

**SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS**

January 6, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session January 6, 2004 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

All members present, viz: Richard Cummings, Chair  
Raymond Tucker  
David Hillier  
Dick Lang  
Garry Ellingson  
Craig Oscarson, County Coordinator

Craig Oscarson, Clerk of the County Board, took nominations for Chairperson.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to nominate Richard Cummings as 2004 Chairperson. The Clerk asked for further nominations and hearing none, the Board voted and the motion carried unanimously.

The Chair took nominations for Vice-Chairperson.

Motion made by Commissioner Hillier, seconded by Commissioner Ellingson to nominate Raymond Tucker as 2004 Vice-Chairperson. The Chair asked for further nominations and hearing none, the Board voted and the motion carried unanimously.

The Chair made the following 2004 Committee appointments:

SEMCAC	Lang/Tucker
Finance & Purchasing	Hillier/Lang
Personnel	Tucker/Ellingson
Buildings & Grounds	Hillier/Cummings
Solid Waste	Lang/Ellingson
Planning	Ellingson/Hillier (alternate)
County Extension	Cummings/Tucker
Court System	Ellingson/Lang
Airport & Zoning	Lang/Hillier
Law Library	Lang
Water Quality Joint Powers Board	Cummings/Ellingson
Interstate Trail Committee	Tucker/Hillier
Community Health Services	Ellingson/Hillier (alternate)
EMS Joint Powers Board	Tucker

Human Services AMC Board	Ellingson/Cummings (alternate)
JT. PA Board (PIC)	Tucker
RC & D	Cummings
Austin Development Corporation	Hillier
County Board of Health	All Commissioners
Road & Bridge Committee	All Commissioners
LEC Advisory Committee	Ellingson/Lang
District 9 Juvenile Detention	Lang
Ordinance Committee	Tucker/Lang
Family Connections	Hillier/Ellingson
Regional Housing	Lang/Tucker
SEMREX Joint Powers Board	Cummings
Austin Library Board (no vote)	Ellingson
SCHSAC	Hillier/Tucker (alternate)
City/County Joint Issues (monthly meeting)	Tucker/Ellingson
Apex	Hillier
Jail	All Commissioners
Energy Task Force	Tucker

**Date: January 6, 2004**

**Res. #01-04**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

**BE IT RESOLVED**, that the County Auditor be authorized to make the following expenditures from the County General Revenue Funds. Payment in full to be made for all appropriations under \$5,000.00. All appropriations over \$5,000.00 to be disbursed quarterly.

**CATEGORY:**

**HUMAN SERVICES**

Lyle Senior Citizens.....	\$600.00
LeRoy Senior Citizens .....	\$600.00
Grand Meadow Senior Citizens .....	\$600.00
Brownsdale Seniors .....	\$600.00
Sargeant Seniors.....	\$600.00
Mower County Senior Citizens.....	\$30,000.00
The Welcome Center .....	\$10,000.00

**ENVIRONMENT & HOUSING**

Mower County Soil & Water .....	\$127,926.00
Agricultural Society .....	\$29,175.00
Historical Society .....	\$33,600.00
SEMN Water Resource Board .....	\$3,000.00

**ECONOMIC DEVELOPMENT**

Development Corp. of Austin .....	\$31,200.00
Development Corp. of Grand Meadow .....	\$4,000.00
Development Corp. of LeRoy .....	\$4,000.00
Development Corp. of Lyle .....	\$800.00
Development Corp. of Adams .....	\$1,600.00
Development Corp. of Brownsdale .....	\$800.00

Passed and approved this 6<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chairperson

By: \_\_\_\_\_  
Clerk/Coordinator

Motion by Commissioner Hillier, seconded by Commissioner Tucker to allocate \$10,000.00 for minor repairs to the Mower County Agricultural Society in two equal installments in January and July and \$7,500.00 to the Crime Victims Resource Center in two equal installments in January and April. Motion carried.

**Date: January 6, 2004**

**Res. #02-04**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Ellingson, the following Resolution was unanimously passed and adopted at a meeting held January 6, 2004 at the Courthouse in Austin, Minnesota.

**BE IT RESOLVED**, by the Board of County Commissioners of Mower County, Minnesota to appoint the following persons as Mower County Delegates to the Association of Minnesota Counties for 2004: Commissioner David Hillier, Commissioner Ray Tucker, Commissioner Richard Cummings, Commissioner Dick Lang, Commissioner Garry Ellingson and County Coordinator Craig Oscarson. There are two vacancies for AMC Delegates, which will be filled at a later date.

Passed and approved this 6<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chairperson

By: \_\_\_\_\_  
Clerk/Coordinator

Motion by Commissioner Tucker, seconded by Commissioner Ellingson, the following fees were set for 2004 liquor license fees:

- |    |                   |            |
|----|-------------------|------------|
| 1. | On Sale           | \$2,160.00 |
| 2. | Sunday On Sale    | 240.00     |
| 3. | Wine              | 240.00     |
| 4. | Bottle Club (C&D) | 240.00     |
| 5. | Beer On Sale      | 72.00      |

Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to set the dangerous dog certificate fee for 2004 at \$150.00 per certificate. Motion carried.

**Date: January 6, 2004**

**Res. #03-04**

**RESOLUTION**

On motion of Commissioner Hillier, seconded by Commissioner Tucker, the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners January 6, 2004 at a meeting at the Courthouse, Austin, Minnesota.

**BE IT RESOLVED** That the County Auditor be allowed to pay various incidental expenses including: utilities, telephone, juror and witness fees approved by the Court, request by a Judge for immediate payment, postage, license fees, jail food contract payments, payments for travel advances, costs associated with travel and conferences when pre-payment is required, credit card payments when necessary to avoid late penalties and charges, payments to Mower County Transit, payments from the Canteen Fund not to exceed \$2,000 and only from the capital outlay line item, except in cases where the Auditor considers the sum to be excessive, in which case he shall file the bill for action by the County Board at its regular monthly meeting. All claims for reimbursement must be submitted to the County Auditor within 6 months of occurrence in order to qualify for payment.

**BE IT FURTHER RESOLVED**, that the County Auditor be allowed to pay partial contract payments provided a signed legal contract is on file, the County Engineer has approved the payment for work completed and that the payment is not a final payment on a contract.

Passed and approved this 6<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
**Chairperson**

By: \_\_\_\_\_  
**Clerk/Coordinator**

Motion by Commissioner Tucker, seconded by Commissioner Lang to set the Tobacco License Fee for 2004 at \$75.00. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to set the 2004 dance license fees as follows:

- |    |                     |          |
|----|---------------------|----------|
| 1. | Public Dance        | \$100.00 |
| 2. | Public Barn Dance   | 55.00    |
| 3. | Public Single Dance | 40.00    |

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to set the 2004 Fireworks Display Permit at \$50.00. Motion carried.

**Date: January 6, 2004**

**Res. #04-04**

**RESOLUTION**

On motion of Commissioner Ellingson, seconded by Commissioner Tucker, the following Resolution was unanimously passed and adopted at a meeting held January 6, 2004 at the Courthouse in Austin, Minnesota.

**BE IT RESOLVED**; That Gene Muchow be re-appointed as Mower County Health Officer for the year 2004;

**BE IT FURTHER RESOLVED**: that the medical officer shall receive \$1,300.00 per year plus expenses upon receipt of an itemized and verified bill for said expenses.

Passed and approved this 6th day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chairperson

By: \_\_\_\_\_  
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #591 of Enxco (Petitioner) and Gehl Mittelsted (Owner) for retaining a meteorological tower on the property.

Daryl Franklin reviewed the permit and Planning Commission recommendations.

No one spoke for or against CUP #591.

**Date: January 6, 2004**

**Res. #05-04**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, renewal of Petition No. CUP #591 of EnXco (Petitioner) and Gehl Mittelsted (Owner) to be issued pursuant to the Mower County Zoning Regulations for:

Retaining a meteorological tower on the property.

Location: SW ¼ , Section 4, Clayton Township, T102N R15W, Mower County, Minnesota.

Notice having been duly given and a hearing held January 6, 2004, on said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas; and

**BE IT FURTHER RESOLVED**, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. Secure the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.

This permit is in accordance with Section 14-51(t) of the Mower County Code.

Passed and approved this 6<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #656 of Delos Frank for constructing an additional home on the property.

Daryl Franklin reviewed the permit and Planning Commission recommendations.

No one spoke for or against CUP #656.

**Date: January 6, 2004**

**Res. #06-04**

**RESOLUTION**

On motion of Commissioner Hillier, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, renewal of Petition No. CUP #656 of Delos Frank to be issued pursuant to the Mower County Zoning Regulations for:

Constructing an additional home on the property.

Location: E 75.5 ft. NW ¼ NE ¼ No. of Hwy. & NE ¼ NE ¼ No. of Hwy.,  
Section 32, Nevada Township, T101N R17W, Mower County,  
Minnesota.

Notice having been duly given and a hearing held January 6, 2004, on said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas; and

**BE IT FURTHER RESOLVED**, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
3. Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.

This permit is in accordance with Section 14-51(t) of the Mower County Code.

Passed and approved this 6<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #658 of Delos Frank for constructing an additional home on the property.

Daryl Franklin reviewed the permit and Planning Commission recommendations.

No one spoke for or against CUP #658.

**Date: January 6, 2004**

**Res. #07-04**

**RESOLUTION**

On motion of Commissioner Hillier, seconded by Commissioner Tucker, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, renewal of Petition No. CUP #658 of Delos Frank to be issued pursuant to the Mower County Zoning Regulations for:

Constructing a new home on the property.

Location: W ½ SW ¼ , Section 26, Nevada Township, T101N R17W,  
Mower County, Minnesota.

Notice having been duly given and a hearing held January 6, 2004, on said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas; and

**BE IT FURTHER RESOLVED**, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
3. Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.

This permit is in accordance with Section 14-51(t) of the Mower County Code.

Passed and approved this 6<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #657 of Darrell Kroneman for displaying up to ten vehicles on the property.

Daryl Franklin reviewed the permit, photos of the site and Planning Commission recommendations.

No one spoke for or against CUP #657.

**Date: January 6, 2004**

**Res. #08-04**

**RESOLUTION**

On motion of Commissioner Ellingson, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, renewal of Petition No. CUP #657 of Darrell Kroneman to be issued pursuant to the Mower County Zoning Regulations for:

Displaying up to ten vehicles on the property.

Location: N 265 ft. W 627.34 ft. S ½ N ½ NW ¼ Exc. Approx. W 162 ft.,  
Section 13, Austin Township, T102N R18W, Mower County,  
Minnesota.

Notice having been duly given and a hearing held January 6, 2004, on said  
petition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board  
accepts and adopts the findings of fact of the Mower County Planning Commission in the  
five required areas; and

**BE IT FURTHER RESOLVED**, that said petition is hereby approved, as  
recommended by the Mower County Planning Commission with conditions as follows:

1. The CUP shall become void two years from the date of approval by the  
County Board if no construction has begun or the use has not been  
established.
2. The site shall only be for display. No vehicle sales are allowed.

This permit is in accordance with Section 14-18.4 of the Mower County Code.

Passed and approved this 6<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
**Chair**

By: \_\_\_\_\_  
**Clerk/Coordinator**

At this time a Public Hearing was held in regard to CUP #528 of Timothy Koch  
for the renewal and expansion of current quarry operation to include bituminous and  
concrete storage and crushing on the property.

Daryl Franklin reviewed the permit, photos of the site and Planning Commission  
recommendations.

No one spoke for or against CUP #528.

**Date: January 6, 2004**

**Res. #09-04**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, renewal of Petition No. CUP #528 of Timothy Koch to be issued pursuant to the Mower County Zoning Regulations for:

Renewal and expansion of current quarry operation to include bituminous and concrete storage and crushing on the property.

Location: S ½ SW ¼ Exc. W 758 ft. S 1159 ft., Section 22, LeRoy Township, T101N R14W, Mower County, Minnesota.

Notice having been duly given and a hearing held January 6, 2004, on said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas; and

**BE IT FURTHER RESOLVED**, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. The quarry operation must remain at least 200 yards from the residential property.
2. A \$3,500 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on 3 acres) must be posted with the county Auditor valid until six months after the quarry ceases to operate.
3. A "No Trespassing" sign shall be posted at the entrance with the petitioners name and phone number clearly displayed.
4. Comply with Article IV Excavation of Earth Products of the Mower County Code
5. Extraction of materials shall be limited to areas as delineated on the site plan.
6. Prior to opening as a quarry, petitioner must submit a detailed site plan that accurately shows limits of quarry operation. The quarry operation shall be limited to this site plan. Modifications shall require an amendment to this CUP.
7. Extraction of gravel/sand/limestone shall remain at least twenty (20) feet from all adjoining property lines and forty (40) feet from the road right-of-way and out of areas that would have lateral draining effects on wetlands.
8. Before hauling, the Petitioner must contact the County Engineer (507-437-7718) for posted limits on bridges and comply with the postings.

9. Blasting will be performed by a licensed and bonded operator.
10. Secure DNR Appropriations permit if required.
11. Secure MPCA NPDES permit if required.
12. Plan for water discharge submitted to Mower Co. Environmental Services Department for approval by County Board.
13. Mower County staff shall inspect the site as necessary to guarantee compliance with conditions.
14. The area adjacent to the pit and the pit area will be turned into a wildlife habitat when gravel and mining extraction is completed. (Consists of approximately three to five acres).
15. Any required signage shall be the cost of the petitioner.
17. Access/Driveway to be cost of petitioner.
18. No burying of concrete or bituminous material will be allowed on the property.
19. Crushing must start when there is approximately 5,000 cubic yards of material at the site.
20. Prior to crushing, the Environmental Services Office shall be notified in writing.
21. Hours of operation shall be from 7:00 a.m. to 7:00 p.m. daily Monday – Saturday. Hauling of material is allowed on Sunday during regular hours.
22. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

This permit is in accordance with Section 14-51(r) of the Mower County Code.

Passed and approved this 6<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
**Chair**

By: \_\_\_\_\_  
**Clerk/Coordinator**

At this time a Public Hearing was held in regard to CUP #659 of Kent Harrington to operate a cement and aggregate storage facility.

Daryl Franklin, Environmental Services Director, reviewed the permit, photos of the site and the Planning Commission recommendations.

The petitioner spoke on his own behalf. There was no further speaking in favor of CUP #659. Four people spoke in opposition to CUP #659.

Motion by Commissioner Lang, seconded by Commissioner Hillier to table the Public Hearing on CUP #659 until February 3, 2004 at 1:15 p.m. in order for the Board to visit the site and meet with City of Austin staff. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to approve the minutes of December 4, 2003, December 4, 2003 Truth-in-Taxation hearing, December 11, 2003, December 16, 2003 and November 25, 2003 ditch board. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to approve the following bills for immediate payment:

Minnesota Counties Insurance Trust	\$404,526.00
Minnesota Counties Insurance Trust	6,305.00
Southeastern Libraries Cooperative	4,620.00

Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to appoint the following individuals to the Extension Committee:

Dan Vermilyea, Adult member for three year term;  
Sally Anderson; Adult member for three year term; and  
Loren Baldus; Youth member for two year term.

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to transfer eleven (11) resource books from Mower County to the University of Minnesota to be used at the Albert Lea Regional Center. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to set the 2004 fee for burning permits at \$10.00 for an annual permit. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to set June 14, 2004 at 11:00 a.m. for Board of Review. Motion carried.

At this time LeeAnn Schafer, Legal Secretary, was recognized as the Employee of the Month.

Motion by Commissioner Hillier, seconded by Commissioner Lang to approve the subordination of three ISTS mortgages of Mary Wetterberg dated November 4, 1996, September 15, 1997 and November 21, 1997. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to approve the following duplicate warrant applications:

1. Bruce Hemann, in the amount of \$5.00 to replace warrant #29509; and
2. Amy Lemoine in the amount of \$20.00 to replace warrant #31107.
- 3.

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to approve the request of Mark Hanson to waive the application fee for a Conditional Use Permit in the amount of \$480.00. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Lang to amend the minutes of November 11, 2004 to reflect the corrected location in Resolution 100-03.

**Current:**

Location: NE ¼ SE ¼ S & E of River Exc. E 200 ft., Section 33; and the SW Cor of the N ½ SW ¼, Section 34, Austin Township, T101N R16W, Mower County, Minnesota, PIN #02-030-0110 and 02-031-0030

**Corrected:**

Location: NE ¼ SE ¼ S & E of River Exc. E 200 ft., Section 33; and the SW Cor of the N ½ SW ¼, Section 34, Austin Township, **T102N R18W**, Mower County, Minnesota, PIN #02-030-0110 and 02-031-0030

Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to deny the Application for Reduction in Valuation of Real Estate and/or Refund of Taxes Paid of Douglas Snater for payable 2003 taxes on parcel #08.016.0060. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Lang to freeze the ISTS Loan Program and to reduce the amount of available loan funds by \$50,000.00. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to deny all future requests for subordination of ISTS loans. Motion carried.

**Date: January 6, 2004**

**Res. #10-04**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

**WHEREAS**, Mower County has determined that Bridge 277 in Section 28 of Leroy Township is deficient and should be removed from service, and

**WHEREAS**, local roads play an essential role in the overall State transportation network and local bridges are the critical component of the local road systems, and

**WHEREAS**, State support for the replacement, rehabilitation, and removal of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the Townships to proceed with the management of deficient bridges, and

**WHEREAS**, Mower County intends to proceed with the removal of this bridge as soon as possible, now therefore

**BE IT RESOLVED** that Mower County commits that it will proceed with the design and contract documents for the removal of this bridge immediately after being notified that funds are available in order to permit the work to take place.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Clerk/Coordinator

**Date: January 6, 2004**

**Res. #11-04**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

**WHEREAS**, on July 23, 1996, the Mower County Board of Commissioners passed and adopted Ordinance #3-96, which authorizes and establishes the Mower County ISTS Loan Program, and

**WHEREAS**, on July 23, 1996 the Mower County Board of Commissioners by motion adopted the Individual Sewage Treatment Systems (ISTS) Loan Procedure Guide, and

**WHEREAS**, Mower County has received monies from the Department of Agriculture to fund the Mower County ISTS Loan Program, and

**WHEREAS**, affected property owners who sign the ISTS Loan and Assessment Agreement have agreed that their 5-year loan repayment, plus interest, at the per annum rate of 3%, shall be added in equal annual installments to the real estate tax levied on the affected property, and

**WHEREAS**, said property owners have the right to pay off the remaining balance of the loan before November 15<sup>th</sup> of any year thereafter, and

**WHEREAS**, the County Auditor has submitted a list of affected properties, owners, and amounts, said list identified as ISTS Loan (Dept. of Ag.) 2003/2004.

**NOW THEREFORE BE IT RESOLVED** there is now levied against the properties listed in the Auditor's ISTS Loan (Dept. of Ag.) 2003/2004 list an amount, plus interest, necessary to repay the monies loaned by Mower County for upgrade or repair of individual sewage treatment systems.

**BE IT FURTHER RESOLVED** that the amount each tract and property shall be liable for and must pay is contained in the County Auditor's ISTS Loan (Dept. of Ag.) 2003/2004 list, which is on file in the office of the Mower County Auditor and shall be levied over a five-year period, commencing with real estate taxes payable in the year 2004.

**BE IT FURTHER RESOLVED** that the principal loan shall bear interest at the rate of 3% per annum, per signed loan and assessment agreements.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Clerk/Coordinator

**Date: January 6, 2004**

**Res. #12-04**

**RESOLUTION**

On motion of Commissioner Hillier, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 6, 2004 at the Courthouse, Austin, Minnesota.

**WHEREAS**, on July 23, 1996, the Mower County Board of Commissioners passed and adopted Ordinance #3-96, which authorized and established the Mower County Individual Septic Treatment System (ISTS) Loan Program and Well Sealing Loan Programs, and

**WHEREAS**, on July 23, 1996 the Mower County Board of Commissioners by motion adopted the Individual Sewage Treatment Systems (ISTS) and Well Sealing Loan Procedure Guide, and

**WHEREAS**, by motion of April 25, 2000, Mower County has committed monies to fund the Mower County ISTS Loan Program, and

**WHEREAS**, affected property owners who sign the ISTS Loan and Assessment Agreement have agreed that their 5-year loan repayment, plus interest, at the per annum rate of 3%, shall be added in equal annual installments to the real estate tax levied on the affected property, and

**WHEREAS**, said property owners have the right to pay off the remaining balance of the loan before November 15<sup>th</sup> of any year thereafter, and

**WHEREAS**, the County Auditor has submitted a list of affected properties, owners, and amounts. Said list is identified as ISTS Loan (Mower County) 2003/2004.

**NOW THEREFORE BE IT RESOLVED** there is now levied against the properties listed in the Auditor's ISTS Loan (Mower County) 2003/2004 list an amount, plus interest, necessary to repay the monies loaned by Mower County for upgrade or repair of individual sewage treatment systems.

**BE IT FURTHER RESOLVED** that the amount each tract and property shall be liable for and must pay is contained in the County Auditor's ISTS Loan (Mower County) 2003/2004 list, which is on file in the office of the Mower County Auditor and shall be levied over a five-year period, commencing with real estate taxes payable in the year 2004.

**BE IT FURTHER RESOLVED** that the principal loan shall bear interest at the rate of 3% per annum, per signed loan and assessment agreements.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_

**Clerk/Coordinator**

Motion by Commissioner Tucker, seconded by Commissioner Lang to accept the resignation of Mark Oakland, Deputy Sheriff and to authorize the position to be filled. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to approve the Tentative Agreement between Mower County and Law Enforcement Labor Services, Inc., Local #74 for the period of January 1, 2004 through December 31, 2006. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to set the 2004 non-union employees salaries, excluding Correctional Services employees, whose salaries are set by judicial order, at an increase of approximately three percent (3%) subject to the 2004 pay chart on file in the Mower County Human Resource Office and also approve step increases when employees are eligible on their anniversary dates. The three percent (3%) increase includes bailiffs and guards. In addition, the non-union employee's portion of family health insurance for the year 2004 is set at \$170.00 month for the base plan. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to set the elected official's portion of family health insurance for 2004 at \$170.00 per month for the base plan. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to move the Veterans Service Office to the Extension Office in the Mower County Courthouse no later than March 1, 2004. The Veterans Service Officer/Emergency Management Coordinator will supervise the Mower County Extension clerical employees. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to adjourn the meeting at 4:05 p.m. until January 13, 2004 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**Chairperson**

**Attest:**

**By:** \_\_\_\_\_  
**Clerk/Coordinator**

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