

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

April 13, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session April 13, 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:

Review of RFP process and timelines for implementation of the Prepaid Medical Assistance Program in Mower County.

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

- a. Cardinal of Minnesota – approve agreement for Group Residential Housing, effective January 1, 2004 to June 30, 2004.
- b. Cenneidigh, Inc. (Austin SLS) – approve agreement for Group Residential Housing, effective January 1, 2004 to June 30, 2004.
- c. Todd Moran – renew contract for Mental Health Services, effective May, 2004 to April 30, 2005.

Motion carried.

Commissioner Hillier moved and Commissioner Ellingson seconded to authorize the Human Service Director to write a letter in support of a grant application by Wapiti Meadows Community Technologies and Services, Inc. for services to uninsured clients. 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.

SOCIAL SERVICE ACTIONS:

Commissioner Ellingson moved and Commissioner Lang seconded to approve the Social Service Actions. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

INCOME MAINTENANCE ACTIONS:

Commissioner Hillier moved and Commissioner Ellingson seconded to approve the Income Maintenance Actions. Motion carried.

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

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
728.50	ALCOPRO	1079.64	AMERICAN SOLUTIONS FOR BUSI
350.00	ASSOC OF MN COUNTIES	5808.00	AUSTIN NEWSPAPERS, INC
1600.00	AUSTIN SCHOOL DIST 492	1500.00	BIRTHRIGHT OF AUSTIN, INC
142.50	WILLIAM BODENSTEINER	357.00	RUBY CAMPOS
2452.17	CARDINAL HEALTH	470.74	CDW GOVERNMENT, INC.
499.47	CEDAR VALLEY SERVICES, INC	199.95	JARED CHRZ
253.01	CITICORP VENDOR FINANCE INC	101.58	CMI INC.
175.00	DAMEL CORPORATION	1129.00	DANIEL DONNELLY LAW FIRM
1131.06	DTI	1209.75	EVANS PRINTING AND PUBLISHI
163.70	FARM & HOME PUBLISHERS	499.00	FOX ELECTRIC COMPANY, INC
218.68	FRONTIER	255.38	GREENE DOORS & HARDWARE
645.26	HARTY MECHANICAL, INC.	559.13	HEMOCUE INC
605.58	IKON OFFICE SOLUTIONS	162.50	INTERCULTURAL MUTUAL ASST.
2000.08	INTERTECHNOLOGIES GROUP-ADMIN	728.67	J & K WINONA
974.27	JAKOBSON DRUG & HALLMARK SHOP	102.24	KAY JOHNSON
270.75	K MART	2400.00	KSMQ-TV
510.00	EVAN LARSON	791.04	LASER PRODUCT TECHNOLOGIES
202.60	LEXISNEXIS MATTHEW BENDER	111.83	THE LIGHTING CONNECTION
450.00	ROSEMARY LINDERMAN	596.64	MARTIN BROS
30432.38	MASYS CORPORATION	118.89	MIDWEST WIRELESS
527.54	MIDWEST WIRELESS COMM, LLC	298.75	MITCHELL COUNTY REGIONAL HE
100.00	MOAPP	190.00	MOWER COUNTY PUBLIC HEALTH
2887.33	PARAGON PRINTING & MAILING INC	131.25	PLUNKETT & ASSOCIATES INC
562.88	RADISSON RIVERFRONT HOTEL ST P	179.55	RS EDEN INC
1577.60	SCHILLING PAPER COMPANY	203.57	SCHMIDT-GOODMAN OFFICE PROD
958.50	SERVICEMASTER CLEAN	290.69	SMYTH COMPANIES, INC
540.00	SPHERION CORPORATION	506.88	STAPLES CREDIT PLAN
510.00	CJIS STATE OF MINN	889.93	STEELE COUNTY DETENTION CEN
1366.66	HOWARD STREY	329.00	THOMPSON PUBLISHING GROUP
580.00	ULTRAMAX	121.37	MARGY VOSS
703.99	VWR SCIENTIFIC	188.24	MELANIE WALLACE
554.65	WASTE MANAGEMENT OF SO MINNESO	464.34	WELLS FARGO FINANCIAL LEAS
5011.11	WEST GROUP	348.00	WRS GROUP, INC
	55 PAYMENTS LESS THAN \$100	2,511.89	
GENERAL FUND		\$84,519.71	* TOTAL

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
516.53	A-BEST BUILDING MAINTENANCE, I	303.50	AUSTIN FIRE AND SAFETY
147.00	AUSTIN MEDICAL CENTER ATTN:CAS	198.34	CEDAR AUTO GLASS CENTER
150.73	BARNES GROUP, INC	124.41	BRHB, INC
639.14	CATCO	1655.00	CHOSEN VALLEY TESTING, INC
881.37	CRYSTEEL TRUCK EQUIPMENT, INC.	294.00	DEXTER LP, INC
2678.48	DOUBLE K SPECIALTY, INC.	688.85	ETTERMAN ENTERPRISES
1359.10	FEDERAL CRANE & HOIST	139.73	HEARTLAND SNO-GOERS
129.99	STEPHEN HULET	188.27	J & K WINONA
223.71	J-CRAFT, DIV. OF CRYSTEEL MFG,	14082.49	JONES, HAUGH & SMITH, INC.
109.75	WALTER JUKES	137.25	KESTNER ELECTRIC, INC.
403.43	LEEF BROS., INC.	1014.35	M-R SIGN COMPANY, INC.
124.42	MANTEK	162.89	MATCO TOOLS
138.88	MISSISSIPPI WELDERS SUPPLY CO.	189.36	MOTOR SUPPLY COMPANY
1194.00	MOWER COUNTY RED CROSS	1383.94	MOWER COUNTY TREASURER

Date: April 13, 2004

Ord. #03-04

Ordinance

On motion of Commissioner Hillier, seconded by Commissioner Tucker, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held April 13, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, a Notice of Intention to consider an amendment to Section 14 of the Mower County Code by the Mower County Board of Commissioners was published in the Austin Daily Herald on March 8, 2004.

WHEREAS, the County Board held a public hearing on said amendment on April 6, 2004 and continued on April 13, 2004.

BE IT ORDAINED that the following sections of Section 14 of the Mower County Code are added as follows:

**SECTION 14-18.5 SPECIAL REQUIREMENTS FOR WIND ENERGY
CONVERSION SYSTEM – for facilities with a rated capacity of 100kW and less**

Purpose

The purpose of this section is to set forth a process for permitting wind energy facilities with a rated capacity of 100 kW and less.

- (a) Definitions.
 - D→Rotor Diameter – diameter of the disk transcribed by the rotating rotor blades
 - H→Hub Height – heights of the center of rotation of the rotor above the local ground level
 - T→Total Height ($H + \frac{1}{2} D$) – height of the tip of a blade extended at the apex of rotation above the local ground level
 - Residence – means any dwelling for habitation either seasonally, meaning all or a portion of the months of November through April, or permanently by one or more persons. A residence may be part of a multidwelling or multipurpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, or correctional institutions. A manufactured home as defined in section 168.011, subdivision 8, shall be a residence for purposes of this section.

- (b) Permitted Use. These wind turbines are a permitted use in the Agricultural, Rural Management, Freeway Interchange, Business & Industrial zoned areas provided they comply with these standards.

(1) Setback Standards

<u>Object</u>	<u>Setback – measured from center of Tower</u>
Residence	1.25 Total Height (T) of the tower
Project Boundary/Property Line	150 feet unless turbine is a joint venture between adjoining property owner then setback may be reduced to zero
Public Roads right-of-way	150 feet
Other Structures on Owner's Same Parcel	1 rotor diameter

(2) Criteria Standards

- (a) All wind power towers, turbines and apparatuses shall be in compliance with all other applicable State and Federal Regulatory Standards.
 - Uniform Building Code as adopted by the State of Minnesota.
 - The National Electrical Code as adopted by the State of Minnesota.
 - Comply with FAA Requirements – Form 7460-1 (submit recommendations from FAA to Mower County and the MN Environmental Quality Board) – only applies to equipment over 200 feet tall or if within two miles of an airport.
 - MPCA/EPA Regulations.
- (b) Complete and submit to Mower County Environmental Services an Acoustic Analysis to assure compliance with the Minnesota Noise Rules as defined in Minnesota Rules Chapter 7030.
- (c) All turbine towers shall be marked with a visible identification number and petitioner will be required to provide the latitude and longitude of each tower and the elevation of the ground and tower height to the Environmental Services Office.
- (d) Wind turbines constructed by a property owner as an accessory use to supply power to a single homestead or commercial venture, when located on the same parcel and within 500 feet of a principal use structure(s) on the parcel, petitioner shall not be required to obtain a separate E 9-1-1 address.
- (e) The Permittee shall prepare a fire protection plan in consultation with the fire department having jurisdiction over the area prior to construction.
- (f) Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers, shall not be placed in public waters or wetlands, as defined in Minnesota Statutes section 103G.005 subp. 15a.
- (g) Project developer is responsible for remediation of damaged roads upon completion of project or maintenance of turbines.

- (h) All solid waste and hazardous waste shall be removed from the site and managed in a manner consistent with all appropriate rules and regulations.
- (3) Signage. Signs shall be regulated as set forth in Article V of this ordinance.

SECTION 14-18.6 SPECIAL REQUIREMENTS FOR WIND ENERGY CONVERSION SYSTEM – for facilities with a rated capacity of greater than 100kW but less than 5 MW

Purpose

The purpose of this section is to set forth a process for permitting wind energy facilities with a rated capacity of greater than 100 kW but less than 5 MW.

- (a) Definitions.

D→Rotor Diameter – diameter of the disk transcribed by the rotating rotor blades
H→Hub Height – heights of the center of rotation of the rotor above the local ground level
T→Total Height ($H + \frac{1}{2} D$) – height of the tip of a blade extended at the apex of rotation above the local ground level
Residence – means any dwelling for habitation either seasonally, meaning all or a portion of the months of November through April, or permanently by one or more persons. A residence may be part of a multidwelling or multipurpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, or correctional institutions. A manufactured home as defined in section 168.011, subdivision 8, shall be a residence for purposes of this section.

- (b) Conditional Use Permit Required. A conditional use permit shall be required in the Agricultural, Rural Management, Freeway Interchange, Business & Industrial zoned areas. All proposed wind energy facilities must fill out a conditional use permit application provided by the Mower County Environmental Services Office, as regulated in Section 14-51, 14-56 and 14-83.

(1) Setback Standards	
<u>Object</u>	<u>Setback – measured from center of tower</u>
Residence or previously platted subdivision	750 feet

Project Boundary/Property Line	400 feet or 1 Total Height (T) whichever is greater (unless turbine is a joint venture between adjoining property owner then setback may be reduced to zero) or unless a signed wind easement is provided.
Public Roads or Railroad right-of-way	400 feet or 1 Total Height (T)
Other Structures on Owner's Same Parcel	1 rotor diameter

(2) Criteria Standards

- (a) All wind power towers, turbines and apparatuses shall be in compliance with all other applicable State and Federal Regulatory Standards.
 - Uniform Building Code as adopted by the State of Minnesota.
 - The National Electrical Code as adopted by the State of Minnesota
 - Comply with FAA Requirements – Form 7460-1 (submit recommendations from FAA to Mower County and the MN Environmental Quality Board)
 - MPCA/EPA Regulations.
- (b) Complete and submit to Mower County Environmental Services an Acoustic Analysis to assure compliance with the Minnesota Noise Rules as defined in Minnesota Rules Chapter 7030.
- (c) All turbine towers shall be marked with a visible identification number and petitioner will be required to provide the latitude and longitude of each tower and the elevation of the ground and tower height to the Environmental Services Office.
- (d) All turbine towers must be of tubular construction.
- (e) The Petitioner shall be responsible for obtaining 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.
- (f) The Permittee shall prepare a fire protection plan in consultation with the fire department having jurisdiction over the area prior to construction.
- (g) Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers, shall not be placed in public waters or wetlands, as defined in Minnesota Statutes section 103G.005 subp. 15a.
- (h) Project developer is responsible for remediation of damaged roads upon completion of project or maintenance of turbines.

- (i) All solid waste and hazardous waste shall be removed from the site and managed in a manner consistent with all appropriate rules and regulations.
 - (j) The Permittee shall not operate a turbine so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event the turbine and its associated facilities or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.
 - (k) The Permittee shall conduct an assessment of television signal reception prior to construction and an assessment of television reception degradation after construction of the turbines, to determine if the television signal is affected by the presence of the wind turbine and associated facilities. The Permittee shall provide the Environmental Services Office a copy of these studies.
 - (l) A professional engineer registered in the State of Minnesota shall certify that the tower and foundation are compatible with and appropriate for the turbine to be installed and that the specific soils at the site can support the apparatus.
- (3) Decommissioning. Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of 3 feet, restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required. The decommissioning plan shall include a \$3,000 non-refundable fee per turbine to be held in escrow by Mower County. This money would be held in escrow by the County and could only be withdrawn with accumulated interest upon a successful implementation of a decommissioning plan. Should the implementation of decommissioning plan fail to meet the goals and objectives of said plan, then the County can use all or a portion of the money in escrow to implement or finish said plan. If the cost of the decommissioning exceeds the escrow amount, the County has the right to collect or assess the cost to the property through property taxes or a special assessment.

The owner or operator must inform Mower County in writing if a wind turbine(s) has been idle for one year. The County shall send a certified letter to property owner or turbine owner. The letter shall ask for details of implementation of a decommissioning plan and allow property owner or turbine owner 60 days to respond. Should the owner not respond or respond but not fulfill the decommissioning plan the County, upon County Board approval, can use the money in escrow to pay for the removal of the structures.

- (4) Signage. Signs shall be regulated as set forth in Article V of this ordinance.

- (5) Aesthetics. The following items are recommended standards to mitigate visual impacts:
 - . Coatings and colorings: Non-reflective unobtrusive color.
 - . Lighting: Projects shall utilize minimal lighting. No tower lighting, other than normal security lighting, shall be permitted, except as may be required by the FAA. It may be appropriate for permits to allow for some infra-red lights or heat lamps to prevent icing of sensors.
- (6) Permit Application. The following information shall be required with the conditional use permit application:
 - . A description of the project, including the number and capacity of turbines, height and rotor diameter and turbine color.
 - . A site plan detailing the location of the project area boundaries, turbines, roads, transformers, power lines, interconnection point with transmission lines, and other ancillary facilities or structures.
 - . Topographic map of the project site and surrounding area.
 - . Current land use on the site and surrounding area.
 - . Decommissioning plan

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

Passed and approved this 13th day of April, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve the Budget Amendment Policy. Motion carried.

Edward VanPatten, Assistance Special Agent in Charge, from the Minnesota Drug Enforcement Administration, made presentation of Certificates of Appreciation in recognition of those persons who assisted in the arrests and prosecution of the members of the Peckerwood Street Gang. Those persons receiving certificates were as follows:

David Schafer	Detective, Austin Police Department
Tom Stiehm	Detective, Austin Police Department
Brian Krueger	Detective, Austin Police Department
Glen Farnum	Detective, Mower County Sheriff Department
Mark May	Chief Deputy, Mower County Sheriff Department
Steve Sanvik	Deputy, Mower County Sheriff Department

Casey Moilanen	Investigator, MN Gang Strike Force
Mike Ranfranz	Investigator, MN Gang Strike Force
Bryan Reich	Investigator, MN Gang Strike Force
Susan Linkenmeyer	Special Agent, MN Bureau of Criminal Apprehension
Terry Vandergriff	Special Agent, MN Bureau of Criminal Apprehension
Michelle Sandau	Intel. Analyst, MN Bureau of Criminal Apprehension
Pat Flanagan	Mower County Attorney
Annette Arce	Secretary, United States Attorney's Office
Jeff Paulsen	Assistant United States Attorney

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson the following Proclamation was passed and adopted by the Mower County Board of Commissioners at a meeting held April 13, 2004 at the Courthouse, Austin, Minnesota.

Date: April 13, 2004

Proclamation #02-04

Proclamation

To Designate the Week of May 16 - 22, 2004 as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

NOW, THEREFORE, the Mower County Board of Commissioners in recognition of this event do hereby proclaim the week of May 16-22, 2004 as

EMERGENCY MEDICAL SERVICES WEEK

And encourage the community to observe this week with appropriate programs, ceremonies and activities.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Hillier, seconded by Commissioner Tucker to adjourn the meeting at 11:39 a.m. until April 27, 2004 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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