

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

March 2, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 2, 2004 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

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

Members absent: Richard Cummings

Debra Schmitt, Probation Officer was recognized as Employee of the Month.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to approve the statement of policy on Equal Opportunity Employment and to authorize the Chair to sign said policy statement. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to appoint Richard Peterson as the Mower County Assessor effective March 8, 2004 through December 31, 2004 to fill the vacant position. Motion carried.

At this time a Public Hearing was held in regard to CUP #662 of Daniel Young to construct a building for operating an auto body shop, do front and rear suspension modifications, street rod and classic car building and rebuilding, and do vehicle upholstery work on the property.

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

No one spoke for or against CUP #662.

Date: March 2, 2004

Res. #28-04

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 March 2, 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 #662 of Daniel Young (Petitioner) to be issued pursuant to the Mower County Zoning Regulations for:

Constructing a building for operating an auto body shop, do front and rear suspension modifications, street rod and classic car building and rebuilding and do vehicle upholstery work on the property.

Location: E 14.19 Ac. Out Lot 12, Section 28, LeRoy Township, T101N R14W, Mower County, Minnesota.

Notice having been duly given and a hearing held March 2, 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 of the new building.
- 2) Comply with MPCA Rules and Regulations for this type of facility.
- 3) Any floor drain must:
 - a) Be discharged to the surface in an area that does not drain to a natural waterway or ditch; or
 - b) Be discharged to a holding tank and not connected to an Individual Sewage Treatment System.
- 4) Batteries, used oil, antifreeze, etc. All business waste must be stored, recycled or disposed of in accordance with applicable MPCA solid and hazardous waste rules.
- 5) If construction of new buildings and gravel lots or driveways disturbs more than one acre of land, then the business must apply for a construction stormwater permit.
- 6) Comply with E.P.A. Pamphlet 816-R-00-018 "Class IV Auto Disposal System" dated November, 2000.
- 7) Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a) A "No Loss Determination" (no wetlands on site).
 - b) A "Wetland Exemption" (the act does not apply).
 - c) A "Wetland Replacement Plan" approval.
- 8) Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
- 9) 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.

- 10) 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.
- 11) Any new entrance (driveway and culvert) installed on the County Road shall be the responsibility of the Petitioner and must be approved by the County Engineer.

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

Passed and approved this 2nd day of March, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #663 of David Beckel, Ulland Brothers to operate a gravel pit and recycle concrete and bituminous material to be crushed as an aggregate base material on approximately 8 acres of the property.

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

No one spoke for or against CUP #663.

Date: March 2, 2004

Res. #29-04

RESOLUTION

On motion of Commissioner Ellingson, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 2, 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 #663 of David Beckel, Ulland Brothers (Petitioner) to be issued pursuant to the Mower County Zoning Regulations for:

Operating a gravel pit and recycling concrete and bituminous material to be crushed as an aggregate base material on approximately 8 acres of the property.

Location: S 110 Ac. of NE ¼ Exc. 11.34 Ac. Hwy., Section 7, Racine Township, T104N R14W, Mower County, Minnesota.

Notice having been duly given and a hearing held March 2, 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 \$7,250 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on an 8 acre parcel) must be posted with the County Auditor valid for the duration of the permit.
2. Permit will expire on December 31, 2008 if operation has not commenced.
3. Comply with Article IV Excavation of Earth Products of the Mower County Code.
4. Extraction of gravel shall be limited to area shown on Map B.
5. Stockpiling of aggregate material shall be at least 40 feet from residential property lines.
6. The gravel pit sides when completed will have a slope no greater than 3:1 horizontal to vertical.
7. Hours of operation for crushing shall be Monday – Saturday 5:00 a.m. to 9:00 p.m. (2 shifts). Hours of operation for hauling shall be Monday through Saturday 6:00 a.m. to 7:00 p.m.
8. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A “No Loss Determination” (no wetlands on site).
 - b. A “Wetland Exemption” (the act does not apply).
 - c. A “Wetland Replacement Plan” approval.
9. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
10. 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.
11. 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.
12. Petitioner is required to post a no trespassing sign with a contact telephone number at the entrance to the property.

This permit is in accordance with Section 14-56 and Section 14-51 (h) of the Mower County Code.

Passed and approved this 2nd day of March, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #664 of Edward and Evelyn Drenth to construct an additional dwelling on the property.

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

No one spoke for or against CUP #664.

Date: March 2, 2004

Res. #30-04

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 March 2, 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 #664 of Edward and Evelyn Drenth (Petitioner) to be issued pursuant to the Mower County Zoning Regulations for:

Constructing an additional dwelling on the property.

Location: 53.62 Ac. N of S Line Old Rtwy. NE ¼, Section 12, Frankford Township, T104N R14W, Mower County, Minnesota.

Notice having been duly given and a hearing held March 2, 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 new dwelling is to retain a separate lot.
2. The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).

3. Each lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction.
5. 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.
6. 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.
7. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. A "Wetland Replacement Plan" approval.
8. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
9. 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 14-18.4 of the Mower County Code.

Passed and approved this 2nd day of March, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to set a public hearing on April 6, 2004 at 2:00 p.m. in regard to the proposed Wind Ordinance. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to set a public hearing on April 6, 2004 at 2:30 p.m. in regard to the proposed Individual Sewage Treatment System Ordinance. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Lang to approve the minutes of January 27, 2004, February 3, 2004 and February 10, 2004. Motion carried.

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

Minnesota Pollution Control Agency	\$630.00
Southeastern Libraries Coop	4,620.00

Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Lang to approve the Application for Duplicate Warrant of Mary Witt for replacement of warrant #28730 in the amount \$38.00. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to approve the following items as surplus property for auction:

<u>Quantity</u>	<u>Item</u>	<u>Department</u>
1	250-300 Gallon Diesel Fuel Tank w/ 110 Volt Dispenser Pump	Highway
2	1995 Ford El Dorado Aerotech 17 passenger buses w/ wheelchair positions & Ricon lift	Human Services
1	1994 Chevrolet Pickup Truck, 4X4 extended cab	Sheriff
1	1991 Dodge Dynasty 4 door	Sheriff
1	Ricoh 3320 Copier	Human Services
34	Metal Shelving	Law Library
1	Generator	Human Services
1	Air Conditioner	Human Services
1	Car seat for special needs child	Human Services
1	Wooden Rocking Chair	Human Services
2	Printer stands	Mower County Transit
1	Computer Desk	Mower County Transit
2	Small Desks	Mower County Transit
1	Square Table	Mower County Transit
1	Plastic Shelf	Mower County Transit
1	Storage Wardrobe w/ Shelves	Mower County Transit

Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to approve an agreement between Mower County and HansMark Development Company for administration of the Minnesota Community Capital Fund (MCCF) for Mower County subject to review by the County Attorney. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to approve the Juvenile Accountability Block Grant with the Commissioner of Public Safety. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to support the Association of Minnesota Counties position in opposition to H.F. 898, Inverse Condemnation bill and to direct the County Coordinator to draft a letter supporting this position. The Chair is authorized to sign said letter. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to adjourn the meeting at 2:12 p.m. until March 9, 2004 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____ **Chairperson**

Attest:

By: _____
Clerk/Coordinator

INDEX

D

Duplicate Warrant
Witt, Mary, 88

E

Employee of the Month
Debra Schmitt, 82
Equal Opportunity Employment
policy statement, 82

H

H.F. 898, Inverse Condemnation bill
support AMC opposition & send letter, 89
HansMark Development Company
agreement for MCCF, 89

I

Individual Sewage Treatment System Ordinance
set public hearing, 88

J

Juvenile Accountability Block Grant, 89

M

minutes
1/27/04, 2/3/04 & 2/10/04, 88
miscellaneous bills for immediate payment, 88

P

Peterson, Richard
Appoint as County Assessor, 82
Public Hearing
CUP #662
Young, 82
CUP #663
Beckel, Ulland Brothers, 84
CUP #664
Drenth, 86

R

Res. #28-04
CUP#662
Young, 82
Res. #29-04
CUP#663
Beckel, Ulland Brothers, 84
Res. #30-04
CUP#664
Drenth, 86

S

surplus property, 88

W

Wind Ordinance
set public hearing, 87