

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

January 27, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session January 27, 2004 at 8:30 a.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

**GENERAL:**

Commissioner Tucker moved and Commissioner Hillier seconded to authorize payment in the amount of \$1,205.00 in full settlement in the appeal of the denial of a county burial in case #1037472. Motion carried.

Commissioner Hillier moved and Commissioner Lang seconded to purchase an unused burial plot located in Oakwood Cemetery from a private party at the offered price of \$125.00, subject to the seller holding good title and approval by the County Attorney. The intended use of the plot will be for the burial of an indigent person. Motion carried.

Commissioner Ellingson moved and Commissioner Hillier seconded to authorize the Chair to sign the Professional Services Agreement between MCIT and Mower County for IPP Claims Processing effective January 1, 2004 to December 31, 2006. Motion carried.

Commissioner Hillier moved and Commissioner Ellingson seconded to authorize the Chair to sign the Assignment to Employment Agency for IPP Claims Processing with Workforce Development, Inc. Motion carried.

Commissioner Tucker moved and Commissioner Lang seconded to authorize the Director to sign an Amendment to the MFIP Contract with Workforce Development, Inc, effective January 1, 2004 to December 31, 2004. Motion carried.

Commissioner Tucker moved and Commissioner Hillier seconded to authorize the Chair and the Director to sign the following Purchase of Service Agreements:

- a.     Rule 36 Ltd. Partnership of Duluth (Hecla House) – renew contract for Residential Services, effective January 1, 2004 to December 31, 2004.
  
- b.     Lutheran Social Services (Adams Group Home) – renew contract for Waivered Services, effective December 1, 2003 to November 30, 2004.

Motion carried.

Commissioner Ellingson moved and Commissioner Tucker seconded to approve the destruction of designated Agency files in accordance with DHS Rules and Regulations. All previously approved files have been destroyed. Motion carried.

Commissioner Hillier moved and Commissioner Lang seconded to adopt the proposed Mower County Human Services Eligibility and Fee Policy to become effective February 1, 2004. Motion carried.

**Date: January 27, 2004**

**Res. #14-04**

**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 27, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, the Director of Community Social Services for Mower County had advised that all Social Service case actions are in conformance with State, Federal and County laws, rules, regulations and policies,

BE IT RESOLVED, That all Social Service case openings, closings, placements, and licensing actions, as documented in the Mower County Human Services Office, on office listings for licensing action, case records, record of social service plan cards, purchase of services abstract, payment authorizations, and payment records for the period January 1, 2004 through January 31, 2004 are hereby approved.

WHEREAS, the Director of Community Social Services for Mower County had advised that all Personnel Actions are in conformance with State and Federal law, Minnesota Merit System Rules, existing labor agreements, and Personnel Policies and Practices,

BE IT RESOLVED, That all Personnel Actions for the month of January 2004 for employees of the Department of Human Services as documented in the Department on proposed Personnel Action Listings, personnel abstracts, payroll reports, and Personnel Action Forms, are hereby approved.

WHEREAS the Director of Community Social Services for Mower County has been advised that all Social Service and Welfare Claims against Mower County submitted for payment in the month of January 2004 have been reviewed and are eligible for payment pursuant to all applicable rules, regulations, laws, and policies,

BE IT RESOLVED, That all bills, as listed on the listing of bills and claims against Social Services and Welfare Funds and Warrant Registers, shall be

approved as valid claims against the County of Mower and are hereby approved for payments.

The Commissioners voted as follows: Garry Ellingson aye, David Hillier aye, Ray Tucker aye, Richard P. Cummings aye, and Richard Lang aye. Passed and approved this 27<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

**Date: January 27, 2004**

**Res. #15-04**

**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 27, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, the Director of Community Social Services for Mower County had advised that all Income Maintenance case actions are in conformance with State, Federal and County laws, rules, regulations and policies,

BE IT RESOLVED, That all Income Maintenance case actions or approval, denial, suspension, reinstatement, closing, increased and decreased maintenance and denial as documented on the 106 Welfare Information Form, the General Assistance Budget Form, and Emergency Assistance Forms, and Warrant Register of Payments for the period January 1, 2004 through January 31, 2004 are hereby approved.

BE IT FURTHER RESOLVED, That all assistance payments authorized by Director Actions and issued during the month of January 2004 are hereby approved.

BE IT FURTHER RESOLVED, That all bills and claims against the Income Maintenance Programs, as cited in the Abstract of Payment Records and Board List in the Mower County Human Services Department, are hereby approved for payment.

BE IT FURTHER RESOLVED, That all personnel actions for the month of January 2004 for employees of the Department of Human Services as documented

in the Department in the Personnel Abstracts, Payroll Reports and Personnel Action Reports, are hereby approved.

BE IT RESOLVED, That all refunds received during the month of January 2004 as listed on the Report of Refunds and Cancellation, DPW 759, are hereby acknowledged as received.

The Commissioners voted as follows: Garry Ellingson aye, David Hillier aye, Ray Tucker aye, Richard P. Cummings aye, and Richard Lang aye. Passed and approved this 27<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to accept the letter of resignation of an assistant county attorney and approve the Human Resource Director to advertise to fill the position. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to amend the 2003 budget to move unrealized workers' compensation costs from the revenue fund departments to the public health department. Amended budget amounts on file in the Finance Director's office. Motion carried.

At this time the Public Hearing was continued from January 13, 2004 in regard to a new ordinance for the Cleanup of Clandestine Drug Lab Sites. Language changes included designating the Director of Community Health Services as the public health authority and reference to a household hazardous waste ordinance was removed. No one spoke for or against the proposed ordinance.

**Date: January 27, 2004**

**Ord. #02-04**

**Ordinance**

On motion of Commissioner Tucker, seconded by Commissioner Ellingson, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held January 27, 2004 at the Courthouse, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider a new ordinance of the Mower County Code by the Mower County Board of Commissioners was published in the Austin Daily Herald on January 2, 2004.

**WHEREAS**, the County Board held a public hearing on said Ordinance on January 13 and 27, 2004.

**BE IT ORDAINED** that the following Ordinance of the Mower County Code be adopted as follows:

**CHAPTER 15**

**CLEANUP OF CLANDESTINE DRUG LAB SITES ORDINANCE**

**ARTICLE I. GENERAL PROVISIONS**

SECTION 15.110 Title and Statutory Authority

15.110 This ordinance shall be known and referenced as the "Cleanup of Clandestine Drug Lab Sites Ordinance."

15.111 This ordinance is enacted pursuant to the powers specified in Minn. Stat. § 145A.05.

SECTION 15.120 Purpose

15.121 Professional reports, based on assessments, testing, and investigations, show that chemicals used in the production of illicit drugs can condense, penetrate, and contaminate on the land, surfaces, furnishings, and equipment in or near structures where Clandestine drug labs are located.

15.122 These conditions present health and safety risks to occupants and visitors of such structures and land through fire, explosion, and skin and respiratory exposure to chemicals.

15.123 This ordinance establishes responsibilities and guidelines for involved parties to assure that:

- a) people are not unnecessarily exposed to the dangers of these contaminated structures or land; and
- b) proper steps are taken to remove contaminants and assure appropriate tests are completed to verify that affected structures and land are sufficiently cleaned for human contact.

15.124 This ordinance assists and guides appropriate public authorities, property owners, and occupants to prevent injury and illness to members of the public, particularly children.

15.125 This ordinance is intended to reduce exposure to chemicals used at clandestine drug lab operations in structures including dwellings, buildings, motor vehicles, trailers, appliances or the land where they are located.

15.126 This ordinance is intended to minimize the cost to Mower County for clean up of Clandestine drug lab sites.

SECTION 15.130 Jurisdiction

15.131 This ordinance shall apply to all incorporated and unincorporated municipalities and land (city or township) within the boundaries of Mower County.

15.132 Where a municipality has lawfully passed an ordinance to regulate and enforce the cleanup of Clandestine drug labs that is more restrictive, the County shall coordinate regulation and enforcement with that municipality.

SECTION 15.140 Interpretation and Application

15.141 The provisions of this ordinance shall be interpreted and applied as the minimum requirements necessary to protect public health, safety, and welfare.

15.142 Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable provisions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall apply.

SECTION 15.150 Disclaimer of Liability

Liability on the part of, or a cause of action against, Mower County or any employee or agent thereof for any damages that may result from reliance on this ordinance shall be eliminated or limited as provided by Minn. Stat. § 466.02.

SECTION 15.160 Fees

Fees for the administration of this ordinance may be established and amended periodically by resolution of the Mower County Board of Commissioners.

SECTION 15.170 Definitions, Rules, and Word Usage

For the purpose of this ordinance, the following terms or words shall be interpreted as follows:

15.171 Child means any person less than 18 years of age.

15.172 Chemical investigation site means a clandestine drug lab site that is under notice and order for cleanup and/or remediation as a public health nuisance, as authorized by Minnesota Statute Chapter 145A, and this ordinance.

- 15.173 Clandestine drug lab operation means the unlawful manufacture or attempt to manufacture a controlled substance within any area of a structure such as a dwelling, building, motor vehicle, trailer, boat, or other structure or appliance.
- 15.174 Clandestine drug lab site means any parts of a structure such as a dwelling, building, motor vehicle, trailer, or appliance occupied or affected by conditions and/or chemicals, typically associated with a clandestine drug lab operation.
- 15.175 Cleanup means proper removal and/or containment of substances hazardous to humans and/or the environment at a chemical investigation site. Cleanup is a part of remediation.
- 15.176 Controlled substance means a drug, substance or immediate precursor in Schedules I through V of Minnesota Statute § 152.02, as amended in the future. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors, or tobacco.
- 15.177 Owner means any person, firm, or corporation who owns, in whole or in part, the land and/or structures such as buildings, motor vehicle, trailer, boat or other appliance at a clandestine drug lab site.
- 15.178 Public Health Nuisance shall have the meaning attributed to it in Minnesota Statutes § 145A.02, Subd. 17.
- 15.179 Public Health Authority means the Director of Community Health Services or their designees who are authorized to act as agents of the Mower County Board of Commissioners, in their role as the Community Health Board, pursuant to the Local Public Health Act, Minnesota Statutes § 145A.09 to 145A.13.
- 15.180 Remediation means methods such as assessment, evaluation, testing, venting, detergent scrubbing, enclosure, encapsulation, demolition, and/or removal of contaminated materials from a chemical investigation site.
- 15.181 Structure means a dwelling, building, motor vehicle, trailer, boat, appliance or any other area or location, either fixed or temporary.

## ARTICLE II. ADMINISTRATION

### SECTION 15.200 Declaration of Site as a Chemical Investigation Site Public Health Nuisance

Clandestine drug lab sites, as defined herein, are declared by this ordinance to be “chemical investigation site public health nuisances”.

### SECTION 15.210 Medical guidelines for assessing health status of exposed persons

Medical guidelines for assessing the health status and determining medical care needs of persons – particularly children – that are found or known to be occupants or frequent

visitors at a clandestine drug lab site, may be established and updated as necessary by the "Medical Consultant" who provides consultation services under contract to the Mower County Public Health Department.

SECTION 15.220 Law Enforcement notice to affected public, public health, and child protection authorities

15.221 Law enforcement authorities who identify a clandestine drug lab site, or clandestine drug lab operation shall notify the Mower County departments responsible for public health and child protection within one working day of identifying the lab site. The obligation to promptly notify may be delayed to accomplish appropriate law enforcement objectives, but only to the extent that public health and child protection responsibilities are not unnecessarily compromised. The notice shall include sufficient information to inform the recipients of the following:

- a) property location by street address and other identifiable location;
- b) property owner's and occupant's identities – especially the identities of any children and women of child-bearing age found or known to be associated with the site;
- c) chemicals found and indications of chemical residues;
- d) presumed duration of the lab;
- e) equipment in a dwelling or structure that is typically associated with the manufacture of a controlled substance; and
- f) conditions typically associated with a clandestine drug lab site or operation including weapons, illicit drugs, filth, fire, or electrical shock and other harmful conditions as determined by Minnesota law.

15.222 Upon identification of the clandestine drug lab site or operation, law enforcement agencies may treat, store, transport or dispose of all hazardous waste found at the site in a manner consistent with Minnesota Department of Health, Minnesota Pollution Control, and Mower County rules and regulations.

15.223 When a law enforcement agency completes its work under 15.222 and is prepared to leave such sites, the agency shall affix a warning sign to the entrance of the affected part of the structure. The warning sign shall be those that have been prepared in advance for such situations through the collaboration of County Law Enforcement, Public Health Authority, and city officials if applicable. The warning sign shall be of a size and contain information sufficient to alert visitors or returning occupants that the site is a chemical investigation site public health nuisance, may be dangerous to enter, and must not be entered except by authorization of the Public Health Authorities and/or Law Enforcement agency identified on the sign.

SECTION 15.230 Notice of Chemical Investigation Site Public Health Nuisance to Owner and Occupant

15.231 After the Public Health Authority receives notice from a law enforcement agency that they've identified a clandestine drug lab site and posted the appropriate

Chemical Investigation Site Public Health Nuisance warning sign, the Public Health Authority shall serve the known lawful occupants and owners of the site pursuant to Minnesota Statute § 145A.04, Subd. 8(b), with notice of their responsibilities relative to the chemical investigation site public health nuisance.

15.232 The Public Health Authority shall notify and order the property owner of record and known occupant or agent to have the public health nuisance removed or abated within 10 days as provided in Minnesota Statute § 145A.04 and this ordinance. The Public Health Authority notice and order shall include the following:

- a) A replica of the Chemical Investigation Site Public Health Nuisance declaration that is posted at the site's entrance(s).
- b) Information about the potentially hazardous condition of the chemical investigation site.
- c) A summary of the property owner's and occupant's responsibilities under this ordinance.
- d) Information on locating professional services necessary to remove and abate the chemical investigation site public health nuisance status as provided in this Ordinance and Minnesota Statute § 145A.04.

15.233 The Public Health Authority shall endeavor to provide information in writing about the Chemical Investigation Site Public Health Nuisance declaration and potential hazard(s) to the following additional concerned parties:

- a) Neighbors within close proximity that can be reasonably affected by the conditions found;
- b) The local municipal clerk;
- c) Local law enforcement;
- d) Other state and local authorities, such as the Minnesota Pollution Control Agency and Minnesota Department of Health, that may have public and environmental protection responsibilities at that site.

SECTION 15.240 Notice Filed with Property Record and/or Motor Vehicle Record

15.241 If after 10 days notice and order, Public Health Authority is unable to obtain any reasonable assurance or plan from the property owner or occupant that the structure is being properly vacated, cleaned, remediated, and tested, Public Health may provide a copy of the Chemical Investigation Site Public Health Nuisance notice and order to the County Recorder and to the lien and mortgage holders of the affected structure and/or properties. The County Recorder is authorized to file that information with the property record, to notify other persons with interest in the property about the property's chemical investigation site public health nuisance status.

15.242 When the affected property is a motor vehicle, boat, or trailer, Public Health shall notify the appropriate State and local agency that maintains motor vehicle, boat, or trailer records, and the holders of liens or security interests against the vehicle or trailer.

SECTION 15.250 Property Owner's and Occupant's Responsibility to Act

15.251 Property owner(s) and occupant(s) provided with a notice, which also includes the posted warning sign informing them about the chemical investigation site public health nuisance, shall promptly act to vacate occupants from those parts of a structure that are a chemical investigation site public health nuisance. This includes dwellings, building, motor vehicles, trailers, boat, appliances or any other affected area or location.

15.252 Within ten business days of receiving the Public Health notice and order to clean-up the Chemical Investigation Site Public Health Nuisance, the property owner(s) and/or occupant(s) shall take the following actions:

- a) Notify Mower County Public Health Authority that the affected parts of the dwellings, building, and/or motor vehicle have been and will remain vacated and secured until the Public Health Authority provides notice that the public health nuisance no longer exists.
- b) Contract with one or more acceptable environmental hazard testing and cleaning firms (acceptable firms are those that have provided assurance of appropriate equipment, procedures, and personnel, as determined by the Minnesota and/or Mower County Departments of Health) to accomplish the following:
  - 1) A detailed on-site assessment of the extent of contamination at the site and the contamination of the personal property therein;
  - 2) Soil testing of the site and testing of all property and soil in proximity to the site that the environmental hazard testing and cleaning firm determines may have been affected by the conditions found at the site;
  - 3) A complete clean-up of the site (including but not limited to the clean-up or removal of contaminated plumbing, ventilation systems, fixtures and contaminated soil) or a demolition of the site and a complete clean-up of the demolished site;
  - 4) A complete clean-up, or disposal at an approved dumpsite, of all personal property in the site;
  - 5) A complete clean-up of all property and soil in proximity to the site that is found to have been affected by the conditions found at the site, and
  - 6) Remediation testing and follow-up testing to determine that all health risks are sufficiently reduced, according to Minnesota Department of Health guidelines, to allow safe human occupancy and use of the site and use of the personal property there.
- c) Provide Mower County Public Health Authority with the identity of the testing and cleaning firm the owner or occupant has contracted with for remediation of the structure(s) as described above.
- d) Provide Mower County Public Health Authority with the contractor's plan and schedule for remediation that will abate the chemical investigation site public health nuisance declaration.

- e) The property owner or occupant may request an extension of time to consider options for arranging clean-up or removal of the affected parts of the structure. The owner or occupant must show good cause for any such extension. Any such extension shall be dependent on the owner's assurance that the affected parts of the structure will not be occupied pending appropriate clean-up or demolition.

SECTION 15.260 Property Owner's Responsibility for Costs and Opportunity for Recovery

15.261 Consistent with Minnesota Statutes Chapter 145A, the property owner shall be responsible for a) private contractor's fees, clean-up, remediation, and testing of chemicals investigation site public health nuisance conditions; and b) Mower County's fees and costs of administering notices and enforcing, vacating, clean-up, remediation, and testing of affected parts of the property.

15.262 Nothing in this ordinance is intended to limit the property owners, agents, occupants, or the County's right to recover the costs or damages, from persons contributing to the public health nuisance, such as the operators of the clandestine drug lab and/or other lawful sources.

15.263 The County's administrative and enforcement services, referenced in subsection 2.61, include but are not limited to, the following:

- a) Posting warning notices or signs at the site;
- b) Notification of affected parties;
- c) Securing the site, providing limited access to the site, and prosecution of unauthorized persons found at the site;
- d) Expenses related to the recovery of costs, including the assessment process;
- e) Laboratory fees;
- f) Clean-up services;
- g) Administrative fees; and
- h) Other associated costs.

SECTION 15.270 Special Assessment to Recover Public Costs

15.271 The County is authorized under Minnesota Statute § 145A.04, Subd. 8(c) to proceed within ten business days of service of a notice for abatement or removal of the Public Health Nuisance to initiate the assessment and clean-up when a) the property owner is not located, or b) the Public Health Authority determines that the owner refuses to, or cannot pay the costs, or arrange timely assessment and clean-up that is acceptable to the designated Public Health Authority.

15.272 The County Administrator (or the Administrator's formally identified designee) shall be fully authorized to act, consistent with Minnesota Law, on behalf of the County to direct funds to assure prompt remediation of chemical investigation sites.

- 15.273 When the estimated cost of testing, clean-up, and remediation exceeds seventy-five percent of the County Assessor's market value of the structure and land, the County Administrator (or the Administrator's formally identified designee) is authorized to notify the property owner of the county's intent to remove and dispose of the affected real property instead of proceeding with cleaning and remediation.
- 15.274 The property owner shall be responsible for all costs, including those of the County, incurred to abate the public health nuisance, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. The County's costs may also include, but shall not be limited to those set forth in Section 15.263. Fees and costs specified above that are not paid for in any other way may be collected through a special assessment on the property as allowed by Minnesota Statute § 145A.08, or by any other applicable Federal, State, and County Laws, Ordinances, and/or applicable County Board Resolution.
- 15.275 Payment on the special assessment shall be at the annual rate of at least One Thousand Dollars (\$1000) or more as needed to assure full payment to the County within ten (10) years. This amount shall be collected at the time real estate taxes are due. The amount due and/or payment rate may be adjusted by action of the Mower County Board of Commissioners.
- 15.276 The County may also seek recovery of costs through other methods allowed by Federal or State law.

SECTION 15.280 Authority to Modify or Remove Declaration of Chemical Investigation Site Public Health Nuisance

- 15.281 The designated Public Health Authority may modify conditions of the declaration and order removal of the declaration of Chemical Investigation Site Public Health Nuisance.
- 15.282 Such modification or removal shall occur only after the Public Health Authority has determined that levels of contamination are sufficiently reduced through remediation to warrant modification or removal of the declaration. The Public Health Authority may rely on information from competent sources, including those supplied by the property owner and/or others such as state and local health, safety, law enforcement and pollution control authorities to reach such decisions.
- 15.283 When the declaration is modified or removed the Public Health Authority shall forward that information to the County Recorder for addition to the property record if notice of the nuisance declaration was previously filed with the Recorder as described above. Similarly, notice shall be provided to the motor vehicle or other license records agencies and lien holders if a notice had previously been provided to them.

SECTION 15.290 Waste Generated From Cleaning Up A Clandestine Drug Lab.

Waste generated from chemical investigation site public health nuisances shall be treated, stored, transported, and disposed in according with applicable Minnesota Department of Health, Minnesota Pollution Control Agency, and Mower County rules and regulations for solid waste, and for hazardous household and other hazardous wastes.

**ARTICLE III. EXCEPTIONS, APPEALS, AND PENALTIES**

SECTION 15.310 Exceptions, Appeals, and Penalties

Administration of this ordinance, including guidance for, challenges to, and penalties shall be according to the authorities provided in Minnesota Statute Chapter 145A, other applicable Minnesota law, the Mower County Hazardous Waste Regulation Ordinance and the Mower County Solid Waste Management Ordinance.

SECTION 15.320 Severability And Savings Clause

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation of, or affect the validity or enforceability of any other section or provision of this ordinance.

**ARTICLE IV. EFFECTIVE DATE**

**BE IT FURTHER ORDAINED** that the preceding Ordinance is effective immediately upon publication.

Passed and approved this 27<sup>th</sup> day of January, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Tom Neilon, Correctional Services, requested a budget amendment and approval for a rental contract for a facility in Adams to serve as a satellite office for Mower County corrections. The County Coordinator was directed to contact the Mower County insurance carrier regarding the rental contract and the county's liability with the off-site facility.

Lonnie Wendt, Mower County citizen, appeared before the Board to express his opposition to the recently approved 2004 feedlot fees. It was his opinion that many feed

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

lots had a grandfather clause incorporated a few years that prevented an increase in their feedlot fees. The Board responded that cuts from the State have required hard budget decisions by the board. There are no grandfathered feed lots. The feed lot issue is to be discussed at the township annual meetings in March.

Ken Trom, President of Mower County Ag Society, presented the fair boards' quarterly report.

Rick Morrison, County Ditch Inspector, presented the 2003 Annual Report for Mower County Drainage Systems.

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to approve the bi-monthly bills for immediate payment. Motion carried.

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
181.05	A+ PRINTING	3574.11	AMERICAN SOLUTIONS FOR BUSI
120.00	AMERICAN TRANSLATORS ASSOCIATI	856.94	AUSTIN DRUG, INC
1751.00	AUSTIN MEDICAL CENTER ATTN:CAS	661.25	AUSTIN NEWSPAPERS, INC
1315.87	BOB BARKER COMPANY	249.79	BP PRODUCTS NORTH AMERICA,
103.20	CARE EXPRESS PRODUCTS INC	1650.99	CDW GOVERNMENT, INC.
228.00	CLASEN-JORDAN MORTUARY	152.00	CLINNET SOLUTIONS LLC
635.00	DAMEL CORPORATION	1460.00	DEPARTMENT OF HUMAN SERVI
108.23	DONKERS HOMETOWN APPLIANCES	1049.77	DTI
344.07	EXECUTEAM	922.52	G A THOMPSON CO
117.08	PEGGY GEHLING	468.19	HACH COMPANY
260.22	HARTY MECHANICAL INC	221.98	IBM CORPORATION
153.89	IDENTISYS	622.90	J & K WINONA
414.81	K MART	287.50	LANGUAGE LINE SERVICES
146.97	LASER PRODUCT TECHNOLOGIES INC	301.65	LEXISNEXIS MATTHEW BENDER
111.83	THE LIGHTING CONNECTION	350.00	ROSEMARY LINDERMAN
1169.40	MAGNETIC NORTH EDUCATION & TRA	439.59	MARTIN BROS
695.00	MAYER FUNERAL HOME	171.60	MCKESSON GENERAL MEDICAL CO
388.27	METRO SALES, INC.	224.00	MIDTOWN CAR WASH
802.50	MIDWEST WIRELESS	264.12	MINNCOR INDUSTRIES
1014.95	MITCHELL COUNTY REGIONAL HEALT	170.00	MN DEPT OF HEALTH
346.00	MOWER COUNTY SHOPPER	9169.43	NEW HORIZON FOODS, INC
158.30	EARL ORVIK	440.00	PERFORMANCE OFFICE PAPERS
172.50	PLUNKETT & ASSOCIATES INC	136.36	PRESTO-X-COMPANY INC
1032.70	PUBLIC SAFETY CENTER INC.	119.84	PUBLISHERS GROUP
170.35	QUILL CORPORATION	510.52	QWEST
1360.00	RIVERSIDE PSYCHOLOGICAL SERVIC	5000.00	S. E. M. N. T. F
853.09	SCHILLING PAPER COMPANY	282.87	SCHMIDT-GOODMAN OFFICE PROD
220.00	SE MINNESOTA EMS	171.00	SHERIFF FREEBORN COUNTY
491.25	SMYTH COMPANIES, INC	1782.00	SPHERION CORPORATION
317.78	STAPLES CREDIT PLAN	6098.00	STEELE COUNTY DETENTION CEN
1409.86	HOWARD STREY	1720.00	DAVID STROBEL
6689.23	ULTIMATE DATA SYSTEMS INC	944.65	VWR SCIENTIFIC
760.44	WELLS FARGO FINANCIAL LEASING	6185.99	WEST GROUP
135.00	WINDOM TOWNSHIP TREAS	327.71	WINONA DAILY NEWS
	38 PAYMENTS LESS THAN \$100	1,779.03	
GENERAL FUND		\$72,944.14	* TOTAL

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
232.05	AUSTIN BUILDERS SUPPLY, INC	567.31	AUSTIN UTILITIES
523.16	CINTAS FIRST AID & SAFETY	400.21	MUNCILITE EMERGENCY AUTOMOT
486.93	HARTY MECHANICAL, INC.	350.92	JIM HATCH SALES CO.

**COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA**

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313.96 INTERSTATE BATTERY SYSTEMS OF	180.54 INTERSTATE MOTOR TRUCKS, I
8100.50 JONES, HAUGH & SMITH, INC.	110.97 KESTNER ELECTRIC, INC.
164.98 LEEF BROS., INC.	146.70 THE LIGHTING CONNECTION
181.08 M-R SIGN COMPANY, INC.	867.62 MEDGAARDEN'S SOUTHWEST SAL
204.96 MINNESOTA PETROLEUM SERVICE	1125.31 OHLIN SALES, INC.
400.00 OSMUNDSON BROS. CONTRACTORS, I	511.77 PETROBLEND CORP.
128.90 PRESTO-X-COMPANY INC	125.02 QWEST
476.14 REED CONSTRUCTION DATA	150.00 RIVERLAND COMMUNITY COLLEGE
118.08 ROCHESTER PETROLEUM EQUIPMENT	1175.01 SCHAEFFER MFG CO.
584.99 SOUTHERN MINN OIL EQUIPMENT, IN	115.75 DAVE SYVERSON FORD
669.89 TRADING POST	
9 PAYMENTS LESS THAN \$100	466.32
ROAD & BRIDGE FUND	\$18,879.07 * TOTAL
SOLID WASTE/RECYCLING FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
4812.50 IVERSON HAULING	778.38 MINNESOTA SUPPLY COMPANY
1300.00 SEMREX	204.00 WASECA COUNTY RECYCLING
4 PAYMENTS LESS THAN \$100	153.40
SOLID WASTE/RECYCLING FUND	\$7,248.28 * TOTAL
DITCH FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
235.80 MELVIN HALDORSON	4455.00 RUBLE EXCAVATING & CONSTRUC
2 PAYMENTS LESS THAN \$100	149.78
DITCH FUND	\$4,840.58 * TOTAL
FAMILY CONNECTIONS	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
405.35 MIDWEST WIRELESS	
0 PAYMENTS LESS THAN \$100	.00
FAMILY CONNECTIONS	\$405.35 * TOTAL
****	FINAL TOTAL..... \$104,317.42 ****

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the following miscellaneous bills for immediate payment:

Rural MN Energy Task Force	\$ 2,000.00
City of Austin—Youth	15,000.00
City of Austin—Homeowner	2,938.04
MN HomeCare Assoc. Dues	1,176.00
MN Dept of Health	1,562.50

Motion carried.

Tuesday, April 6, 2004, was set as County Government Day.

Motion made by Commissioner Hillier, seconded by Commissioner Ellingson to approve the County Auditor's request for duplicate warrants for original warrant #28754 dated October 25, 2002 to Behavioral Tech, LLC in the amount of \$295.00 and for original warrant #32163 dated May 5, 2003 to Fortino Zarate in the amount of \$25.60. Motion carried

Motion made by Commissioner Tucker, seconded by Commissioner Lang to authorize the chair to sign the Application for Environmental Laboratory Certification and approve the payment of the budgeted fee in the amount of \$3600.00. Motion carried.

Mike Hanson, County Engineer presented bid information received for SAP 50-599-093 for bridge 50J72 work in Udolpho township.

Motion made by Commissioner Hillier, seconded by Commissioner Ellingson to award the bid for SAP 59-599-093 to Midwest Contracting, LLC with a low bid of \$65,122.00 and have them commence the project in the spring. Motion carried. Full bid abstract on file in the office of the County Auditor and County Engineer.

Mike Hanson, County Engineer presented bid information received for the Mower County Highway Department radio system.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to award the bid for the radio system to Mr. Sam Communications with a low bid (alternate bid using E.F. Johnson Equipment) of \$137,714.53 and have them commence the project. Motion carried. Full bid abstract on file in the office of the County Auditor and County Engineer.

Jim Hurm, Austin City Administrator, presented to the board a proposed Memo of Understanding and a Joint Powers Agreement relating to the City/County transit program.

Motion made by Commissioner Ellingson, seconded by Commissioner Hillier that Mower County enter into the Memo of Understanding with the City of Austin. Motion carried.

Motion made by Commissioner Ellingson, seconded by Commissioner Lang that Mower County enter into the Joint Powers Agreement with the City of Austin. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to appoint Kyle Klaehn to the Board of Adjustment effective January 1, 2004 for a three year term through December 31, 2006. Motion carried.

Motion by Commissioner, seconded by Commissioner to adjourn the meeting at 11:52 a.m. until February 3, 2004 at 1:00 p.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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