. Metropolitan special taxing districts	\$27.06	\$30.87
B. Other special taxing districts	\$35.45	\$33.69
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$89.43
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$2,121.68	\$2,392.55
<b>Special Assessments</b>		
14. Special assessments		
A. Solid waste management charge	\$36.09	\$24.02
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$2,157.77</b>	<b>\$2,416.57</b>

*1st 1/2 pd  
 May 14 - 2012  
 \$ 1208.29*

*1st 1/2 pd  
 1208.29*



**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2012** **PROPERTY TAX STATEMENT**

PROPERTY TAX VALUES & CLASSIFICATION		
Taxes Payable Year:	2011	2012
Estimated Market Value:	46,400	46,100
Homestead Exclusion:		
Taxable Market Value:	46,400	46,100
New Improvements/ Expired Exclusions:		
Property Classification:	Ag Hstd	Ag Hstd

**Taxpayer(s):**

025305

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466

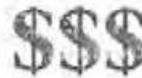


**Property I.D.:** 15-33-25-24-0001 REAL

**Property Description:** THE SE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015- ACRES: 40.00 LINKED PROPERTY: 5 of 6

**Owners(s):** OHMAN LEON E



*You may be eligible for one or even two refunds to reduce your property tax.*

**REFUNDS?**

*Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2011	2012
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$0.00	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$223.26	\$235.78
4. Credits that reduce property taxes		
A. Agricultural market value credit	\$0.00	\$0.00
B. Agricultural preserve credit	\$0.00	\$0.00
5. Property taxes after credits	\$223.26	\$235.78
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$93.09	\$95.05
B. Regional rail authority	\$3.10	\$1.50
7. County/municipal public safety radio system	\$0.99	\$1.08
8. City or town	\$51.66	\$54.85
9. State general tax	\$0.00	\$0.00
10. School district #15:		
A. Voter approved levies	\$37.86	\$43.24
B. Other local levies	\$29.23	\$32.61
11. Special taxing districts		
A. Metropolitan special taxing districts	\$3.17	\$3.56
B. Other special taxing districts	\$4.16	\$3.89
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$223.26	\$235.78
<b>Special Assessments</b>		
14. Special assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$223.26	\$235.78

*1st 1/2 PD  
 May 14 - 2012  
 117.89  
 2nd  
 11-14  
 117.89*



**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2012 PROPERTY TAX STATEMENT**

Taxpayer(s):

025300

OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



**Property I.D.:** 15-33-25-21-0001 REAL  
**Property Description:** THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, EX RD, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015 ACRES: 20.00 LINKED PROPERTY: 3 of 6  
**Owners(s):** OHMAN LEON E & CINTHIA



PROPERTY TAX VALUES & CLASSIFICATION		
Taxes Payable Year:	2011	2012
Estimated Market Value:	97,400	96,000
Homestead Exclusion:		
Taxable Market Value:	97,400	96,000
New Improvements/ Expired Exclusions:		
Property Classification:	Ag Hstd	Ag Hstd



You may be eligible for one or even two refunds to reduce your property tax.

REFUNDS?

Read the back of this statement to find out how to apply.

Taxes Payable Year:		2011	2012
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>			\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$0.00	
<b>Property Tax and Credits</b>			
3. Property taxes before credits		\$466.64	\$490.95
4. Credits that reduce property taxes			
A. Agricultural market value credit		\$214.40	\$213.15
B. Agricultural preserve credit		\$0.00	\$0.00
5. Property taxes after credits		\$252.24	\$277.80
<b>Property Tax by Jurisdiction</b>			
6. County			
A. General county levy		\$105.17	\$111.98
B. Regional rail authority		\$3.50	\$1.77
7. County/municipal public safety radio system		\$1.11	\$1.28
8. City or town		\$58.37	\$64.62
9. State general tax		\$0.00	\$0.00
10. School district #15:			
A. Voter approved levies		\$42.77	\$50.94
B. Other local levies		\$33.04	\$38.41
11. Special taxing districts			
A. Metropolitan special taxing districts		\$3.58	\$4.21
B. Other special taxing districts		\$4.70	\$4.59
C. Tax increment		\$0.00	\$0.00
D. Fiscal disparity		\$0.00	\$0.00
12. Non-school voter approved referends levies		\$0.00	\$0.00
13. Total property tax before special assessments		\$252.24	\$277.80
<b>Special Assessments</b>			
14. Special assessments			
A. Solid waste management charge		\$0.00	\$0.00
B. All other special assessments		\$0.00	\$0.00
C. Contamination tax		\$0.00	\$0.00
<b>15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>		<b>\$252.24</b>	<b>\$277.80</b>

1st 1/2 pd  
 may 14 2012  
 \$138.90  
 2nd 1/2  
 11-14-2012  
 138.90



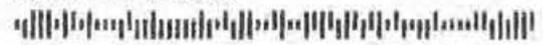
**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

**2013** **PROPERTY TAX STATEMENT**

PROPERTY TAX VALUES & CLASSIFICATION		
Taxes Payable Year:	2012	2013
Estimated Market Value:	247,200	231,200
Homestead Exclusion:	18,934	20,068
Taxable Market Value:	228,266	211,132
New Improvements/ Expired Exclusions:		
Property Classification:	Ag Hstd Comm/Ind	Ag Hstd Comm/Ind

Taxpayer(s): 025303

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



Property I.D.: 15-33-25-12-0008 REAL  
 Property Description: THAT PRT OF NW1/4 OF NE1/4 OF SEC 15 TWP 33 RGE 25 LYG  
 W OF E 1031 FT THEREOF, AS MEAS ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC  
 6760 213TH AVE NW NOWTHEN, MN 55330-0000  
 TCA: 46015- ACRES: 8.60 LINKED PROPERTY: 1 of 6  
 Owners(s): OHMAN LEON & CINTHIA JOAN



You may be eligible for one or even two  
 refunds to reduce your property tax.

**REFUNDS?**

Read the back of this statement to  
 find out how to apply.

Taxes Payable Year:	2012	2013
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 31. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$2,057.21
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$2,057.97	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$2,493.95	\$2,487.44
4. Credits that reduce property taxes		
A. Agricultural market value credit	\$101.40	\$93.60
B. Agricultural preserve credit	\$0.00	\$0.00
5. Property taxes after credits	\$2,392.55	\$2,393.84
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$823.60	\$825.42
B. Regional rail authority	\$13.01	\$14.44
7. County/municipal public safety system	\$9.38	\$6.50
8. City or town	\$475.28	\$502.57
9. State general tax	\$76.65	\$72.48
10. School district #15:		
A. Voter approved levies	\$516.69	\$491.12
B. Other local levies	\$323.95	\$330.65
11. Special taxing districts		
A. Metropolitan special taxing districts	\$30.87	\$30.47
B. Other special taxing districts	\$33.69	\$31.17
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$89.43	\$89.02
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$2,392.55	\$2,393.84
<b>Special Assessments</b>		
14. Special assessments		
A. Solid waste management charge	\$24.02	\$24.02
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$2,416.57</b>	<b>\$2,417.86</b>

1st 1/2 pd 5-14-13  
 \$1208.93  
 ✓ # 6241

Total ✓ # 6247  
 1436.02



**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

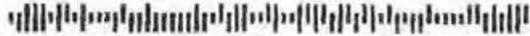
**2013** **PROPERTY TAX STATEMENT**

**PROPERTY TAX VALUES & CLASSIFICATION**

Taxes Payable Year:	2012	2013
Estimated Market Value:	46,100	41,400
Homestead Exclusion:		
Taxable Market Value:	46,100	41,400
New Improvements/Expired Exclusions:		
Property Classification:	Ag Hstd	Ag Hstd

**Taxpayer(s):**

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



025311

**Property I.D.:** 15-33-25-24-0001 REAL  
**Property Description:** THE SE 1/4 OF NW 1/4 OF SEC 15 TWP 33 RGE 25, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015- ACRES: 40.00 LINKED PROPERTY: 5 of 6  
**Owners(s):** OHMAN LEON E



**\$\$\$**

*You may be eligible for one or even two refunds to reduce your property tax.*

**REFUNDS?**

*Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2012	2013
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 31. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$0.00	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$235.78	\$226.88
4. Credits that reduce property taxes		
A. Agricultural market value credit	\$0.00	\$0.00
B. Agricultural preserve credit	\$0.00	\$0.00
5. Property taxes after credits	\$235.78	\$226.88
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$95.05	\$91.93
B. Regional rail authority	\$1.50	\$1.61
7. County/municipal public safety system	\$1.08	\$0.72
8. City or town	\$54.85	\$55.97
9. State general tax	\$0.00	\$0.00
10. School district #15:		
A. Voter approved levies	\$43.24	\$39.57
B. Other local levies	\$32.61	\$30.20
11. Special taxing districts		
A. Metropolitan special taxing districts	\$3.56	\$3.41
B. Other special taxing districts	\$3.89	\$3.47
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$235.78	\$226.88
<b>Special Assessments</b>		
14. Special assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
<b>15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>	<b>\$235.78</b>	<b>\$226.88</b>

*1st 1/2 0<sup>th</sup>  
 5-14-13  
 113.44  
 V# 6241*



**Anoka County**  
 Larry W. Dalien, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 (763) 323-5400  
 www.co.anoka.mn.us

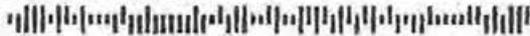
**2013**

**PROPERTY TAX STATEMENT**

025306

**Taxpayer(s):**

OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



**Property I.D.:** 15-33-25-21-0001 REAL  
**Property Description:** THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, EX RD, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TGA: 46015- ACRES: 20.00 LINKED PROPERTY: 3 of 6  
**Owners(s):** OHMAN LEON E & CINTHIA



PROPERTY TAX VALUES & CLASSIFICATION		
Taxes Payable Year:	2012	2013
Estimated Market Value:	96,000	83,500
Homestead Exclusion:		
Taxable Market Value:	96,000	83,500
New Improvements/Expired Exclusions:		
Property Classification:	Ag Hstd	Ag Hstd

**\$\$\$**

*You may be eligible for one or even two refunds to reduce your property tax.*

**REFUNDS?**

*Read the back of this statement to find out how to apply.*

Taxes Payable Year:	2012	2013
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 31. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>		\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$0.00	
<b>Property Tax and Credits</b>		
3. Property taxes before credits	\$490.95	\$458.14
4. Credits that reduce property taxes		
A. Agricultural market value credit	\$213.15	\$230.85
B. Agricultural preserve credit	\$0.00	\$0.00
5. Property taxes after credits	\$277.80	\$227.29
<b>Property Tax by Jurisdiction</b>		
6. County		
A. General county levy	\$111.98	\$92.10
B. Regional rail authority	\$1.77	\$1.61
7. County/municipal public safety system	\$1.28	\$0.72
8. City or town	\$64.62	\$56.07
9. State general tax	\$0.00	\$0.00
10. School district #15:		
A. Voter approved levies	\$50.94	\$39.64
B. Other local levies	\$38.41	\$30.27
11. Special taxing districts		
A. Metropolitan special taxing districts	\$4.21	\$3.40
B. Other special taxing districts	\$4.59	\$3.48
C. Tax increment	\$0.00	\$0.00
D. Fiscal disparity	\$0.00	\$0.00
12. Non-school voter approved referenda levies	\$0.00	\$0.00
13. Total property tax before special assessments	\$277.80	\$227.29
<b>Special Assessments</b>		
14. Special assessments		
A. Solid waste management charge	\$0.00	\$0.00
B. All other special assessments	\$0.00	\$0.00
C. Contamination tax	\$0.00	\$0.00
15. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$277.80	\$227.29

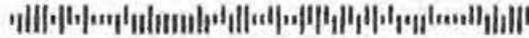
*1A 1/2 Pd  
 5-14-13  
 113.64  
 # 6241*



**Anoka County**  
 Jonell M. Sawyer, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 www.co.anoka.mn.us  
 (763) 323-5400

**Taxpayers(s):**

OHMAN LEON E  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8468



**Property I.D.:** 15-33-25-24-0001  
**Property Description:** THE SE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015- ACRES: 40.00 LINKED PROPERTY: 5 of 6  
**Owners(s):** OHMAN LEON E

<b>PROPOSED TAXES 2014</b>			
<b>THIS IS NOT A BILL. DO NOT PAY.</b>			
Step	VALUES AND CLASSIFICATION		
	Taxes Payable Year	2013	2014
1	Estimated Market Value:	\$41,400	\$37,300
	Homestead Exclusion:	\$0	\$0
	Taxable Market Value:	\$41,400	\$37,300
	Class:	Ag Hstd	Ag Hstd
Step 2	PROPOSED TAX		
	2013 Actual Property Tax:	\$226.88	<i>See Details Below</i>
2014 Proposed Property Tax:	\$207.71		
Percent Change:	-8.4%		
Step 3	PROPERTY TAX STATEMENT		
	Coming in March 2014		

**The time to provide feedback on PROPOSED LEVIES is NOW!**  
 It is too late to appeal your value without going to Tax Court.

**Proposed Property Taxes and Meetings by Jurisdiction for Your Property**

Contact Information	Meeting Information	Actual 2013	Proposed 2014
STATE GENERAL TAX	NO PUBLIC MEETING	\$0.00	\$0.00
COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400	GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 5, 2013 - 6:00PM (Discuss County Portion)		
GENERAL COUNTY LEVY		\$91.93	\$81.48
REGIONAL RAIL AUTHORITY		\$1.61	\$1.64
COUNTY/MUNICIPAL PUBLIC SAFETY SYSTEM		\$0.72	\$0.70
CITY OF NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347	NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 10, 2013 - 8:01PM (Discuss City Portion)	\$55.97	\$54.97
ST FRANCIS SCHOOL DISTRICT #15 4115 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-753-7057	4115 AMBASSADOR BLVD ST FRANCIS, MN DECEMBER 9, 2013 - 7:00PM (Discuss SD Portion)		
VOTER APPROVED LEVIES		\$39.57	\$34.53
OTHER LOCAL LEVIES		\$30.20	\$28.27
METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446	COUNCIL CHAMBERS 390 ROBERT ST N - ST. PAUL DECEMBER 11, 2013 - 6:00PM (Discuss Metro Districts Portion)	\$3.41	\$3.00
OTHER SPECIAL TAXING DISTRICTS		\$3.47	\$3.12
TAX INCREMENT		\$0.00	\$0.00
FISCAL DISPARITY		\$0.00	\$0.00
<b>TOTAL excluding special assessments</b>		<b>\$226.88</b>	<b>\$207.71 -8.4%</b>



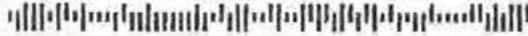
**Anoka County**  
 Jonell M. Sawyer, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 www.co.anoka.mn.us  
 (763) 323-5400

**Taxpayers(s):**

OHMAN LEON & CINTHIA JOAN  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



059028



**Property I.D.:** 15-33-25-12-0008

**Property Description:** THAT PRT OF NW1/4 OF NE1/4 OF SEC 15 TWP 33 RGE 25 LYG W OF E 1031 FT THEREOF, AS MEAS ALG N LINE THEREOF, EX RD, SUBJ TO EASE OF REC

6760 213TH AVE NW NOWTHEN, MN 55330-0000  
 TCA: 46015- ACRES: 8.60 LINKED PROPERTY: 1 of 6  
**Owners(s):** OHMAN LEON & CINTHIA JOAN

**PROPOSED TAXES 2014**

**THIS IS NOT A BILL. DO NOT PAY.**

Step	VALUES AND CLASSIFICATION		
	Taxes Payable Year	2013	2014
1	Estimated Market Value:	\$231,200	\$237,000
	Homestead Exclusion:	\$20,068	\$19,510
	Taxable Market Value:	\$211,132	\$217,490
	Class:	Ag Hstd Comm/Ind	Ag Hstd Comm/Inc
Step	PROPOSED TAX		
2	2013 Actual Property Tax:	\$2,393.84	<i>See Detail Below</i>
	2014 Proposed Property Tax:	\$2,581.48	
	Percent Change:	7.8%	
Step	PROPERTY TAX STATEMENT		
3	Coming in March 2014		

**The time to provide feedback on  
 PROPOSED LEVIES is NOW!**

*It is too late to appeal your value without going to Tax Court.*

**Proposed Property Taxes and Meetings by Jurisdiction for Your Property**

Contact Information	Meeting Information	Actual 2013	Proposed 2014
STATE GENERAL TAX	NO PUBLIC MEETING	\$72.48	\$85.86
COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400	GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 5, 2013 - 6:00PM (Discuss County Portion)		
GENERAL COUNTY LEVY		\$825.42	\$845.71
REGIONAL RAIL AUTHORITY		\$14.44	\$17.06
COUNTY/MUNICIPAL PUBLIC SAFETY SYSTEM		\$6.50	\$7.24
CITY OF NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347	NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 10, 2013 - 6:01PM (Discuss City Portion)	\$502.57	\$570.63
ST FRANCIS SCHOOL DISTRICT #15 4115 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-763-7057	4115 AMBASSADOR BLVD ST FRANCIS, MN DECEMBER 9, 2013 - 7:00PM (Discuss SD Portion)		
VOTER APPROVED LEVIES		\$491.12	\$358.41
OTHER LOCAL LEVIES		\$330.65	\$528.54
METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446	COUNCIL CHAMBERS 390 ROBERT ST N - ST. PAUL DECEMBER 11, 2013 - 6:00PM (Discuss Metro Districts Portion)	-\$30.47	\$31.27
OTHER SPECIAL TAXING DISTRICTS		\$31.17	\$32.36
TAX INCREMENT		\$0.00	\$0.00
FISCAL DISPARITY		\$89.02	\$104.40
<b>TOTAL excluding special assessments</b>		<b>\$2,393.84</b>	<b>\$2,581.48</b>
			<b>7.8%</b>



**Anoka County**  
 Jonell M. Sawyer, Division Manager  
 Property Records and Taxation  
 2100 3<sup>rd</sup> Avenue  
 Anoka, MN 55303-2281  
 www.co.anoka.mn.us  
 (763) 323-5400

**Taxpayers(s):**

OHMAN LEON E & CINTHIA  
 6760 213TH AVE NW  
 ELK RIVER MN 55330-8466



059031



**Property I.D.:** 15-33-25-21-0001  
**Property Description:** THE E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, EX RD, SUBJ TO EASE OF REC

UNASSIGNED SITUS NOWTHEN, MN 00000-0000  
 TCA: 46015- ACRES: 20.00 LINKED PROPERTY: 3 of 6  
**Owners(s):** OHMAN LEON E & CINTHIA

<b>PROPOSED TAXES 2014</b>			
<b>THIS IS NOT A BILL. DO NOT PAY.</b>			
Step	VALUES AND CLASSIFICATION		
	Taxes Payable Year	2013	2014
1	Estimated Market Value:	\$83,500	\$92,500
	Homestead Exclusion:	\$0	\$0
	Taxable Market Value:	\$83,500	\$92,500
	Class:	Ag Hstd	Ag Hstd
2	PROPOSED TAX		
	2013 Actual Property Tax:	\$227.29	<i>See Details Below</i>
	2014 Proposed Property Tax:	\$278.87	
	Percent Change:	22.7%	
3	PROPERTY TAX STATEMENT		
	Coming in March 2014		

**The time to provide feedback on PROPOSED LEVIES is NOW!**

It is too late to appeal your value without going to Tax Court.

**Proposed Property Taxes and Meetings by Jurisdiction for Your Property**

Contact Information	Meeting Information	Actual 2013	Proposed 2014
STATE GENERAL TAX	NO PUBLIC MEETING	\$0.00	\$0.00
COUNTY OF ANOKA 2100 3RD AVE ANOKA MN 55303 763-323-5400	GOVERNMENT CENTER COUNTY BOARD ROOM DECEMBER 5, 2013 - 6:00PM (Discuss County Portion)		
GENERAL COUNTY LEVY		\$92.10	\$109.35
REGIONAL RAIL AUTHORITY		\$1.61	\$2.21
COUNTY/MUNICIPAL PUBLIC SAFETY SYSTEM		\$0.72	\$0.94
CITY OF NOWTHEN 8188 199TH AVE NW ELK RIVER MN 55330 763-441-1347	NOWTHEN CITY HALL 19800 NOWTHEN BLVD NW DECEMBER 10, 2013 - 6:01PM (Discuss City Portion)	\$56.07	\$73.81
ST FRANCIS SCHOOL DISTRICT #15 4115 AMBASSADOR BLVD ST. FRANCIS MN 55070 763-753-7057	4115 AMBASSADOR BLVD ST FRANCIS, MN DECEMBER 9, 2013 - 7:00PM (Discuss SD Portion)		
VOTER APPROVED LEVIES		\$39.64	\$46.36
OTHER LOCAL LEVIES		\$30.27	\$37.96
METROPOLITAN SPECIAL TAXING DISTRICTS 390 ROBERT ST N ST PAUL MN 55101-1805 651-602-1446	COUNCIL CHAMBERS 390 ROBERT ST N - ST. PAUL DECEMBER 11, 2013 - 6:00PM (Discuss Metro Districts Portion)	\$3.40	\$4.05
OTHER SPECIAL TAXING DISTRICTS		\$3.48	\$4.19
TAX INCREMENT		\$0.00	\$0.00
FISCAL DISPARITY		\$0.00	\$0.00
<b>TOTAL excluding special assessments</b>		<b>\$227.29</b>	<b>\$278.87 22.7%</b>

Form 1040

Department of the Treasury—Internal Revenue Service

U.S. Individual Income Tax Return 2010

(95)

IRS Use Only—Do not write or staple in this space

Name, Address, and SSN

See separate instructions

Form header section containing personal information: For the year Jan. 1-Dec. 31, 2010, ending 2010, ending 20. OMB No. 1545-0074. Your first name and initial LEON, Last name OHMAN. Spouse's first name and initial CYNTHIA, Last name OHMAN. Home address 6760 213TH AVENUE NW, Apt. no. City, town or post office, state, and ZIP code. ELK RIVER MN 55330-8466. Checking a box below will not change your tax or refund. You Spouse.

Filing Status

Check only one box.

Filing status options: 1 Single, 2 Married filing jointly (even if only one had income), 3 Married filing separately, 4 Head of household, 5 Qualifying widow(er) with dependent child.

Exemptions

If more than four dependents, see instructions and check here

Exemptions section: a Yourself, b Spouse, c Dependents (table with columns for first name, last name, social security number, relationship, and child status), d Total number of exemptions claimed.

Income

Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld. If you did not get a W-2, see page 20.

Enclose, but do not attach, any payment. Also, please use Form 1040-AT.

Income section (lines 7-22): 7 Wages, salaries, tips, etc. Attach Form(s) W-2; 8a Taxable interest; 9a Ordinary dividends; 10 Taxable refunds, credits, or offsets of state and local income taxes; 11 Alimony received; 12 Business income or (loss); 13 Capital gain or (loss); 14 Other gains or (losses); 15a IRA distributions; 15b Pensions and annuities; 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc.; 18 Farm income or (loss); 19 Unemployment compensation; 20a Social security benefits; 21 Other income; 22 Combine the amounts in the far right column for lines 7 through 21. This is your total income.

Adjusted Gross Income

Adjusted Gross Income section (lines 23-37): 23 Educator expenses; 24 Certain business expenses of reservists, performing artists, and fee-basis government officials; 25 Health savings account deduction; 26 Moving expenses; 27 One-half of self-employment tax; 28 Self-employed SEP, SIMPLE, and qualified plans; 29 Self-employed health insurance deduction; 30 Penalty on early withdrawal of savings; 31a Alimony paid; 32 IRA deduction; 33 Student loan interest deduction; 34 Tuition and fees; 35 Domestic production activities deduction; 36 Add lines 23 through 31a and 32 through 35; 37 Subtract line 36 from line 22. This is your adjusted gross income.

3

**Tax and Credits**

38 Amount from line 37 (adjusted gross income) 38

39a Check  You were born before January 2, 1946,  Blind. Total boxes checked  39a  
 if:  Spouse was born before January 2, 1946,  Blind.  39b

b If your spouse itemizes on a separate return or you were a dual-status alien, check here  39b

40 Itemized deductions (from Schedule A) or your standard deduction (see instructions) 40

41 Subtract line 40 from line 38 41

42 Exemptions. Multiply \$3,650 by the number on line 6d 42

43 Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0- 43

44 Tax (see instr.). Check if any tax is from: a  Form(s) 8814 b  Form 4572 44

45 Alternative minimum tax (see instructions). Attach Form 6251 45

46 Add lines 44 and 45 46

47 Foreign tax credit. Attach Form 1116 if required 47

48 Credit for child and dependent care expenses. Attach Form 2441 48

49 Education credits from Form 8863, line 23 49

50 Retirement savings contributions credit. Attach Form 8880 50

51 Child tax credit (see instructions) 51

52 Residential energy credits. Attach Form 5695 52

53 Other credits from Form: a  3800 b  8801 c  53

54 Add lines 47 through 53. These are your total credits 54

55 Subtract line 54 from line 46. If line 54 is more than line 46, enter -0- 55

**Other Taxes**

56 Self-employment tax. Attach Schedule SE 56

57 Unreported social security and Medicare tax from Form: a  4137 b  8919 57

58 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required 58

59 a  Form(s) W-2, box 9 b  Schedule H c  Form 5405, line 16 59

60 Add lines 56 through 59. This is your total tax 60

**Payments**

61 Federal income tax withheld from Forms W-2 and 1099 61

62 2010 estimated tax payments and amount applied from 2009 return 62

63 Making work pay credit. Attach Schedule M 63

64a Earned income credit (EIC) 64a

b Nontaxable combat pay election  64b

65 Additional child tax credit. Attach Form 8812 65

66 American opportunity credit from Form 8863, line 14 66

67 First-time homebuyer credit from Form 5405, line 1D 67

68 Amount paid with request for extension to file 68

69 Excess social security and tier 1 RRTA tax withheld 69

70 Credit for federal tax on fuels. Attach Form 4136 70

71 Credits from Form: a  2439 b  8939 c  8801 d  8885 71

72 Add lines 61, 62, 63, 64a, and 65 through 71. These are your total payments 72

**Refund**

73 If line 72 is more than line 60, subtract line 60 from line 72. This is the amount you overpaid 73

74a Amount of line 73 you want refunded to you. If Form 8888 is attached, check here  74a

b Routing number  c Type:  Checking  Savings

d Account number

75 Amount of line 73 you want applied to your 2011 estimated tax  75

**Amount You Owe**

76 Amount you owe. Subtract line 72 from line 60. For details on how to pay, see instructions 76

77 Estimated tax penalty (see instructions) 77

**Third Party Designee**

Do you want to allow another person to discuss this return with the IRS (see instructions)?  Yes. Complete below.  No

Designee's name  Personal identification number (PIN)

Phone no.

**Sign Here**

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature  Date  Your occupation  Daytime phone number

Spouse's signature. If a joint return, both must sign.  Date  Spouse's occupation

Print/Type preparer's name  Preparer's signature  Date  Check  PTIN

Paid  X. JOANNE BOCOVICH, CPA self-employed P00335157

Preparer  Firm's name  KELLING, BOCOVICH & CO., LTD. Firm's EIN  41-1875357

Use Only  Firm's address  265 NORTHDAL BLVD. NW Phone no.  763-757-5116

COON RAPIDS MN 55448

**SCHEDULE F**  
**(Form 1040)**

Department of the Treasury  
Internal Revenue Service (99)

**Profit or Loss From Farming**

▶ Attach to Form 1040, Form 1040NR, Form 1041, Form 1065, or Form 1065-B.  
▶ See instructions for Schedule F (Form 1040).

OMB No. 1545-0074

**2010**

Attachment  
Sequence No. **14**

Name of proprietor

Social security number (SSN)

**LEON & CYNTHIA OHMAN**

**A** Principal product. Describe in one or two words your principal crop or activity for the current tax year.  
**FRUIT, HAY AND HORSES**

**B** Enter code from Part IV  
▶ **112900**

**C** Accounting method: (1)  Cash (2)  Accrual

**D** Employer ID number (EIN), if any

**E** Did you "materially participate" in the operation of this business during 2010? If "No," see instructions for limit on passive losses.  Yes  No

**Part I Farm Income – Cash Method.** Complete Parts I and II (Accrual method. Complete Parts II and III, and Part I, line 11.) Do not include sales of livestock held for draft, breeding, sport, or dairy purposes. Report these sales on Form 4797.

1	Sales of livestock and other items you bought for resale	1		
2	Cost or other basis of livestock and other items reported on line 1	2		
3	Subtract line 2 from line 1			3
4	Sales of livestock, produce, grains, and other products you raised			4
5a	Cooperative distributions (Form(s) 1099-PATR)	5a		5b Taxable amount
5b	Taxable amount			5b
6a	Agricultural program payments (see instructions)	6a		6b Taxable amount
6b	Taxable amount			6b
7	Commodity Credit Corporation (CCC) loans (see instructions):			
a	CCC loans reported under election			7a
b	CCC loans forfeited	7b		7c Taxable amount
7c	Taxable amount			7c
8	Crop insurance proceeds and federal crop disaster payments (see instructions):			
a	Amount received in 2010	8a		8b Taxable amount
8b	Taxable amount			8b
c	If election to defer to 2011 is attached, check here <input type="checkbox"/>			8d Amount deferred from 2009
8d	Amount deferred from 2009			8d
9	Custom hire (machine work) income			9
10	Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)			10
11	Gross income. Add amounts in the right column for lines 3 through 10. If you use the accrual method to figure your income, enter the amount from Part III, line 51			11

**Part II Farm Expenses – Cash and Accrual Method.** Do not include personal or living expenses such as taxes, insurance, or repairs on your home.

12	Car and truck expenses (see instructions). Also attach Form 4562	12			25	Pension and profit-sharing plans	25	
13	Chemicals	13			26	Rent or lease (see instructions):		
14	Conservation expenses (see instructions)	14			a	Vehicles, machinery, and equipment	26a	
15	Custom hire (machine work)	15			b	Other (land, animals, etc.)	26b	
16	Depreciation and section 179 expense deduction not claimed elsewhere (see instructions)	16			27	Repairs and maintenance	27	
17	Employee benefit programs other than on line 25	17			28	Seeds and plants	28	
18	Feed	18			29	Storage and warehousing	29	
19	Fertilizers and lime	19			30	Supplies	30	
20	Freight and trucking	20			31	Taxes	31	
21	Gasoline, fuel, and oil	21			32	Utilities	32	
22	Insurance (other than health)	22			33	Veterinary, breeding, and medicine	33	
23	Interest:				34	Other expenses (specify):		
a	Mortgage (paid to banks, etc.)	23a			a	SEE STATEMENT 1	34a	
b	Other	23b			b		34b	
24	Labor hired (less employment credits)	24			c		34c	
					d		34d	
					e		34e	
					f		34f	
35	Total expenses. Add lines 12 through 34f. If line 34f is negative, see instructions						35	
36	Net farm profit or (loss). Subtract line 35 from line 11. Partnerships, see instructions. a If a profit, enter the profit on both Form 1040, line 18, and Schedule SE, line 1a; on Form 1040NR, line 19; or on Form 1041, line 6. b If a loss, you must go to line 37.						36	
37	If you have a loss, you must check the box that describes your investment in this activity and whether you received any applicable subsidy (see instructions). a If you checked 37a, enter the loss on both Form 1040, line 18, and Schedule SE, line 1a; on Form 1040NR, line 19; or on 1041, line 6. b If you checked 37b, your loss may be limited. See instructions.						37a	<input type="checkbox"/> All investment is at risk and you did not receive a subsidy.
							37b	<input type="checkbox"/> Some investment is not at risk or you received a subsidy.

For Paperwork Reduction Act Notice, see your tax return instructions.  
DAA

Schedule F (Form 1040) 2010

27.

Subd. 1d. **Nuisance.** Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (i) to (ix), without payment of compensation.

Subd. 1e. **Nonconformities.** (a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

(c) Notwithstanding paragraph (a), a municipality shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(d) Paragraphs (d) to (j) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A municipality shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (d) to (j).

(e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) all structure and septic system setback distance requirements can be met;

(2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and

(3) the impervious surface coverage does not exceed 25 percent of the lot.

(f) In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

(1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;

(2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;

(3) impervious surface coverage must not exceed 25 percent of each lot; and

(4) development of the lot must be consistent with an adopted comprehensive plan.

(g) A lot subject to paragraph (f) not meeting the requirements of paragraph (f) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

(h) Notwithstanding paragraph (f), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

(i) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(j) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

**Subd. 1f. Substandard structures.** Notwithstanding subdivision 1e, Minnesota Rules, parts 6105.0351 to 6105.0550, may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part 6105.0354, subpart 30, in the Lower Saint Croix National Scenic Riverway.

**Subd. 1g. Feedlot zoning controls.** (a) A municipality proposing to adopt a new feedlot zoning control or to amend an existing feedlot zoning control must notify the Pollution Control Agency and commissioner of agriculture at the beginning of the process, no later than the date notice is given of the first hearing proposing to adopt or amend a zoning control purporting to address feedlots.

(b) Prior to final approval of a feedlot zoning control, the governing body of a municipality may submit a copy of the proposed zoning control to the Pollution Control Agency and to the commissioner of agriculture and request review, comment, and recommendations on the environmental and agricultural effects from specific provisions in the ordinance.

(c) The agencies' response to the municipality may include:

(1) any recommendations for improvements in the ordinance; and

28.

## Memorandum

**Date:** September 24, 2003

**To:** Division code staff

**From:** Scott McLellan

**Subject:** Explanation of the agricultural building exemption in the state building code

Below is a review and commentary on the provisions associated with the state building code exemption of agricultural buildings. They span several sections of the state building code, Minnesota Rule, and Minnesota Statute. This information is designed to help you track the provisions and assist building officials and others in understanding them.

The limited examples and commentary are intended to provide guidance to building officials in understanding the agricultural exemption to the state building code. For other questions, or determinations of specific property, building officials should discuss with their municipal assessor or attorney. If you have questions or comments, you're welcome to ask me.

- I. MN Rule part 1300.0030 Subp. 2 A states in part, *The code does not apply to agricultural buildings except with respect to state inspections required or authorized by Minnesota Statutes, sections 103F.141, subdivision 8, and 326.244.*  
**This means that administration of the state building code cannot be applied to agricultural buildings. The only exceptions are for (M.S. 130F.141) floodplain management and (326.244) electrical installations. Although not referenced here, both water wells and septic systems are also regulated by Minnesota law.**
- II. MN Rule part 1300.0120 Subp. 4 states in part, Permits shall not be required for the following: (13) agricultural buildings as defined in Minnesota Statutes, section 16B.60, subdivision 5.  
**Because the code does not apply to agricultural buildings, building permits are not and must not be required. A zoning permit may be required by the municipality.**
- III. MN Rule part 1300.0070 Subp. 4 states, *Agricultural building means a building that meets the requirements of Minnesota Statutes, section 16B.60, subdivision 5.*  
**To determine if a building is considered agricultural, see the referenced statute.**
- IV. MN Statute 16B.60 Subd. 5 states, *Agricultural building means a structure on agricultural land as defined in section 273.13, subdivision 23, designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.*

To qualify, the "agricultural building" must satisfy the conditions of this definition for how both the building and the land (273.13 subd. 23) are used.

- A) First, the uses of the building must be consistent with those described:
1. It must be used primarily for housing farm implements (not a parking garage), livestock (which does include horses and the commercial boarding of horses "see 273.13 subd. 23 (e)(3), and those "agricultural products" enumerated in clause (e).
  2. It should be noted that this "agricultural building" cannot be for use by the public such

as for retail sales, mini-storage, riding lessons, livestock shows, etc

- 3. The building can serve as a place of employment for persons working with the agricultural products and those engaged in their pickup or delivery.

B) Second, the building must be on agricultural land as defined in section 273.13, subdivision 23,

V. Minnesota Statute section 273.13 Subd. 23 defines agricultural land in items (c) and (d). To make this determination, the building official should rely on how the property is classified according to the records of the county assessor's office. After all, property classification is their jurisdiction and this is the statute they use to make their classification. This is probably the best method because it removes the building official from a subjective decision on a matter over which they have no knowledge or training.

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443 Lafayette Road N.,  
 St. Paul, MN 55155  
 Phone: (651) 284-5005 or  
 1-800-342-5354

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 phone numbers and e-mail  
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29.

(4) the structure is not salable as residential property because it does not comply with local ordinances relating to location in relation to streets or roads.

The market value of class 1d property has the same class rates as class 1a property under paragraph (a).

Subd. 23. **Class 2.** (a) An agricultural homestead consists of class 2a agricultural land that is homesteaded, along with any class 2b rural vacant land that is contiguous to the class 2a land under the same ownership. The market value of the house and garage and immediately surrounding one acre of land has the same class rates as class 1a or 1b property under subdivision 22. The value of the remaining land including improvements up to the first tier valuation limit of agricultural homestead property has a net class rate of 0.5 percent of market value. The remaining property over the first tier has a class rate of one percent of market value. For purposes of this subdivision, the "first tier valuation limit of agricultural homestead property" and "first tier" means the limit certified under section 273.11, subdivision 23.

(b) Class 2a agricultural land consists of parcels of property, or portions thereof, that are agricultural land and buildings. Class 2a property has a net class rate of one percent of market value, unless it is part of an agricultural homestead under paragraph (a). Class 2a property must also include any property that would otherwise be classified as 2b, but is interspersed with class 2a property, including but not limited to sloughs, wooded wind shelters, acreage abutting ditches, ravines, rock piles, land subject to a setback requirement, and other similar land that is impractical for the assessor to value separately from the rest of the property or that is unlikely to be able to be sold separately from the rest of the property.

An assessor may classify the part of a parcel described in this subdivision that is used for agricultural purposes as class 2a and the remainder in the class appropriate to its use.

(c) Class 2b rural vacant land consists of parcels of property, or portions thereof, that are unplatted real estate, rural in character and not used for agricultural purposes, including land used for growing trees for timber, lumber, and wood and wood products, that is not improved with a structure. The presence of a minor, ancillary nonresidential structure as defined by the commissioner of revenue does not disqualify the property from classification under this paragraph. Any parcel of 20 acres or more improved with a structure that is not a minor, ancillary nonresidential structure must be split-classified, and ten acres must be assigned to the split parcel containing the structure. Class 2b property has a net class rate of one percent of market value unless it is part of an agricultural homestead under paragraph (a), or qualifies as class 2c under paragraph (d).

(d) Class 2c managed forest land consists of no less than 20 and no more than 1,920 acres statewide per taxpayer that is being managed under a forest management plan that meets the requirements of chapter 290C, but is not enrolled in the sustainable forest resource management incentive program. It has a class rate of .65 percent, provided that the owner of the property must apply to the assessor in order for the property to initially qualify for the reduced rate and provide the information required by the assessor to verify that the property qualifies for the reduced rate. If the assessor receives the application and information before May 1 in an assessment year, the property qualifies beginning with that assessment year. If the assessor receives the application and information after April 30 in an assessment year, the property may not qualify until the next assessment year. The commissioner of natural resources must concur that the land is qualified. The commissioner of natural resources shall annually provide county assessors verification information

on a timely basis. The presence of a minor, ancillary nonresidential structure as defined by the commissioner of revenue does not disqualify the property from classification under this paragraph.

(e) Agricultural land as used in this section means:

(1) contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes; or

(2) contiguous acreage used during the preceding year for an intensive livestock or poultry confinement operation, provided that land used only for pasturing or grazing does not qualify under this clause.

"Agricultural purposes" as used in this section means the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. For a property to be classified as agricultural based only on the drying or storage of agricultural products, the products being dried or stored must have been produced by the same farm entity as the entity operating the drying or storage facility. "Agricultural purposes" also includes enrollment in the Reinvest in Minnesota program under sections 103F.501 to 103F.535 or the federal Conservation Reserve Program as contained in Public Law 99-198 or a similar state or federal conservation program if the property was classified as agricultural (i) under this subdivision for taxes payable in 2003 because of its enrollment in a qualifying program and the land remains enrolled or (ii) in the year prior to its enrollment. Agricultural classification shall not be based upon the market value of any residential structures on the parcel or contiguous parcels under the same ownership.

"Contiguous acreage," for purposes of this paragraph, means all of, or a contiguous portion of, a tax parcel as described in section 272.193, or all of, or a contiguous portion of, a set of contiguous tax parcels under that section that are owned by the same person.

(f) Agricultural land under this section also includes:

(1) contiguous acreage that is less than ten acres in size and exclusively used in the preceding year for raising or cultivating agricultural products; or

(2) contiguous acreage that contains a residence and is less than 11 acres in size, if the contiguous acreage exclusive of the house, garage, and surrounding one acre of land was used in the preceding year for one or more of the following three uses:

(i) for an intensive grain drying or storage operation, or for intensive machinery or equipment storage activities used to support agricultural activities on other parcels of property operated by the same farming entity;

(ii) as a nursery, provided that only those acres used intensively to produce nursery stock are considered agricultural land; or

(iii) for intensive market farming; for purposes of this paragraph, "market farming" means the cultivation of one or more fruits or vegetables or production of animal or other agricultural products for sale to local markets by the farmer or an organization with which the farmer is affiliated.

"Contiguous acreage," for purposes of this paragraph, means all of a tax parcel as described in section 272.193, or all of a set of contiguous tax parcels under that section that are owned by the same person.

(g) Land shall be classified as agricultural even if all or a portion of the agricultural use of that property is the leasing to, or use by another person for agricultural purposes.

Classification under this subdivision is not determinative for qualifying under section 273.111.

(h) The property classification under this section supersedes, for property tax purposes only, any locally administered agricultural policies or land use restrictions that define minimum or maximum farm acreage.

(i) The term "agricultural products" as used in this subdivision includes production for sale of:

(1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;

(2) fish bred for sale and consumption if the fish breeding occurs on land zoned for agricultural use;

(3) the commercial boarding of horses, which may include related horse training and riding instruction, if the boarding is done on property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products as defined in clause (1);

(4) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;

(5) game birds and waterfowl bred and raised (i) on a game farm licensed under section 97A.105, provided that the annual licensing report to the Department of Natural Resources, which must be submitted annually by March 30 to the assessor, indicates that at least 500 birds were raised or used for breeding stock on the property during the preceding year and that the owner provides a copy of the owner's most recent schedule F; or (ii) for use on a shooting preserve licensed under section 97A.115;

(6) insects primarily bred to be used as food for animals;

(7) trees, grown for sale as a crop, including short rotation woody crops, and not sold for timber, lumber, wood, or wood products; and

(8) maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under chapter 28A as a food processor.

(j) If a parcel used for agricultural purposes is also used for commercial or industrial purposes, including but not limited to:

(1) wholesale and retail sales;

(2) processing of raw agricultural products or other goods;

(3) warehousing or storage of processed goods; and

(4) office facilities for the support of the activities enumerated in clauses (1), (2), and (3),

the assessor shall classify the part of the parcel used for agricultural purposes as class 1b, 2a, or 2b, whichever is appropriate, and the remainder in the class appropriate to its use. The grading, sorting, and packaging of raw agricultural products for first sale is considered an agricultural purpose. A greenhouse or other building where horticultural or nursery products are grown that is also used for the conduct of retail sales must be classified as agricultural if it is primarily used for the growing of horticultural or nursery products from seed, cuttings, or roots and occasionally as a

showroom for the retail sale of those products. Use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

(k) The assessor shall determine and list separately on the records the market value of the homestead dwelling and the one acre of land on which that dwelling is located. If any farm buildings or structures are located on this homesteaded acre of land, their market value shall not be included in this separate determination.

(l) Class 2d airport landing area consists of a landing area or public access area of a privately owned public use airport. It has a class rate of one percent of market value. To qualify for classification under this paragraph, a privately owned public use airport must be licensed as a public airport under section 360.018. For purposes of this paragraph, "landing area" means that part of a privately owned public use airport properly cleared, regularly maintained, and made available to the public for use by aircraft and includes runways, taxiways, aprons, and sites upon which are situated landing or navigational aids. A landing area also includes land underlying both the primary surface and the approach surfaces that comply with all of the following:

(i) the land is properly cleared and regularly maintained for the primary purposes of the landing, taking off, and taxiing of aircraft; but that portion of the land that contains facilities for servicing, repair, or maintenance of aircraft is not included as a landing area;

(ii) the land is part of the airport property; and

(iii) the land is not used for commercial or residential purposes.

The land contained in a landing area under this paragraph must be described and certified by the commissioner of transportation. The certification is effective until it is modified, or until the airport or landing area no longer meets the requirements of this paragraph. For purposes of this paragraph, "public access area" means property used as an aircraft parking ramp, apron, or storage hangar, or an arrival and departure building in connection with the airport.

(m) Class 2e consists of land with a commercial aggregate deposit that is not actively being mined and is not otherwise classified as class 2a or 2b, provided that the land is not located in a county that has elected to opt-out of the aggregate preservation program as provided in section 273.1115, subdivision 6. It has a class rate of one percent of market value. To qualify for classification under this paragraph, the property must be at least ten contiguous acres in size and the owner of the property must record with the county recorder of the county in which the property is located an affidavit containing:

(1) a legal description of the property;

(2) a disclosure that the property contains a commercial aggregate deposit that is not actively being mined but is present on the entire parcel enrolled;

(3) documentation that the conditional use under the county or local zoning ordinance of this property is for mining; and

(4) documentation that a permit has been issued by the local unit of government or the mining activity is allowed under local ordinance. The disclosure must include a statement from a registered professional geologist, engineer, or soil scientist delineating the deposit and certifying that it is a commercial aggregate deposit.

For purposes of this section and section 273.1115, "commercial aggregate deposit" means a deposit that will yield crushed stone or sand and gravel that is suitable for use as a construction

aggregate; and "actively mined" means the removal of top soil and overburden in preparation for excavation or excavation of a commercial deposit.

(n) When any portion of the property under this subdivision or subdivision 22 begins to be actively mined, the owner must file a supplemental affidavit within 60 days from the day any aggregate is removed stating the number of acres of the property that is actively being mined. The acres actively being mined must be (1) valued and classified under subdivision 24 in the next subsequent assessment year, and (2) removed from the aggregate resource preservation property tax program under section 273.1115, if the land was enrolled in that program. Copies of the original affidavit and all supplemental affidavits must be filed with the county assessor, the local zoning administrator, and the Department of Natural Resources, Division of Land and Minerals. A supplemental affidavit must be filed each time a subsequent portion of the property is actively mined, provided that the minimum acreage change is five acres, even if the actual mining activity constitutes less than five acres.

(o) The definitions prescribed by the commissioner under paragraphs (c) and (d) are not rules and are exempt from the rulemaking provisions of chapter 14, and the provisions in section 14.386 concerning exempt rules do not apply.

Subd. 24. **Class 3.** Commercial and industrial property and utility real and personal property is class 3a.

(1) Except as otherwise provided, each parcel of commercial, industrial, or utility real property has a class rate of 1.5 percent of the first tier of market value, and 2.0 percent of the remaining market value. In the case of contiguous parcels of property owned by the same person or entity, only the value equal to the first-tier value of the contiguous parcels qualifies for the reduced class rate, except that contiguous parcels owned by the same person or entity shall be eligible for the first-tier value class rate on each separate business operated by the owner of the property, provided the business is housed in a separate structure. For the purposes of this subdivision, the first tier means the first \$150,000 of market value. Real property owned in fee by a utility for transmission line right-of-way shall be classified at the class rate for the higher tier.

For purposes of this subdivision, parcels are considered to be contiguous even if they are separated from each other by a road, street, waterway, or other similar intervening type of property. Connections between parcels that consist of power lines or pipelines do not cause the parcels to be contiguous. Property owners who have contiguous parcels of property that constitute separate businesses that may qualify for the first-tier class rate shall notify the assessor by July 1, for treatment beginning in the following taxes payable year.

(2) All personal property that is: (i) part of an electric generation, transmission, or distribution system; or (ii) part of a pipeline system transporting or distributing water, gas, crude oil, or petroleum products; and (iii) not described in clause (3), and all railroad operating property has a class rate as provided under clause (1) for the first tier of market value and the remaining market value. In the case of multiple parcels in one county that are owned by one person or entity, only one first tier amount is eligible for the reduced rate.

(3) The entire market value of personal property that is: (i) tools, implements, and machinery of an electric generation, transmission, or distribution system; (ii) tools, implements, and machinery of a pipeline system transporting or distributing water, gas, crude oil, or petroleum products; or (iii) the mains and pipes used in the distribution of steam or hot or chilled water for

30.



**Inquiry:** 2009-06

**Subject:** County fair exemption from city zoning, building and other ordinances

**Submitted By:** Scott Qualle of MNSPECT, Inc.

**Approved By:** Stephen Hernick, State Building Official

**Issue Date:** Oct. 28, 2009

**Question:** Does the exception from 'zoning, building, and other ordinances of the town or city' in Minnesota Statute 38.16 apply at times other than during the fair?

**Answer:** Yes, Contrary to a pre 2005 interpretation that has been on our web site, these exemptions now apply year round. In 2005 the legislature changed Minnesota Statute 38.16 by defining "Agricultural fair purposes" to include "... the management of property as provided in section MS 38.01, paragraph (a)." Under MS 38.01, a County Agricultural Society or Association may rent or lease any of its property as long as any income from the rental or lease is used for fair purposes. Renting or leasing of land and buildings year round is thus part of the agricultural fair purposes which are exempt from zoning, building and other ordinances of the town or city.

This exemption applies only to ordinances of the town or city and does not exempt county regulation or state laws applicable to these lands or structures.

**Additional Information:**

**1) Does the new language in 326B.121 , subd 1, establishing the State Building Code (SBC) as the construction standard for the entire state, include county fair buildings?**

Yes, the State Building Code is the standard that applies statewide for the construction, reconstruction, alteration, and repair of buildings and other structures of the type governed by the Code. Minn. Stat. § 326B.121, subd. 1.

- Exceptions to when the SBC applies:

The SBC does not apply to agricultural buildings that meet the definition of Minn. Stat. § 326B.103, subd.3.

Note: The phrase "county fair building" means a building owned by a county agricultural association or society that is used for agricultural fair purposes pursuant to Minn. Stat. ch. 38.

**2) What is the intent of the move to the SBC as the statewide standard?**

The intent is to make it legally clear that the SBC is the minimum construction standard for all commercial and residential construction governed by the SBC , regardless of location or license requirements.

This information can be provided to you in alternative formats (Braille, large print or audio tape).

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**3) Does the Commissioner have authority to administer the SBC as it relates to county fair buildings?**

Yes, the SBC applies to particular buildings and structures. The Commissioner has authority to administer the SBC statewide on the structures and buildings that are regulated by the SBC for the following portions of the SBC:

Electrical Code:	Minn. Stat. §§ 326B.106, subd. 3, 326B.32, subd. 2
Accessibility Code: (if not administered by County)	Minn. Stat. § 326B.106, subd. 9
Plumbing Code:	Minn. Stat. §§ 326B.106, subd. 3, 326B.43, subd. 1, 326B.435, subd. 2
Bleachers: (if not administered by County)	Minn. Stat. § 326B.112, subd. 2
Elevator Code	Minn. Stat. § 326B.181

In addition, the Commissioner has authority to administer the following Codes statewide:

HPP:	Minn. Stat. §§ 326B.106, subd. 3, 326B.90, 326B.92, 326B.925, subd. 2
Boilers:	Minn. Stat. §§ 326B.106, subd. 3, 326B.952, 326B.958, 326B.96, 326B.97
Amusement Rides:	Minn. Stat. § 184B.01-.09

**4) Who is responsible for compliance to the parts of the SBC that are not enforced by the commissioner?**

There could be any number of people responsible for compliance with the SBC— building owners, contractors, licensed design professionals, etc.

**5) Do the Board of AELSLAGID licensing laws apply to county fair buildings?**

We believe they do unless a structure or building is otherwise exempted from the Board's licensure requirements. *See* Minn. R. 1800.5900.

**6) Does the State Fire Code apply to county fair buildings?**

The State Fire Marshal's office has informed us that their interpretation of the law (299F.011) establishes a statewide fire code that does not exempt county fair buildings.









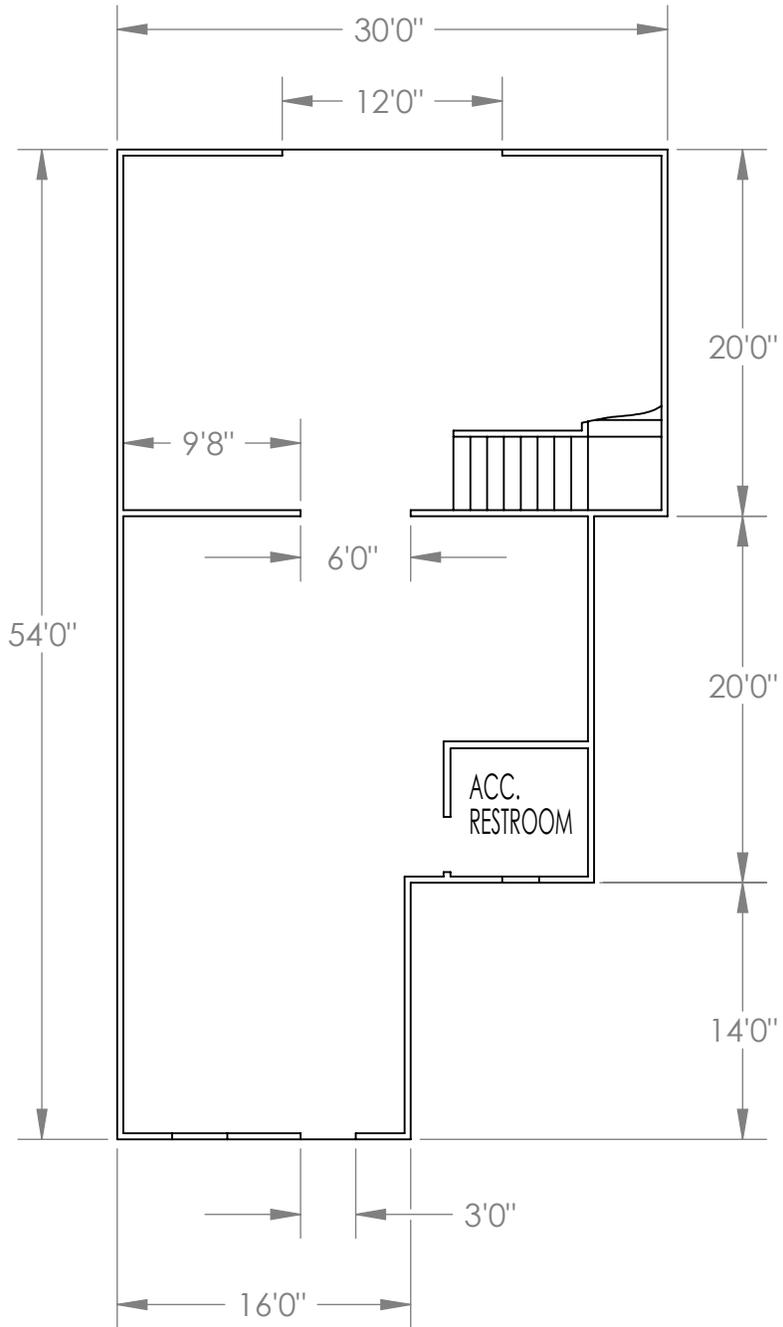






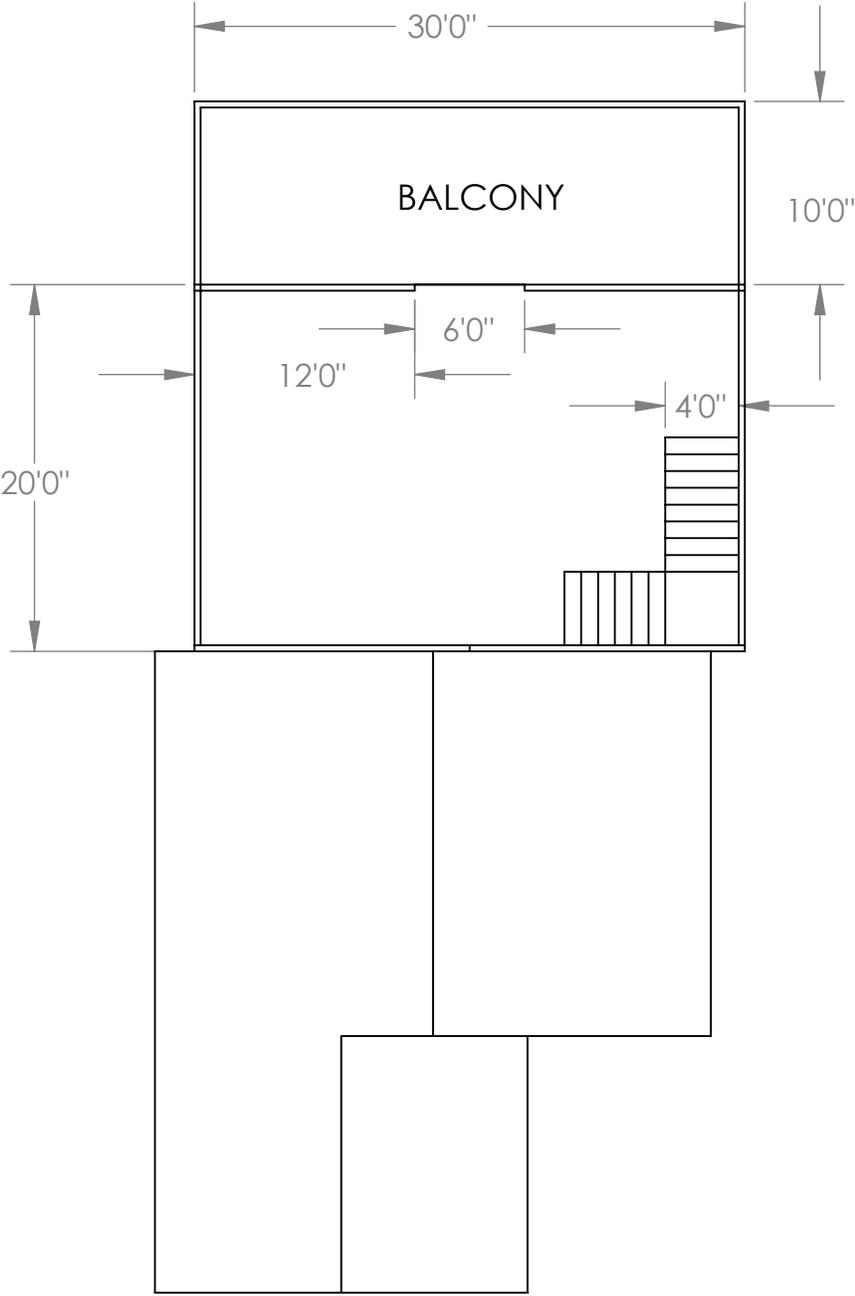


GOOSE LAKE FARM AND WINERY



MAIN FLOOR  
FLOOR PLAN

GOOSE LAKE FARM AND WINERY



SECOND FLOOR  
FLOOR PLAN



The City of  
*Nowthen*  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

State Appeals Board  
Department of Labor and Industry  
Building Codes and Standards Division

April 28, 2014

This information is intended to supplement a letter dated April 16th, 2014 which I wrote as Building Official for the City of Nowthen. It is in regards to the occupancy classification of a building and a determination that permits are required for a specified scope of work.

This issue stems from building activity at the Goose Lake Farm Winery located at 6760—213th Ave NW in the City of Nowthen, Minnesota. According to the property owners, Leon and Cynthia Ohman, the structure was built in phases starting in 2004. Additions were then constructed in 2005, 2006 and 2008. The building also underwent electrical and building modifications recently without permits nor inspections.

I became aware of the circumstances in July of last year as I reviewed previous City Council meeting minutes where the situation was discussed. I learned that a building and the grounds of this property were being used by the general public and that the City was trying to work with the owners for an updated Conditional Use Permit for the various events and activities.

It was at this point that I started looking more into the issue. I reviewed a document prepared by City Planner Liz Stockman which details an inspection she conducted at the property on February 4th of 2013. Ms. Stockman observed 4 buildings on the property whereas the property file only indicates one building received a building permit and the related inspections. This building is the single family dwelling on the property. Several other permits are in the property file but they related to the dwelling itself and on-site sewage treatment systems. Ms. Stockman is in charge of ensuring compliance with Zoning provisions and I have been directed by the City Council to verify compliance with the Minnesota State Building Code.

On July 22 of 2013, I was allowed to inspect the property with the owners present. From the photos submitted within this document (obtained from the Goose Lake Farm and Winery website), you can see the building consists of two floors connected by a centrally located stairway. The main floor contains a retail sales area, a bar setting in the center and a manufacturing/kitchen area in the rear. Up the stairway to the second floor is a room containing another bar, seating area and access to an exterior deck. Please note the only access to this deck is from the interior of the second floor.

Leon Ohman informed me at that time they were providing wine tastings throughout the building and

also rented rooms for various events. According to Mr. Ohman, and information obtained from the Goose Lake Farm and Winery website, these events include private parties, painting classes, comedy presentations and Friday night happy hour.

Some aspects of the use of this structure may have recently changed; the Ohman's attorney verbally informed City staff they no longer plan to host events or allow the building to be let out for rent. They do, however, plan to continue to provide wine tasting and retail sales out of the building which would allow the general public access to all portions of this building including the upper level and exterior deck.

While in the building, I observed several code violations which would subject the occupants to undue harm in the event of an emergency. Section 1009.10 of the MSBC requires a handrail on each side of a stairway, whereas the stairway leading to the second level of this building has only one. Section 903.2.1.2 stipulates that an automatic sprinkler system shall be provided for this type of occupancy *where the fire area is located on a floor other than the level of exit discharge*. The second level of this building is only accessed from the interior stairway and it does not contain an approved fire suppression system.

There is one restroom located on the main floor of the building. It does not contain all the provisions spelled out in the Minnesota Accessibility Code. Furthermore, the on-site septic system installed in 2004 is inadequate for the waste it is receiving. According to the designer Jon Christensen, the system was not designed to accept the volume of waste this occupancy would likely generate, nor is it designed to handle the high strength waste from the culinary operations occurring during the wine making process. Looking at the design information included with this submittal, one can see it was designed for an "out building". This issue is being addressed through the applicable channels of Minnesota Rules 7080.

The Ohman's and their attorney contend this building falls within the definition of an Agricultural Building in accordance with State Statute and therefore is exempt from the permit process. While MN Rules 1300.0120 Subpart 4 does in fact exempt Agricultural Buildings, the building in question does not meet the definition specified by Minnesota State Statute 326B.103. Both references are included for your review.

It is my determination that the building and its use are more closely associated with an Assembly Occupancy in accordance with Chapter 3 of the MSBC.

Assembly or Group A occupancies include, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption, or similar activities. As this building is used by the general public for social and recreational gatherings, that portion is to be classified as an Assembly. The area on the first floor used for retail sales could arguably be classified as M or Mercantile.

Review Minnesota State Statute 326B.103 which in Subdivision 3 defines an Agricultural Building. In order to meet this definition in its entirety the building needs to meet all three points. It must be:

1. located on agricultural land
2. designed, constructed, and used to house farm implements, livestock, or agricultural products, and
3. used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

It is on this third point where the building fails to meet the definition of an Agricultural Building as it is used by the general public. The owners have made the building available and plan to continue to have it open to those wishing to taste and purchase wine and other retail goods which are offered for sale. The **USE** of a building is paramount when considering whether or not the permitting process stipulated by the Minnesota State Building code is required. If the building were only used by the owner or their employees, this exemption may very well apply. However, since by definition the general public are not owners or employees, this exemption does not apply.

I would like to reference a Memorandum from Scott McLellan, Director at the Construction Codes and Licensing division of the Department of Labor and Industry. Mr. McLellan addresses the subject of the agricultural building exemption in the state building code. He states, "It should be noted that an "agricultural building" cannot be for use by the public such as for retail sales, mini-storage, riding lessons, livestock shows, etc" This is precisely the **USE** proposed by the owners— retail sales open to the general public. This memorandum is included for your reference.

Information from the Anoka County Assessor's Office further demonstrates that from a regulatory standpoint, this building and its **USE** are not agricultural in nature. County officials have the duty of assigning a Property Classification for the purpose of determining a property value used in the calculation of property taxes. While the Ohman's property does include some agricultural uses, county staff also sees the commercial uses at the building in question, as something other than agricultural in nature. Please find included herein the Property Account Summary for this parcel for the years up to and including 2015. You will see that a portion of the buildings are classified as 3A-Commercial. According to Randy DeJong from the Anoka County Assessor's Office, this is because of the commercial **USE** of the building in question.

The Minnesota Property Tax Administrator's Manual provides direction and additional information about the agricultural designation and related purposes. Please find included with this information Module #3 which cites the example of a vineyard. According to this division of the State of Minnesota, the portion used to grow grapes and store produce should be classified as 2a agricultural land while the areas of the property used for wine production, tasting, sales, etc., should be classified as class 3a commercial/industrial. Property Classifications for the Ohman property include both Agricultural and Commercial. Please find the relevant documents of this manual attached for your reference.

In summary, Council members of the City of Nowthen as well as staff consider the protections afforded by the Minnesota State Building code critical for members of the general public who will occupy this building. The possibility of catastrophe due to gas leaks, unsafe equipment or structural integrity, unhealthy indoor air quality, lack of sanitary plumbing systems, or lack of proper exiting and fire suppression are various reasons why conformance with all provisions of the proper Occupancy are not only required by Minnesota State Building Code, but required to ensure a basic level of safety.

Thank you for your consideration,



Andy Schreder  
Nowthen Building Official  
Nowthen Minnesota



The City of  
**Nowthen**  
"Where it still feels like country"

8188 199th Avenue NW  
Nowthen, MN 55330  
763-441-1347 Office  
763-441-7013 Fax

April 16, 2014

Leon & Cinthia Ohman  
6760 213th Ave NW  
Elk River MN 55330

Mr. & Mrs. Ohman:

This letter is intended to summarize my determination regarding the need for required permits and the occupancy classification of a structure used for assembly purposes and retail sales at the Goose Lake Farm and Winery located in Nowthen Minnesota.

The property in question is 6760—213<sup>th</sup> Avenue NW Nowthen Minnesota 55330 and consists of a single family dwelling, several accessory buildings and a structure utilized for manufacturing wine, wine tasting, events and sales.

Minnesota State Building Code (MSBC) chapter 1300.0030 subpart 1. states the purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations. Section 1300.0120 subpart 1. States "An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit."

I am aware of the fact that you have erected, and operate a business from, a structure for which you have not obtained the required building, mechanical, plumbing, septic or electrical permits. Furthermore, I am aware of the fact that you have recently made additional repairs/modifications to this building and its electrical systems again without the required permits. As the owners of this property and persons responsible for this construction, you have taken the position that the building in question is exempt from permit requirements in accordance with Chapter 1300.0120 subpart 4 as an Agricultural Building. Such buildings are exempt from this process provided they conform to all requirements of MN Statute 16B.60 subdivision 5.

As defined by this section, an Agricultural Building must be designed, constructed and used to house farm implements, livestock or agricultural products under section 273.13 subdivision 23. Under subsection 3, it must also be used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products. It appears that the building is being used for more than just agricultural purposes under this definition. You have publicized the use of the building for social functions and/or food or drink consumption, in addition to the production of wine products.

It is my determination that this building and its use is in fact an **Assembly** occupancy under the description given by section 303 titled **Use and Occupancy Classification** of the MSBC.

Any dispute to my interpretation as the occupancy classification of this building and the need to obtain the required permits is to be channeled to the Minnesota Department of Labor and Industry. Please complete the enclosed **Application to the State Appeals Board** and bring it to the Nowthen City offices for my signature. This form is then to be submitted to the **Construction Codes and Licensing Division** at the address indicated on the application. This Application is to be submitted to the State of Minnesota no later than May 1st 2014. Scheduling of this matter will then be taken over by representatives of the State of Minnesota.

Until this matter is resolved, I request you not allow any member of the general public access to any buildings or portions thereof that have not been inspected and received a Certificate of Occupancy for the anticipated use.

If you have any questions regarding this determination please contact me at the number listed below.

Sincerely,



Andy Schreder CBO  
Nowthen Building Official  
8188—199<sup>th</sup> Ave NW  
Elk River MN 55330  
763-441-7013

Minnesota Department of Labor and Industry  
 Construction Codes and Licensing Division  
 Plan Review/Inspections  
 443 Lafayette Road North  
 St. Paul, MN 55155-4341  
 Phone: (651) 284-5068 Fax: (651) 284-5749  
 www.dli.mn.gov



MINNESOTA DEPARTMENT OF  
**LABOR & INDUSTRY**

**Application to the  
 State Appeals Board**

PRINT IN INK or TYPE your responses.

**MUNICIPALITY**

The City of Nowthen

<b>BUILDING OFFICIAL</b> Andy Schreder	<b>PHONE</b> 763-441-7013	<b>E-MAIL ADDRESS</b>	
<b>MAILING ADDRESS</b> 8188 - 199th Avenue NW	<b>CITY</b> Elk River	<b>STATE</b> MN	<b>ZIP CODE</b> 55330

**PROJECT BEING APPEALED** Structure utilized for manufacturing wine and wine tasting and sales. See attached letter dated April 16, 2014

Project is <input type="checkbox"/> One & two family building <input checked="" type="checkbox"/> Other building type	Has the permit been issued? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	--

<b>APPLICANT REQUESTING APPEAL</b> Leon and Cinthia Ohman - Goose Lake Winery	<b>PHONE</b> 763-753-9632
--	------------------------------

<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Designer <input type="checkbox"/> Attorney <input type="checkbox"/> Other	<b>E-MAIL ADDRESS</b> wine@gooselakefarm.com
--	---

<b>MAILING ADDRESS</b> 6760 - 213th Avenue NW	<b>CITY</b> Elk River	<b>STATE</b> MN	<b>ZIP CODE</b> 55330
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**CODE, YEAR AND SECTION BEING APPEALED**

See attached letter and exhibits from Andy Schreder, CBO, dated April 16, 2014

**SUBJECT**

Farm Winery Building

**BASIS:** (check which of the following apply)

The true intent of this code or the rules have been incorrectly interpreted;

The provisions of this code do not fully apply;

An equally good or better form of construction is being proposed

**CERTIFICATIONS**

Our municipality does not have an appeals board and, therefore, requests that the State Appeals Board hear this appeal. A copy of our final determination on the matter is attached.

<b>SIGNATURE BUILDING OFFICIAL</b> <i>Andy Schreder</i>	<b>CERTIFICATION NO.</b> B002536	<b>DATE</b> 4-28-2014
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I hereby certify that the above information is true and correct.

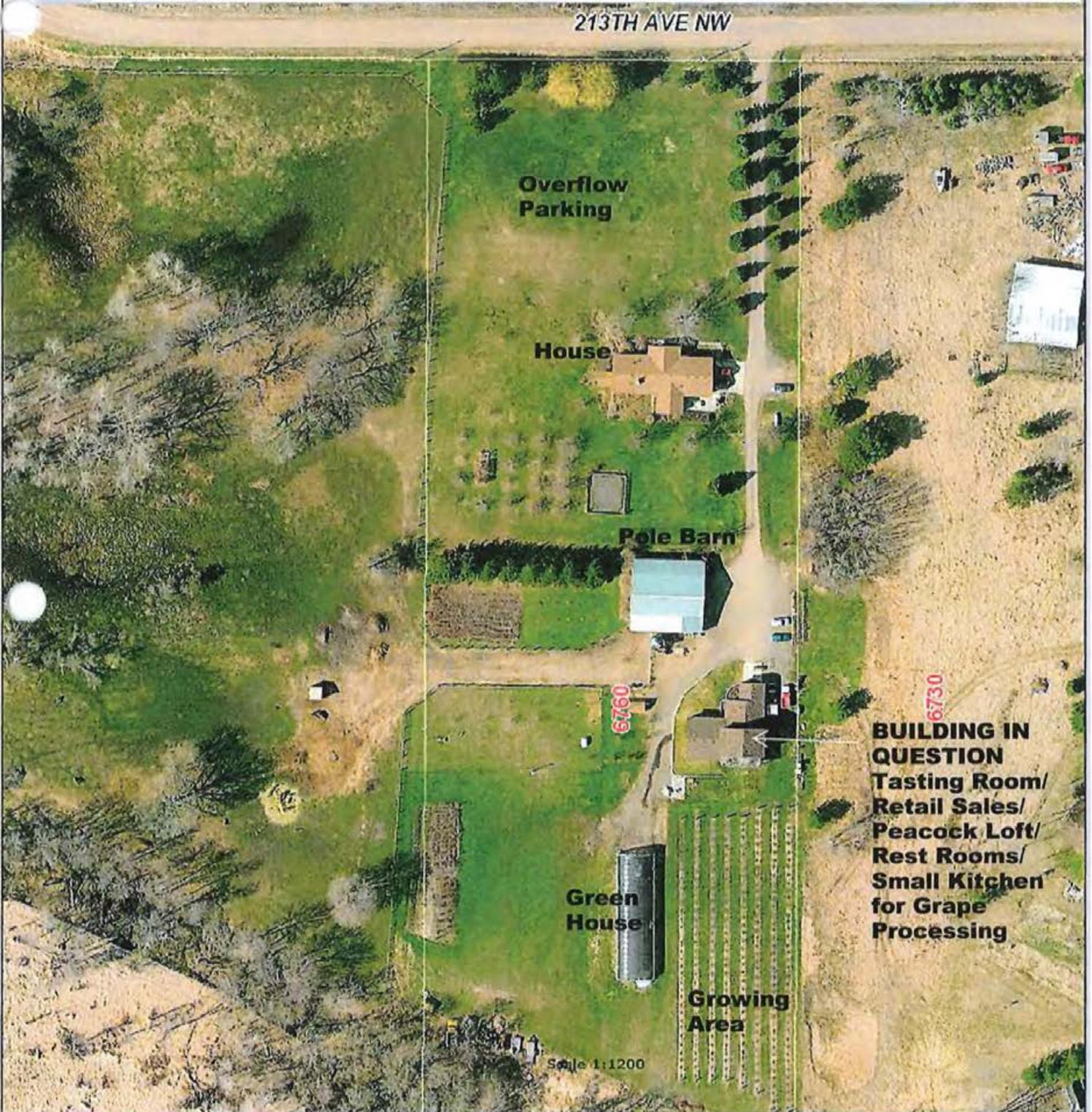
<b>SIGNATURE APPLICANT</b>	<b>LICENSE # (if applicable)</b>	<b>DATE</b>
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This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.



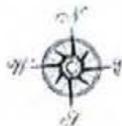
# Ohman Property Detail of Structural Elements

213TH AVE NW



Scale 1:1200

Aerial Photo: Flown Spring 2011



Prepared by Anoka  
County GIS Department  
This is a compilation of records as they appear in the Anoka County Office's existing file systems. This report is to be used only for reference purposes and it cannot be used as evidence in any legal proceeding.

### Goose Lake Farm and Winery @ 763-753-9632

HOME WINES WINE CLASSES BREWING CLASSES WINE TASTINGS EVENTS PHOTO ALBUM MAP AND DIRECTIONS

## Wine Class--February 8, 2008

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We Gladly Take the Following Cards:



No Pets Allowed!

**We Are A Working Farm,  
Please Leave Your Pets Home.  
Thank You For Your  
Cooperation.**

Contact Information:

*Telephone*

**763-753-9632**

*Postal address*

6760 213th Avenue NW

Elk River, MN 55330

*Electronic mail*

**General Information:**

wine@gooselakefarm.com



Visitors:

9 5 4



## Goose Lake Farm and Winery @ 763-753-9632

HOME WINES WINE CLASSES BREWING CLASSES WINE TASTINGS EVENTS PHOTO ALBUM MAP AND DIRECTIONS



Webmaster: Greg Larson, Evolution Computing, 763-252-0038, [greglarson@evolutioncomputingmn.com](mailto:greglarson@evolutioncomputingmn.com)

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**WINE SPECIALS**

**FRIDAY**  
**Happy Hour**  
**4 PM to 7 PM**  
**On the Deck**  
*with Vineyard Views*

Buy one glass of wine  
**get one free**

Buy one bottle of wine  
**get 2nd at 1/2 off**

**Sangria Pitchers**  
**1/2 off - \$15.00**  
(reg. price \$30.00 - serves 4)

**TASTING ROOM OPEN**  
May 3 through December 29  
Thursday - by appt. 763-753-9632  
Friday 12 pm - 7 pm  
Saturday 10 am - 6 pm  
Sunday 12 pm - 6 pm

**SEE YOU AT THE**  
*Winery*  
6760 213th Ave NW  
Elk River, MN 55330  
763.753.9632

[www.gooselakefarm.com](http://www.gooselakefarm.com)



Join Art & Elixir at  
**Goose Lake Winery**

**in a casual painting event for beginners!**

**Sunday, September 29th**  
**1:00 p.m. - 4:00 p.m.**

*Enjoy Goose Lake wine  
while you create your  
masterpiece.*



*Join us as we guide you  
through recreating this  
painting.*



*No painting experience is  
necessary!*

**To register for this event visit our Event Calendar  
on our Art & Elixir website  
[www.artandelixir.com](http://www.artandelixir.com) or call (612) 998-9941**





# WOMEN WHO DRINK

Served to you by Leslye Orr  
With Kathleen Sullivan as the Bartender

**SATURDAY & SUNDAY,** at 5:00 p.m.  
(Social Hour at 4:00 p.m.)  
**Tickets: \$15**

**Goose Lake Farm & Winery**  
6760 213th Ave. NW, Elk River MN 55330  
[www.gooselakefarm.com](http://www.gooselakefarm.com)  
763-753-9632

*Women Who Drink* is a happy hour of intoxicating comedy spiked with razor-sharp wit and sobering observations. Playing sixteen loopy ladies, each named after their drink of choice, outrageous Leslye Orr conjures up a great menu of barflies, each as distinct as their hair-dos and hats. Meet stout "Beer," wild "Margarita," bubbly "Coke," crazy "Coffee" and many more! Bartender Kathleen Sullivan sets up each "Drink" with comic twists. Featured as the "Best Solo Performance of 2000!" (Lavender magazine), and listed as a Star Tribune "Critic's Choice" play, this delightful comedy with its uplifting message and memory lane music has been toasted by audiences at theaters in the Midwest for 20 years! Mature audiences. 70 minutes.

## Goose Lake Farm and Winery @ 763-753-9632

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# Site Evaluation Report

Page 1 of 1  
Date 4/27/04

OFFICE  
COPT

CLIENT Leon Ohman 6760 213<sup>th</sup> Ave. Elk River MN 55330

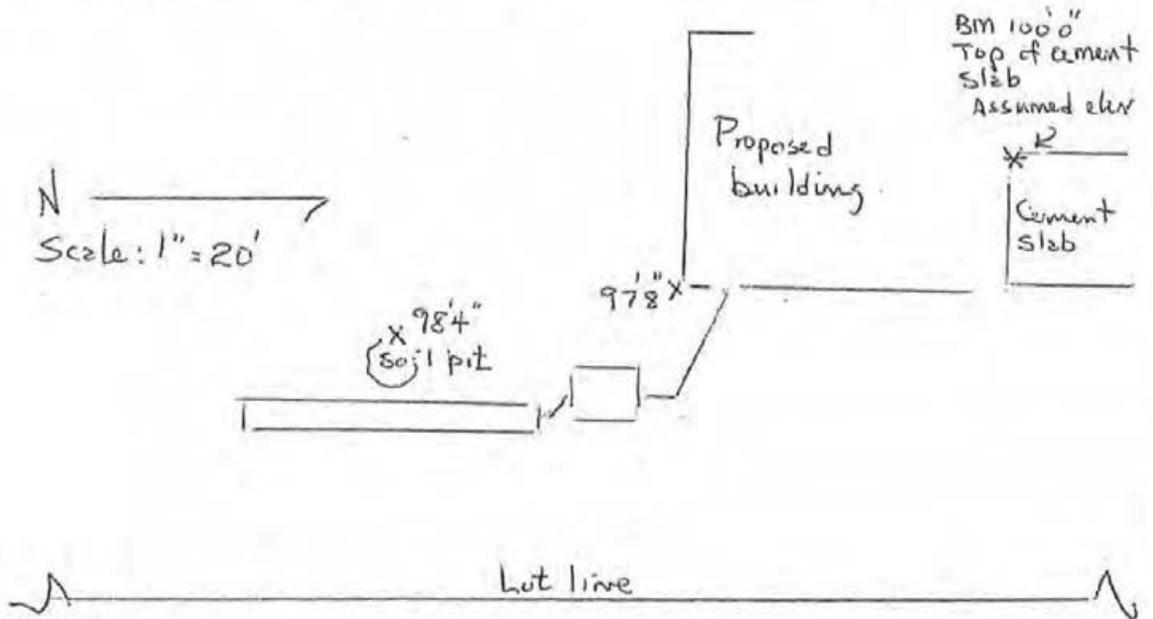
763-753-9672

## LOCATION 6760 213<sup>th</sup> Ave

- TYPE OF WORK: New Construction  SYSTEM SERVING: Out building
- WASTE WATER FLOW: 50 gallons per day  SEPTIC TANK(S)/SIZE: 1000 gallons
- EJECTOR PUMP: No  PUMPING TANK: No
- DEPTH TO RESTRICTING LAYER: Pit to 60 inches  MAXIMUM DEPTH OF DRAINFIELD: 24 inches.
- DRAINFIELD TYPE/SIZE: Trench construction using high capacity chambers. 90 square feet of drainfield. 1 trench 30 feet long.
- SETBACK FROM WELL: All wells greater than 100 feet from proposed septic system.
- SOILS AND SOIL SIZING: The soils are mapped Kingsly Fine sandy loam with a depth to seasonal high water table greater than 6 feet. A pit was excavated in the area of the proposed soil treatment area and 10yr 3/3 fine sandy loam was found to 28 inches. 28 to 60 inches 10yr 4/3 sandy loam, platy in structure with occasional mottles between plates. The permeability of the soil is between 16 to 30 minutes per inch and the soil sizing factor is based on 1.67 square feet of drainfield per gallon of waste per day.

## CONSTRUCTION REQUIREMENTS AND RECOMMENDATIONS

This proposal is for an out building with a maximum daily flow of 50 gallons per day. Plumbing fixtures will consist of a toilet and 2 or more sinks. The septic system will have a 1000 gallon septic tank and 5 high capacity infiltrator chambers ( 90 square feet ). The sewer system must be constructed in accordance with State Rules Ch. 7080 and local codes, by MPCA licensed installers. Soils must be below plastic limit before construction. Construct the system according to the site plan and attachments. After construction establish a turf over the drainfield.



### PROFESSIONAL CERTIFICATION

I hereby certify that this report was prepared by me, or under my direct supervision, and that I am a duly licensed Independent Sewage Treatment System (ISTS) Designer-1 per the laws of the State of Minnesota.

*Jon M. Christensen*  
Jon M. Christensen (763-427-0116)  
ISTS License Number: 293

# BURNS TOWNSHIP

PERMIT # 04-095

19800 Nowthen Boulevard NW  
Anoka, Minnesota 55303  
Phone (763) 274-2311

## SEWAGE TREATMENT SYSTEM "AS BUILT"

Application is hereby made for permit to do work listed below in accord with the ordinances of the Town of Burns.

Location of Job 6760 - 213<sup>th</sup> Ave New Work

Owner Leon Ohman Address 763-753-9632 Replacement

Licensed Installer D & S Excavating Addition

Permit Validation CK. M.O. CASH

(Show location of house, tank, drainfield and property line.)

Location of well from tank	252 FT.	<p>50 gpd, 1000 gal tank, 90 S.F. Infiltrator for accessory bldg.</p> <p>House</p> <p>DRIVEWAY</p> <p>New Building</p> <p>1000 SEPT.</p> <p>CHAMBER</p> <p>PROPERTY LINE</p> <p>1-36" X 30' CHAMBER</p> <p>Dimensions: 20'10", 22', 11'10", 45°, 6'10", 11'8", 22'</p> <p>North arrow (N)</p>
Square footage of drainfield area	90 S.F.	
Depth of rock under pipe	Chamber	
Depth of rock over pipe	Chamber	
Depth of dirt cover	1'	
No. of bedrooms system sized for	50 gpd	
Size of septic tank #1	1000	
Size of septic tank #2	N/A	
Size of lift tank	N/A	
System type	Gravity Trench	
Outside lift	<input type="checkbox"/>	
Ejector	<input type="checkbox"/>	
Gravity	<input checked="" type="checkbox"/>	
Permit fee	40	00
Surtax		50
Total	40	50

Signature [Signature] Licensed Installer Phone: 763-413-0728

Signature \_\_\_\_\_ Other than Licensed Installer Phone: \_\_\_\_\_

Date 5-17-04 Issued By [Signature] 32

**1300.0120 PERMITS.**

Subpart 1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

Subp. 2. **Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit upon application for the permit to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

Subp. 3. **Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.

**Subp. 4. Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. Building:

(1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 mm<sup>2</sup>);

(2) fences not over six feet (1,829 mm) high;

(3) oil derricks;

(4) retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;

(5) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;

(6) sidewalks and driveways that are not part of an accessible route;

(7) decks and platforms not more than 30 inches (762 mm) above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route;

(8) painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;

(9) temporary motion picture, television, and theater stage sets and scenery;

(10) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code, which do not exceed both 5,000 gallons in capacity (18,925 L) and a 24-inch (610 mm) depth;

(11) window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R-3 and Group U occupancies constructed to the provisions of the International Building Code;

(12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height;

(13) agricultural buildings as defined in Minnesota Statutes, section 326B.103, subdivision 3; and

(14) swings and other playground equipment.

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (14).

B. Gas:

(1) portable heating, cooking, or clothes drying appliances;

(2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe; and

(3) portable fuel cell appliances that are not connected to a fixed piping system and are interconnected to a power grid.

C. Mechanical:

(1) portable heating appliances;

(2) portable ventilation appliances and equipment;

(3) portable cooling units;

(4) steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code;

(5) replacement of any part that does not alter approval of equipment or make the equipment unsafe;

- (6) portable evaporative coolers;
- (7) self-contained refrigeration systems containing ten pounds (4.5 kg) or less of refrigerant or that are actuated by motors of one horsepower (0.75 kW) or less; and
- (8) portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

D. Plumbing: See chapter 4715 for plumbing work that is exempt from a permit.

E. Electrical: an electrical permit is not required if work is inspected by the State Board of Electricity or is exempt from inspection under Minnesota Statutes, section 326B.36. Obtaining a permit from the Board of Electricity does not exempt the work from other Minnesota State Building Code requirements relating to electrical equipment, its location, or its performance.

Subp. 5. **Emergency repairs.** If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

Subp. 6. **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the cutting away of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

Subp. 7. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

- A. identify and describe the work to be covered by the permit for which application is made;
- B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;
- C. indicate the use and occupancy for which the proposed work is intended;
- D. indicate the type of construction;
- E. be accompanied by construction documents and other information as required by the code;
- F. state the valuation of the proposed work;

- G. be signed by the applicant, or the applicant's authorized agent; and
- H. give other data and information required by the building official.

Subp. 8. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. The building official shall document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

Subp. 9. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 10. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official may also prevent occupancy or use of a structure that violates the code or any other ordinance of this jurisdiction.

Subp. 11. **Expiration.** Every permit issued shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official may grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 12. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

Subp. 13. **Placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project.

Subp. 14. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code.

**Statutory Authority:** *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

**History:** *27 SR 1471; 32 SR 5; L 2007 c 140 art 4 s 61; art 13 s 4*

**Published Electronically:** *February 19, 2009*

**326B.103 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 326B.101 to 326B.194, the terms defined in this section have the meanings given them.

Subd. 2. **Administrative authority.** "Administrative authority" means a municipality's governing body or their assigned administrative authority.

Subd. 3. **Agricultural building.** "Agricultural building" means a structure that is:

(1) on agricultural land as determined by the governing assessor for the municipality or county under section 273.13, subdivision 23;

(2) designed, constructed, and used to house farm implements, livestock, or agricultural products under section 273.13, subdivision 23; and

(3) used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

Subd. 4. **City.** "City" means a home rule charter or statutory city.

Subd. 5. **Code.** "Code" means the State Building Code adopted by the commissioner of labor and industry in consultation with each industry board and the Construction Codes Advisory Council in accordance with sections 326B.101 to 326B.194.

Subd. 6. **Designate.** "Designate" means the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration.

Subd. 7. **Equivalent protection.** "Equivalent protection" means a measure other than a code requirement that provides essentially the same protection that would be provided by a code requirement.

Subd. 8. **Historic building.** "Historic building" means a state-owned building that is on the National Register of Historic Places.

Subd. 9. **Municipality.** "Municipality" means a city, county, or town, the University of Minnesota, or the state for public buildings and state licensed facilities.

Subd. 10. **Person with a disability.** "Person with a disability" or "persons with disabilities" includes people who have a vision disability, a hearing disability, a disability of coordination, a disability of aging, or any other disability that significantly reduces mobility, flexibility, coordination, or perceptiveness.

Subd. 11. **Public building.** "Public building" means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project or charter school building project the cost of which is \$100,000 or more.

Subd. 12. **Remodeling.** "Remodeling" means deliberate reconstruction of an existing public building in whole or in part in order to bring it into conformity with present uses of the structure and to which other rules on the upgrading of health and safety provisions are applicable.

Subd. 13. **State licensed facility.** "State licensed facility" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, correctional facility, boarding care home, or residential hospice.

**History:** 1984 c 544 s 65; 1Sp1985 c 14 art 4 s 3; 1987 c 387 s 1,2; 1989 c 329 art 5 s 1; 1990 c 458 s 1; 1990 c 572 s 10,11; 1994 c 634 art 2 s 1,2; 1995 c 254 art 2 s 2,3; 1Sp2001 c 10 art 2 s 26-28; 2005 c 56 s 1; 2007 c 140 art 4 s 2-5,6,1; art 13 s 4; 2012 c 295 art 1 s 14; 2013 c 85 art 2 s 8

Memorandum

Date: September 24, 2003  
To: Division code staff  
From: Scott McLellan  
Subject: Explanation of the agricultural building exemption in the state building code

Below is a review and commentary on the provisions associated with the state building code exemption of agricultural buildings. They span several sections of the state building code, Minnesota Rule, and Minnesota Statute. This information is designed to help you track the provisions and assist building officials and others in understanding them.

The limited examples and commentary are intended to provide guidance to building officials in understanding the agricultural exemption to the state building code. For other questions, or determinations of specific property, building officials should discuss with their municipal assessor or attorney. If you have questions or comments, you're welcome to ask me.

- I. MN Rule part 1300.0030 Subp. 2 A states in part, *The code does not apply to agricultural buildings except with respect to state inspections required or authorized by Minnesota Statutes, sections 103F.141, subdivision 8, and 326.244.*  
This means that administration of the state building code cannot be applied to agricultural buildings. The only exceptions are for (M.S. 130F.141) floodplain management and (326.244) electrical installations. Although not referenced here, both water wells and septic systems are also regulated by Minnesota law.
- II. MN Rule part 1300.0120 Subp. 4 states in part, *Permits shall not be required for the following: (13) agricultural buildings as defined in Minnesota Statutes, section 16B.60, subdivision 5.*  
Because the code does not apply to agricultural buildings, building permits are not and must not be required. A zoning permit may be required by the municipality.
- III. MN Rule part 1300.0070 Subp. 4 states, *Agricultural building means a building that meets the requirements of Minnesota Statutes, section 16B.60, subdivision 5.*  
To determine if a building is considered agricultural, see the referenced statute.
- IV. MN Statute 16B.60 Subd. 5 states, *Agricultural building means a structure on agricultural land as defined in section 273.13, subdivision 23, designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.*

To qualify, the "agricultural building" must satisfy the conditions of this definition for how both the building and the land (273.13 subd. 23) are used.

A) First, the uses of the building must be consistent with those described:

1. It must be used primarily for housing farm implements (not a parking garage), livestock (which does include horses and the commercial boarding of horses â€" see 273.13 subd. 23 (e)(3)), and those "agricultural products" enumerated in clause (e).
2. It should be noted that this "agricultural building" cannot be for use by the public such as for retail sales, mini-storage, riding lessons, livestock shows, etc
3. The building can serve as a place of employment for persons working with the agricultural products and those engaged in their pickup or delivery.

B) Second, the building must be on agricultural land as defined in section 273.13, subdivision 23.

- V. Minnesota Statute section 273.13 Subd. 23 defines agricultural land in items (c) and (d).  
To make this determination, the building official should rely on how the property is classified



Welcome to the Web site of

**Anoka County**  
 Minnesota

## Property Account Summary

### Current General Information

Property ID	15-33-25-21-0003	
Situs Address	6760 213TH AVE NW , NOWTHEN, MN 55330-0000	
Property Description	E1/2 OF NE1/4 OF NW1/4 OF SEC 15 TWP 33 RGE 25, TOG/W THAT PRT OF NW1/4 OF NE1/4 OF SD SEC 15 LYG W OF E 1031 FT AS MEAS ALG N LINE THEREOF, EX RD SUBJ TO EASE OF REC	
Last Sale Price		
Last Sale Date		
Last Sale Document Type		
Linked Property Group Position	1 of 4, 2 of 4	<a href="#">Click for Linked Details</a>
Status	Active	
Abstract/Torrens	Abstract	

### Parties

Role	Name
Owner	OHMAN LEON & CINTHIA JOAN

### Document Recording Process Dates

Abstract Documents Have Been Recorded Through	04/18/2014
Abstract Documents Have Been Mailed Through	04/18/2014
Torrens Documents Have Been Recorded Through	04/18/2014
Torrens Documents Have Been Mailed Through	04/18/2014

### Active Certificates Of Title

Type	Certificate Number	Certificate Date
No Certificates Found		

### Documents Recorded Within 30 Days Of "Recorded Through" Dates Above

Type	Abstract/Torrens	Recorded Number	Recorded Date
No Documents Found			

### Property Characteristics

Total Acres	28.60
Year Built	1988

\* Lot Size: Approximate lot size in feet, clockwise beginning with the direction the lot faces

### Tax District Information

City Name	NOWTHEN
School District Number and Name	ST FRANCIS SCHOOL DISTRICT # 15

### Property Classification

Tax Year	Classification
2014	2AHGA-Agricultural Homestead - HGA, 2AREMHST-Agricultural Land Homestead, 2BAGHST-Rural Ag Homestead Vacant Land, 3A-Commercial/Industrial/Public Utility

### Property Values

Tax Year	Description	Amount
2015	Est Market Land (MKLND)	135,800
2015	Est Market Improvement (MKIMP)	164,900
2015	Taxable Market (TMTV)	284,025
2015	Market Value Prior to Hstd Excl. (TMVP)	300,700
2015	Est Market (MKTTL)	300,700
2014	Taxable Market (TMTV)	309,990
2014	Market Value Prior to Hstd Excl. (TMVP)	329,500
2014	Est Market (MKTTL)	329,500

### Tax Amounts for M1PR

Tax Year	Description	Amount
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2014	Qualifying Tax Amount (Tax Bill Line 1)	2,190.85
2014	Total Tax Amounts - Before Payments	2,876.84
2014	Special Assessments (Included in Total)	24.02

**Payment History for Past Three Years**

Date Paid	Tax Year	Principal	Interests, Penalties and Costs	Amount Paid
No Payment Records Found				

**Installments Payable**

Tax Year	Installment	Due Date	Principal	Interest, Penalties and Costs	Installment Total	Cumulative Due	Select to Pay
2014	1	05/15/2014	1,438.42	0.00	1,438.42	1,438.42	<input checked="" type="radio"/>
2014	2	11/15/2014	1,438.42	0.00	1,438.42	2,876.84	<input type="radio"/>

**Delinquent Tax Years**

Tax Year	Installment	Due Date	Principal	Interest, Penalties and Costs	Installment Total	Cumulative Due	Select to Pay
No Records Found							

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**Additional Information about Agricultural Purposes**

**"Agricultural purposes"** means the raising, cultivation, drying or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. For a property to be classified as agricultural based only on the drying or storage of agricultural products, the products being dried or stored must have been produced by the same farm entity as the entity operating the drying or storage facility. Some examples of activities that would not qualify as agricultural purposes under this section include: grain bins used for storing crops produced by other farmers; buildings used for storing another farmer's machinery; and grain elevators.

Agricultural purposes also includes enrollment in the Reinvest in Minnesota (RIM) program, the federal Conservation Reserve Program (CRP), or a similar state or federal conservation program if the property was classified as agricultural property:

- since the 2002 assessment; or
- in the year prior to its enrollment in the conservation program.

Land should be classified as productive agricultural land even if all or a portion of that property is leased to or used by another person for agricultural purposes. Again, this may affect the homestead designation but may not affect the classification. In addition, the classification must be based on the use of the land and it cannot be based on the market value of any residential structures on that parcel or on contiguous parcels under the same ownership.

This property classification supersedes, for property tax purposes only, any locally administered agricultural policies or land-use restrictions that define minimum or maximum farm acreage requirements.

**If a parcel is used for both agricultural purpose and for commercial or industrial purposes including but not limited to:**

1. Wholesale and retail sales;
2. Processing of raw agricultural products or other goods;
3. Warehousing or storage of processed goods; and
4. Office facilities for the support of the activities listed above.

**For such activities, the assessor shall classify the portion of the property used for productive agricultural purposes as class 2a and the remainder in the class appropriate to its use.**

The grading, sorting, and packaging of raw agricultural products for first sale is considered to be an agricultural purpose.

For example, an owner-occupied dairy farm also has several buildings onsite that are used to produce ice cream. The total size of the property is 80 acres. The house, garage and first acre

Class 2

(HGA) occupied by the owner of the property should be classified as class 2a. The portion of the property used for dairy production should also be classified as class 2a productive agricultural land. The portion of the property used for the production of ice cream including any area used for processing, packaging, freezing, sales, and office space should be classified as class 3a commercial/industrial property.

Similarly, a vineyard may also have several uses. The acres that are used to grow grapes to be used in wine production should be classified as 2a agricultural land while the portion of the property used for wine production, tasting, sales, etc. should be classified as class 3a commercial/industrial.

A greenhouse or other building where horticultural or nursery products are grown that is also used for the purpose of retail sales must be classified as agricultural only if it is primarily used for growing horticultural or nursery stock from seeds, cuttings or roots, and occasionally as a showroom for the retail sale of the products. The use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

House, Garage and One Acre (HGA)

When assessing farm property, the assessor must determine and list separately on the property records the market value of the HGA. If any farm buildings or structures are located on this acre of land, their market value shall not be included in this separate determination. This allocation is very important and it is used for state aids, referendum market values, property tax refunds, etc. Assessors should take great care in making certain these values are uniform and equalized.

Primary Statutory Reference: 273.13, subdivision 23

**Tax capacity example:**

Again using the example for migrant housing shown on page 14, Farmer McDonald owns, occupies and farms 2,000 contiguous acres with the help of several (legal) migrant workers who assist him on a seasonal basis. As part of the workers' compensation, he provides housing for them during the months they are working on the farm. The structure where the workers live has a taxable market value of \$130,000. The HGA has a taxable market value of \$165,000. All of the land has been classified as class 2a agricultural land by the assessor. The excess land has a taxable market value of \$4,000,000. The tax capacity of the property is as follows:

Class	TMV		Class Rate	=	Tax Capacity
2a (HGA)	\$ 165,000	x	1.00%	=	\$1,650
2a excess land	\$1,500,000	x	0.50%	=	\$7,500
2a excess land	\$2,500,000	x	1.00%	=	\$25,000
1d	\$ 130,000	x	1.00%	=	<u>\$1,300</u>
					<b>\$35,450 Total Tax Cap.</b>

Primary Statutory References: 273.13, subdivision 23

Class 2

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7. Horses used for personal or recreational use DO NOT enable a property to qualify for the agricultural classification. (There are no agricultural products being produced for sale in this situation.)
8. If a property is used for both breeding horses for sale and commercial boarding, the assessor would classify the entire property as agricultural, assuming there is no other use of the property (e.g. rural vacant land which would be classified as class 2b or a tack shop or event center which would both be classified as class 3a commercial, etc.).
9. Any commercial use of the property such as tack shops, riding lessons for the general public, horse rental (e.g. trail rides, hay rides, or other service typically sold by the hour), conference centers, event centers, etc. must be classified as 3a commercial property.

**Real Estate of Less Than 10 Acres**

Real estate of LESS THAN 10 acres that is **exclusively** used for agricultural purposes should be considered to be agricultural land. “Exclusively” means the entire parcel, border-to-border is used for an agricultural purpose – there is no house, no cabin, and no other use of the parcel. If there is another use on the property, it is by definition not used exclusively for agricultural purposes.

**Real Estate of Less Than 11 Acres Improved With Residential Structure**

If a property is less than 11 acres in size and has a residential structure, it must be used for one of the following to be considered agricultural:

- Intensive grain drying or storage;
- Intensive storage of machinery or equipment used to support agricultural activities on other parcels of property operated by the same farming entity;
- Intensive nursery stock production, provided that only those acres used to produce nursery stock are considered as agricultural land (land used for parking, retail sales, etc. does not qualify);
- Intensive market farming, which means the cultivation of one or more fruits or vegetables or production of animal or other agricultural products for sale to local markets by the farmer or an organization with which the farmer is affiliated.