

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

February 3, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session February 3, 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

At this time Jeff Kasak, Bill Banton and Duane Felt, MIS Department, were recognized as Employees of the Month.

**Date: February 3, 2004**

**Res. #16-04**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Hillier, the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners February 3, 2004 at a meeting at the Courthouse, Austin, Minnesota.

WHEREAS, Mower County has currently been working with the DNR and Prairie Visions on the development of the Shooting Star Trail from LeRoy to the City of Austin;

WHEREAS, the trail has been completed from Lake Louise State Park to Taopi;

WHEREAS, enhancement funds have been received for trail development from Taopi to Adams;

WHEREAS, there is a need for matching funds to complete the trail segment;

WHEREAS, the Parks and Trails Council of Minnesota have submitted a proposal for bonding money to the 2004 Legislature to meet this match;

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board of Commissioners hereby go on record requesting that our Representatives and Senators support this bonding proposal that includes the funds for the Shooting Star Bike Trail.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to authorize the Environmental Services Director to submit a joint application with the Mower County Soil and Water Conservation District for Department of Agriculture funds for the Individual Sewage Treatment Systems (ISTS) and Best Management Practice (BMP) programs in the amount of \$100,000. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to re-appoint Dale Madison to the Austin/Mower County Homeownership Board effective April 1, 2004 for a three-year term. Motion carried.

At this time a Public Hearing was held in regard to CUP #659 of Kent Harrington for operating a cement and aggregate storage facility. This Public Hearing was continued from January 6, 2004.

Craig Hoiium, City of Austin Planner, discussed a tentative agreement between the Petitioner and the City of Austin to purchase land in the industrial park for this facility.

No one spoke in favor of CUP #659. One person spoke against CUP #659.

**Date: February 3, 2004**

**Res. #17-04**

**RESOLUTION**

On motion of Commissioner Lang, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 3, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #659 of Kent Harrington, Petitioner, for a conditional use permit to be issued pursuant to the Mower County Zoning Regulations for:

Operating a cement and aggregate storage facility.

Location: S 250 ft. N 1374 ft. W 174.23 ft. E 1078.44 ft. E ½ SW ¼, Section 27, Lansing Township, T103N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held February 3, 2004, on said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that said petition is hereby denied based on the requested action will be incompatible with land uses in the surrounding properties and will impede the orderly development of said properties.

The Commissioners voted as follows: Lang aye, Tucker nay, Hillier aye, Ellingson aye, and Cummings aye. Motion carried 4 to 1.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time a Public Hearing was held in regard to CUP #660 of Mark and Teresa Hanson to construct a detached 45' x 54' accessory building with 14" sidewalls on the property.

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

The petitioner spoke in favor of CUP #660. No one spoke against CUP #660.

**Date: February 3, 2004**

**Res. #18-04**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 3, 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 #660 of Mark and Teresa Hanson (Petitioner) to be issued pursuant to the Mower County Zoning Regulations for:

Constructing a detached 45' x 54' accessory building with 14" sidewalls on the property.

Location: 2 Ac. Out Lot 9 in W ½ Bk 307 Pg 117, Section 23, Lansing Township, T103N R18W, Mower County, Minnesota, PIN #08-059-0230.

Notice having been duly given and a hearing held February 4, 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 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.

This permit is in accordance with Section 14-12 of the Mower County Code.

Passed and approved this 3<sup>rd</sup> day of February, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Lang, seconded by Commissioner Hillier to appoint Brian McAlister to the Board of Adjustment for a one-year term effective January 1, 2004. Motion carried.

At this time a Public Hearing was held in regard to CUP #661 of Michael Schubert to construct an additional dwelling on the property.

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

No one spoke for or against CUP #661.

**Date: February 3, 2004**

**Res. #19-04**

**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 February 3, 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 #661 of Michael Schubert (Petitioner) to be issued pursuant to the Mower County Zoning Regulations for:

Constructing an additional dwelling on the property.

Location: N 500 ft. W 434.7 ft. E 535 ft. SE ¼ NE ¼ and N 800 ft. W 634.7 ft. E 735 ft. S ½ NE ¼ Exc. N 500 ft. E 434.7 ft., Section 16, Red Rock Township, T103N R17W, Mower County, Minnesota (Parcels #16-016-0031 and #16-016-0032).

Notice having been duly given and a hearing held February 3, 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. The 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 (aa) of the Mower County Code.

Passed and approved this 3<sup>rd</sup> day of February, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time a Public Hearing was held in regard to CUP #661 of Michael Schubert to have a home occupation (custom finishing) in an accessory building on the property.

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

No one spoke for or against CUP #661.

**Date: February 3, 2004**

**Res. #20-04**

**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 February 3, 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 #661 of Michael Schubert (Petitioner) to be issued pursuant to the Mower County Zoning Regulations for:

Having a home occupation (custom finishing) in an accessory building on the property.

Location: N 500 ft. W 434.7 ft. E 535 ft. SE ¼ NE ¼ and N 800 ft. W 634.7 ft. E 735 ft. S ½ NE ¼ Exc. N 500 ft. E 434.7 ft., Section 16, Red Rock Township, T103N R17W, Mower County, Minnesota (Parcels #16-016-0031 and #16-016-0032).

Notice having been duly given and a hearing held February 3, 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 must be obtained prior to construction.
2. All finishing must be conducted within an enclosed building.
3. Secure all applicable State and Federal permits required for finishing operation.

4. 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.

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

Passed and approved this 3<sup>rd</sup> day of February, 2004.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time a Public Hearing was held in regard to CUP #661 of Michael Schubert to operating a go-cart track on the property.

Daryl Franklin, Environmental Services Director, reviewed the permit and photos of the site. The Planning Commission vote was 2 – 2.

The County Attorney and the Assistant County Attorney answered questions of the Board in regard to the necessity of a conditional use permit for the proposed use.

The Petitioner spoke on his own behalf. There was no further speaking in favor of CUP #661. Four people spoke against CUP #661.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to table the Public Hearing on CUP #661 of Michael Schubert to operate a go-cart track to February 10, 2004 at 11:45 a.m. in order to conduct a site visit. Motion carried.

At this time, Tony Stiegan, Department of Natural Resources, met with the Board in regard to approval to acquire wildlife management area property from Pheasants Forever.

**Date: February 3, 2004**

**Res. #21-04**

**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 February 3, 2004 at a meeting at the Courthouse, Austin, Minnesota.

WHEREAS, in accordance with Minnesota Statutes 97A.145, Subd. 2, the Commissioner of the Department of Natural Resources on February 3, 2004 provided the County Board and the appropriate two officers with a description of lands to be acquired by the State of Minnesota for water and wildlife conservation purposes.

Lands to be acquired are described as follows:

156 acres of the NW ¼ of Section 31 of Windom Township, Mower County.

IT IS HEREBY RESOLVED, by the Mower County Board of Commissioners that the State's proposed acquisition of the above described property be approved.

BE IT FURTHER RESOLVED that drainage tiles be allowed to cross the property.

BE IT FURTHER RESOLVED that the Department of Natural Resources place a sign in the parking lot with the name of the wildlife area and a phone number to contact Department of Natural Resources officials.

BE IT FURTHER RESOLVED that the Department of Natural Resources 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 Department of Natural Resources.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to extend the part-time temporary clerical position in the Mower County Assessor's office up to March 31, 2004. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to approve the rental contract for a satellite office for Correctional Services contingent upon review by the County Attorney and a hold harmless agreement. The Correctional Services Director is instructed to report to the Board on the status of the satellite office by December 31, 2004. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to amend the 2004 Correctional Services budget for the satellite office as follows:

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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Correctional Services Rent and office supplies	add	\$3,400.00
Human Services Long Range Fund Designation	delete	\$3,400.00

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to set the letting date for seasonal bids for the Highway Department for March 8, 2004 at 1:00 p.m. Motion carried.

At this time Lonnie Wendt met with the Board to discuss his concerns on the newly imposed feedlot permit fees.

Motion by Commissioner Ellingson, seconded by Commissioner Tucker to accept a donation in the amount of \$300.00 for the Veterans Service van replacement fund from the Lyle American Legion. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Tucker to adjourn the meeting at 3:55 p.m. until February 10, 2004 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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