

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

April 27, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session April 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 Lang seconded to approve for publication a Request for Proposals to provide prepaid health care to eligible Mower County Medical Assistance, MinnesotaCare and General Assistance Medical Care recipients as prepared by the Minnesota Department of Human Services and Mower County staff. The begin date of a contract awarded under this request is January 1, 2005. Motion carried.

Commissioner Hillier moved and Commissioner Ellingson seconded to amend the fee schedule for licensing of child care facilities by increasing fees for relicensing from \$150.00 to \$250.00. The change is to be effective May 1, 2004. The Commissioners voted as follows: Garry Ellingson aye, David Hillier aye, Ray Tucker aye, Richard P. Cummings aye, and Richard Lang nay. Motion carried 4-1.

Commissioner Ellingson moved and Commissioner Tucker seconded to authorize the Chair to sign a letter to Mower County foster parents, recognizing them for their efforts to provide safety, stability and a nurturing environment to Mower County's children whose families are in crisis, and to include a certificate of recognition and appreciation. 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. Comfort Keepers – renew contract for Home Based Services, effective February 1, 2004 to January 31, 2005.
- b. Melinda Ewert – renew contract for Screening and Related Services, effective May 1, 2004 to April 30, 2005.
- c. Mental Health Consumer/Survivor Network of Minnesota – approve contract for Adult Mental Health Outreach Services, effective July 1, 2004 to December 31, 2004.

Motion carried.

Commissioner Ellingson moved and Commissioner Hillier 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 Tucker moved and Commissioner Ellingson seconded to authorize the Chair to sign certificates of appreciation for successful co-location of MFIP financial workers with Workforce Development, Inc. and the gains achieved on behalf of clients. Motion carried.

Date: April 27, 2004

Res. #36-04

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 April 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 April 1, 2004 through April 30, 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 April 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 April 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 27th day of April, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: April 27, 2004

Res. #37-04

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 April 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 April 1, 2004 through April 30, 2004 are hereby approved.

BE IT FURTHER RESOLVED, That all assistance payments authorized by Director Actions and issued during the month of April 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 April 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 April 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 27th day of April, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

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Ken Trom, Joel Nelson and Larry Rasch representing the Mower County Fair Board, presented a quarterly update to the Mower County Board of Commissioners.

Motion made by Commissioner Ellingson, seconded by Commissioner Hillier to accept the Domestic Preparedness Grant in the amount of \$50,000, amend the 2004 emergency management budget and authorize administrative assistance in the department of emergency management not to exceed 75 hours or \$1500.00. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to authorize the Emergency Management Director to submit application for the Emergency Management Performance Grant. Motion carried.

Tom Neilon, Director of Correctional Services, reported to the Mower County Board of Commissioners that the school board voted to participate in sharing the cost of the Mower County Holistic Treatment Program. The Human Services Director is preparing an agreement between Mower County and the School Board. The pilot program is scheduled to commence August 1, 2004.

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to amend Personnel Policy Section D140 as to retirement health insurance for part-time employees and to eliminate the 15 and 10 year qualification levels for employees hired after April 30, 2004. Motion carried.

Date: April 27, 2004

Res. #37a-04

RESOLUTION

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

WHEREAS, Mower County has an established Sheriff's Civil Service Commission; and

WHEREAS, necessary provisions of the Civil Service Commission have been provided for in the negotiated labor agreement with LELS, Local #81 or the County's Personnel Policy; and

WHEREAS, Minnesota Statute 387.43 allows county boards to dissolve the Sheriff's Civil Service Commission,

NOW THEREFORE BE IT RESOLVED, that the Mower County Sheriff's Civil Service Commission is decommissioned effective April 27, 2004. Mower County personnel for the sheriff's department will be hired in the same manner as all other Mower County departments.

Passed and approved this 27th day of April, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to amend Personnel Policy Section D190 for PTO accrual language instead of holiday accrual for the benefits accrued during a workers' compensation leave.. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to approve the final payment vouchers presented by the County Engineer as follows:

SAP 50-598-003	Hi-Tech Rebuilders, LLC	\$ 599.75
CP 50-003-010	Freeborn Construction, Inc.	855.85
SAP 50-599-092	Swenke Co., Inc.	6,733.60

Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Ellingson to retain Zenk, Read, Trygstad & Associates, Inc. as the architect for the renovation and addition of the Old Usem Body Shop for the Mower County Transit Building. The architect's services are not to exceed \$24,200.00. Motion carried.

Mike Hanson, County Engineer, reported that a bid had been received for the Bellemans Addition water and sewer project. No recommendation for board action to date.

At this time a Public Hearing was continued from April 6, 2004 regarding an amendment to Mower County Code Section 11 pertaining to Individual Sewage Treatment Systems.

Two persons voiced concerns/opinions concerning the proposed ISTS ordinance.

Date: April 27, 2004

Ord. #04-04

Ordinance

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

WHEREAS, a Notice of Intention to consider an amendment to Section 11, of the Mower County Code by the Mower County Board of Commissioners was published in the Austin Daily Herald on March 1, 2004.

WHEREAS, the County Board held a public hearing on said amendment on April 6 and April 27, 2004.

BE IT ORDAINED that the following sections of Section 11 of the Mower County Code are amended as follows:

CURRENT: Sections 11-1 to 11-11 of the Ordinance dated November 8, 1994 shall be deleted in their entirety.

Change wording to:

MOWER COUNTY
INDIVIDUAL SEWAGE TREATMENT SYSTEM
ORDINANCE

The Board of Commissioners of Mower County, Minnesota, does hereby adopt this Ordinance for the regulation of the design, construction, location, repair, operation and maintenance of individual sewage treatment systems; the treatment and disposal of septage and the enforcement of these regulations throughout all areas of the County as

allowed under Minnesota Statutes, Section 145A.05 and as required in Chapter 7080.0305 Subp. 2.

SEC 11-1 GENERAL PROVISIONS

SUBD 1 PURPOSE AND INTENT. The purpose of this Ordinance is to provide minimum standards for the design, construction, installation, location, use, capacities and maintenance of individual sewage treatment systems and the treatment and disposal of septage to protect the surface and groundwaters of the County from contamination, promote the public health, safety and welfare and prevent public nuisances pursuant to Minnesota Rules Chapter 7080.

SUBD 2 SCOPE OF REGULATIONS. This Ordinance shall regulate the design, construction, repair and replacement of all individual sewage treatment systems and the treatment and disposal of septage in Mower County. It is not intended to regulate systems that treat industrial or other hazardous waste materials.

SUBD 3 DEFINITIONS. For the purpose of this Ordinance the terms are defined as follows:

- a. Alternative System means a sewage treatment system employing such methods and devices as specified by the Minnesota Pollution Control Agency Rules, Chapter 7080.
- b. Department means the Mower County Environmental Services Department.
- c. Director means the Director of the Mower County Environmental Services Department.
- d. Dwelling means any building or place used or intended to be used by human occupants as a single family or multi-family residence or business and producing sewage.
- e. Failing System means a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, or any system with less than the required vertical separation.
- f. Groundwater means that water lying below the ground surface in a saturated zone.
- g. Holding Tank means a water tight tank for the storage of sewage until it can be transported to a point of approved treatment and disposal.
- h. Immediate Incorporation means the mixing of septage with the topsoil by means such as injection equipment, disking, moldboard plowing, or chisel plowing, to a minimum depth of six inches within two hours of landspreading.

- i. Imminent Threat to Public Health or Safety (ITPHS) means situations with the potential to immediately and adversely affect or threaten public health or safety. At a minimum, this includes ground surface or surface water discharges and sewage backup into a dwelling or other establishment.
- j. Individual Sewage Treatment System means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Individual sewage treatment system includes holding tanks and privies.
- k. Intermittent Stream means any stream which flows at certain times during the year, such as after a rainstorm or during wet weather. Intermittent streams receive water from surface runoff, springs, or melting snow and have definable banks. Any intermittent stream mapped on Soil Conservation Service soils surveys or United States Geological Survey Quadrangle Maps may be included within this definition.
- l. Landowner means any person who holds a freehold interest, either individually or as a joint tenant, or tenant in common, to any land lying within the County. Where the term owner of land or landowner is used, it includes each and all of the joint tenants and tenants in common with respect to such land.
- m. Landspreading means the placement of septage or human waste from septic or holding tanks on or into the soil surface.
- n. Lot means lot as defined by the County Subdivision Ordinance.
- o. Lot of Record means any lot or parcel existing at the time of adoption of this Ordinance whether or not it meets the minimum requirements prescribed by the Mower County Zoning Ordinance.
- p. Mound System means a soil treatment system with a rockbed elevated above the original soil with clean sand to overcome soil limitations.
- q. Person means a firm, association, organization, partnership, trust, company, corporation, municipality, agency, or an individual.
- r. Place of Habitation means an apartment, manufactured home, dwelling, residence, or other structure, occupied or intended to be occupied on a day-to-day basis by an individual, group of individuals, family unit, or group of family units.
- s. Public Road Right-Of-Way means the edges of the established public use area associated with a roadway.

- t. Recreation Area means any public area, such as a public park, campground, playground, athletic field, picnic ground, botanical or zoological garden, swimming beach or pool, fairground, or wayside and any commercial campground, resort, tourist court, ski area or amusement park, during the season of use.
- u. Residential/Commercial Development means ten or more places of habitation concentrated within ten acres of land. The term also includes apartment buildings or complexes having ten or more units, churches, schools, hospitals, nursing homes, businesses and offices.
- v. Septage means those solids and liquids removed during the periodic maintenance of a septic tank or aerobic tank and those solids and liquids removed from a holding tank, seepage pit or any other toilet waste treatment device.
- w. Septage Land Application Site means any land used for septage landspreading.
- x. Septic System means a septic tank and soil treatment unit that is designed and constructed to treat sewage.
- y. Septic Tank means any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquids, digest organic matter, store liquids through a period of detention and allow the effluent to discharge to a treatment system.
- z. Sewage means waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources. Animal waste and commercial or industrial waste are not considered domestic waste.
- aa. Setback means a separation distance measured horizontally.
- bb. Shoreland Area means lands as defined by the Mower County Shoreland Ordinance.
- cc. Surface Water means any water basins or water courses defined as natural water courses or public waters in Minnesota Statutes, Section 103, Subdivision 14 and 15, respectively.
- dd. SWF means the following three categories of systems: systems constructed in shoreland areas; system constructed in wellhead protection areas regulated under MN Statutes, Chapter 1031; and systems serving food, beverage, and lodging establishments, including manufactured home parks and recreational camping areas licensed according to Minnesota statutes, Chapter 327.
- ee. Transfer of Property means the act of a party by which the title of the property is conveyed from one person to another. The sale and every other method, direct or

indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

- ff. Well means any water well as defined in Minnesota Statutes, Section 103I.005, Subdivision 21.
- gg. Wetland means any surface water feature classified as a wetland in the U.S. Fish and Wildlife Service Circular 39 (1971 edition).

SUBD 4 TREATMENT REQUIRED. All buildings and uses which rely on an individual sewage treatment system and are not served by a municipal wastewater treatment system shall be under the jurisdiction of this Ordinance. All septage and sewage from the above buildings and uses shall be treated and disposed of in accordance with the provisions of this Ordinance.

SEC 11-2 ADMINISTRATION

SUBD 1 ADMINISTRATION BY STATE AGENCIES. For an individual sewage treatment system, or group of individual sewage treatment systems, that are located on adjacent properties and under single ownership, the owner or owners shall make application for and obtain a State Disposal System Permit from the agency if either of the following conditions apply:

- a. The individual sewage treatment system or systems are designed to treat an average daily flow greater than 10,000 gallons per day; or
- b. The individual sewage treatment system or systems are designed to treat a maximum monthly average daily flow of 15,000 gallons per day or more. The systems must, at a minimum, conform to the requirements of these standards.

For dwellings such as apartment buildings, townhouses, resort units, rental cabins, and condominiums, the sum of the flows from all existing and proposed sources under single management or ownership shall be used to determine the need for a State Disposal System Permit.

Individual sewage treatment systems serving establishments or facilities licensed or otherwise regulated by the State of Minnesota shall conform to the requirements of the Minnesota Pollution Control Agency (MPCA) Rules, Chapter 7080.

Any individual sewage treatment system requiring approval by the State of Minnesota shall also comply with this Ordinance.

SUBD 2 ADMINISTRATION BY MOWER COUNTY. This Ordinance shall be administered by the Director of the Mower County Environmental Services Department whose responsibilities shall include:

- a. The review of all applications for individual sewage treatment systems;
- b. The issuance of all permits required by this Ordinance;
- c. The inspection of work in progress and the performance of necessary tests to determine conformance with this Ordinance;
- d. Final inspections;
- e. The investigation of complaints;
- f. The performance of sanitary surveys and, where necessary, dye testing to determine system conformance with this Ordinance;
- g. The issuance of stop work orders and violation notices;
- h. The revocation of permits;
- i. The pursuit of complaints to the County Attorney's office;
- j. The enforcement of all of the provisions of this Ordinance; and
- k. The maintenance of proper records for individual sewage treatment systems.
- l. The filing, notification and follow-up required for notices of non-compliance and certificates of compliance.

SEC 11-3 MINIMUM STANDARDS AND REQUIREMENTS

SUBD 1 STANDARDS ADOPTED BY REFERENCE. This Ordinance hereby adopts by reference, MPCA Rules Chapter 7080 termed "Individual Sewage Treatment Systems", which rules shall comprise the minimum standards for the design, location, installation, use, sizing and maintenance of individual sewage treatment systems in Mower County. Parts 7080.0020, except where definitions are duplicated by this Ordinance, in which case the definition in the Ordinance will prevail; 7080.0060 except as amended by SUBD. 7 part a of Sec. 11-5 of this Ordinance; 7080.0065; 7080.0110; 7080.0115; 7080.0120; 7080.0125; 7080.0130 except Subp.3 Table II which is replaced by Sec. 11-3 SUBD 2.c of this Ordinance; 7080.0150; 7080.0160; 7080.0170; 7080.0172; 7080.0175; 7080.0176; and 7080.0178, "Other Systems" are specifically adopted as required.

SUBD 2 STANDARDS AND REQUIREMENTS FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS. In addition to the above standards, the following shall apply:

- a. Minimum Lot Size; Additional Site Required. No lot requiring an individual sewage treatment system shall be less than 1 ½ acre in size, excluding right-of-way. Where lots have an approved shared well and an individual sewage treatment system is to be installed, lot size shall be determined on a case-by-case basis provided the lot containing the well shall be a minimum of 1 ½ acre in size. In a shared well situation, the lot to be developed shall be no less than 20,000 square feet in area. Lots of record less than 1 ½ acre in size shall be handled on a case-by-case basis depending on the capability of the soils to support an individual treatment system. Where adjacent lots of record smaller than one acre in size are in the same ownership, properties shall be combined to meet the minimum lot size requirements. Any lot created since January of 1996 must also be able to accommodate one additional soil treatment site that can support a standard system. This additional site must be identified in any plan or design submitted with an application for a permit and must be preserved for system replacement.

- b. Surface Discharge Prohibited. Unless specifically permitted by the Minnesota Pollution Control Agency (MPCA); sewage, sewage tank effluent or seepage from a soil treatment system shall not be discharged to the ground surface, bodies of surface water or water courses, ditches or agricultural drain tiles or into any rock or soil formation, the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground. Any existing system which discharges to the ground surface or surface or ground waters shall be classified as a failing system.

- c. Minimum Septic Tank Sizing Requirements.

Garbage Disposal: If a garbage disposal or sewage pump is anticipated or installed in a dwelling, the septic tank must include either multiple compartments or multiple tanks must be provided. The following are minimum septic tank capacities for residences:

EXISTING HOMES:

Number of Bedrooms	Septic Tank Liquid Capacity (gallons)	Septic Tank Liquid Capacity (Gallons)
	Without Garbage Disposal	With Garbage Disposal
2 or less	750	1,250
3 or 4	1,000	1,500
5 or 6	1,500	2,500
7, 8 or 9	2,000	3,000

(all tanks shall be either multiple compartments or multiple tanks)

NEW HOME CONSTRUCTION:

All septic tanks shall be either multiple compartments or multiple tanks

Number of Bedrooms	Septic Tank Liquid Capacity (gallons)
4 or less	1,500
5 or 6	2,500
7, 8 or 9	3,000

if sewage is pumped from the dwelling, 7080.0130 subp. 3c shall apply.

d. Setbacks. Failure of existing systems to meet the setbacks in items 2-4 below shall not result in the system being a failing or non-compliant system. The setback between individual sewage treatment systems and wells, water bodies and wetlands shall be as follows:

1. Wells. The minimum distance from a well to an individual sewage treatment system shall be as required by Minnesota Rules, Chapter 4725, Rules Relating to Wells and Borings, as follows:

Septic Tanks and holding tanks	50 ft.
Soil Treatment Unit (trench, chamber, mound absorption area, etc.)	50 ft. from a well cased greater than 50 ft. 100 ft. from a well cased less than 50 ft. (or where the depth of the casing is not known)

2. Water Bodies. The minimum distance from a creek, stream, river, pond or lake to an individual sewage treatment system shall be 75 ft. as required by the Mower County Shoreland Ordinance.

3. Sinkhole. An individual sewage treatment system shall not be located closer than 75 ft. to the outer boundary of a sinkhole, as defined in the Mower County Geologic Atlas or as determined onsite by an ISTS Licensed Designer or Inspector.

e. Failing Systems Requiring Replacement or Repair. After the date of adoption of this Ordinance, individual sewage treatment systems that are found to be failing at the time of an application for a zoning permit for a bedroom addition or dwelling or are the subject of a complaint and subsequent inspection or at the time of transfer of property shall be replaced or repaired as provided below:

1. Sale or Transfer of Property

a. A Certificate of Compliance shall be provided by the seller to the buyer at or before the closing.

- b. The Certificate of Compliance shall be completed by a licensed sewage treatment system Inspector or Designer I licensed by the State of Minnesota and shall indicate that said ISTS is in compliance with Minnesota Rules Chapter 7080 as amended and this Ordinance.
 - c. In the event that one of the exemptions listed in Part (e) applies, the Certificate must be signed by both parties to the transaction.
 - d. The Certificate shall be filed with the County Auditor along with the Certificate of Real Estate Value. A copy of the Certificate of Compliance shall also be filed with the Department.
 - e. Exempt Transactions. The certificate need not be completed if the sale or transfer involves the following circumstances:
 - (1) The tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
 - (2) No Certificate of Real Estate Value need be filed with the County Auditor, as per Minnesota Statutes, Chapter 272.115.
 - (3) The sale or transfer completes a contract for deed entered prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee of such a contract.
 - (4) Any dwellings or other buildings with running water that are connected to a municipal wastewater treatment system.
 - (5) In the event an ISTS is known to be failing an agreement to replace or repair the system, signed by both the buyer and seller, may be substituted for certificate of compliance or notice of non-compliance.
 - f. If the transaction occurs between November 1 and the following April 30, and the inspection cannot be completed, a compliance inspection shall be completed within six months or by the following September 30, whichever comes first, as provided by the stipulation.
2. Compliance at Transfer of Property;
Prior to closing, a compliance inspection is to be conducted. If the system on the property in question is found to be a failing system, the system is to be brought into compliance with this Ordinance within a year of the date of closing, or within ten months in the case of an Imminent Threat to Public Health or Safety (ITPHS).
3. Upon Complaint or Notice of Non-Compliance any failing individual sewage treatment system shall be replaced with a system that conforms to this Ordinance or repaired in accordance with Ordinance requirements. Within 30 days of notification by the Department the landowner(s) shall submit a plan

which identifies the location of the existing system and a schedule for replacement or repair. Failure to comply with this requirement shall be a violation of this Ordinance.

- a. A failing system shall be upgraded, replaced or its use discontinued within one (1) year of the date of a notice of non-compliance.
 - b. An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired or its use discontinued within an appropriate time set by the Department to be no greater than ten (10) months of a notice of non-compliance.
4. Upon Expansion. Any system shall be brought into compliance with requirements of this ordinance with issuance of a zoning permit or variance approval for a bedroom addition to a dwelling on the property served by the system or replacement or construction of a dwelling.
- a. A compliance inspection must be performed prior to the issuance of a Zoning Permit. If application for a Zoning Permit is made between Nov. 1 and April 30 and a compliance inspection cannot be conducted the applicant can have until the following June 1 to conduct the compliance inspection and until Sept. 1 to submit the Certificate of Compliance.
 - b. If necessary, the system must be upgraded, repaired or replaced within a year of issuance of the Zoning Permit or Variance, except that a system posing an imminent threat to public health or safety shall comply with 3.b of this section.
 - c. In the event that a Zoning Permit application includes the addition of a bedroom, the owner has five years from the date of the bedroom addition permit issuance to upgrade, replace, repair or discontinue use of the system if:
 1. The system inspection is triggered by a bedroom addition request.
 2. The system was installed between May 27, 1989 and January 23, 1996.
 3. The system does not meet the appropriate water table separation as required in 7080.0060; and
 4. The system is not an imminent threat to public health or safety (ITPHS).
 - f. Alternative and Other Systems. Alternative systems are those described as alternative in Chapter 7080 Section 7080.0172. Applications for alternative and other systems must include plans for monitoring and determining system failure and plans for system replacement if necessary. Other Systems must meet the requirements of Section 7080.0178 and are subject to review and approval by the department.

1. Holding tanks are to be installed as allowed under Section 7080.0172 Subpart 3A-G. Holding tanks for new construction shall be allowed only by variance. Holding tanks for existing dwellings may be allowed by the Director if it is found that there is not adequate room or soils for the installation of a standard system. Holding tanks for existing construction shall be subject to the review and approval of the Department. The owner of a holding tank shall maintain and place on file with the County a current contract for septage treatment and disposal with a licensed pumper, or if pumping as allowed in Section 7080.0700 (D) shall record pumping frequency and volume and file a report annually to the County. All septage shall be disposed of as required in Sec. 11-3 Subd. 3 of this Ordinance.
 2. Floodplain Areas – An ISTS shall not be located in the floodway except by permission of the Director and placement within any part of the floodplain is to be avoided, but if no alternative exists the ISTS may be placed within the flood fringe as allowed under 7080.0172 Subp. 1.
 3. Privies – Privies shall be installed as allowed in 7080.0172 Subd. 2.
- g. Warranted Systems - Warranted individual sewage treatment systems meeting the requirements under part 7080.0450 may be used only if the system carries a manufacturer's or installer's warranty of 20 years or more.
- h. System Maintenance – The individual sewage treatment system and all components must be maintained in compliance with Minnesota Rule Chapter 7080.0175, this ordinance and manufacturer's requirements.

The owner of an individual sewage treatment system or the owner's agent shall regularly, but in no case less frequently than every three years:

- 1) Assess whether the sewage tank leaks below the designed operating depth and whether the sewage tank tops, riser joints and riser connections leak through visual evidence of major defects, and
- 2) Measure or remove the accumulations of scum, which includes grease and other floating materials at the top of each septic tank and compartment along with the sludge, which includes the solids, denser and water.

Septage shall be removed by pumping the septage from all tanks or compartments in which the top of the sludge layer is less than twelve inches below the bottom of the outlet baffle, or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. Removal of the accumulated sludge, scum and liquids must be through the maintenance hole. If no maintenance hole exists on the sewage tank, the owner or the owner's agent shall install maintenance holes in sewage tanks in accordance with 7080.0130 subp. 2 sub-item m. to allow for maintenance to take place through the maintenance hole. If the owner or owner's agent refuses to allow the removal through a maintenance hole, the licensed pumper must obtain a signed statement from the owner or

owner's agent that the owner or agent was informed of correct removal procedures and the reason for refusal.

Individual sewage treatment system additives must not be used as a means to reduce the frequency of proper maintenance and removal of septage from the tank as specified. Individual sewage treatment system additives that contain hazardous substances must not be used in individual sewage treatment systems.

SUBD 3 STANDARDS FOR SEPTAGE TREATMENT AND DISPOSAL. Septage may be land spread or disposed of at a sewage treatment plant only with the permission of the owner. The following requirements shall apply to land spread septage from individual sewage treatment systems which receive and treat domestic wastes. They do not apply to waste materials from septic or holding tanks which receive industrial or agricultural wastes.

A. Requirements for land application sites

1. General. Sites selected to receive septage application shall meet the requirements of this part.
2. Soil Requirements. Soils suitable for septage application must meet the requirements of A through D.
 - a. The soil texture at the zone of septage application must be fine sand, loamy sand, sandy loam, loam, silt, silt loam, sandy clay loam, clay loam, sandy clay, silty clay loam, silty clay, or clay.
 - b. Septage may not be applied to soil with a seasonally high water table or bedrock of less than 3 feet from the zone of application. Septage may not be applied to soil with a seasonally high watertable or bedrock of less than 5 feet from the zone of application if the soil is rated as highly permeable by the Natural Resource Conservation Service. For seasonally high watertable soils, this separation distance can be gained by a drainage system designed according to or equivalent to Natural Resources Conservation Service engineering criteria.
 - c. Septage may not be applied to soil within a 100-year floodplain as designated by the Department of Natural Resources.
 - d. Septage must be incorporated within 48 hours or injected if the permeability of the surface layer of the soil is less than or equal to 0.2 inches/hour.
3. Slope Restrictions. The slope restrictions in Table 1 shall be maintained.

Table 1.

<i>Slope</i> (percent)	<i>Surface</i> Application	<i>Injection or</i> Incorporation Within 48 hours
0 – 6	Allowed	Allowed
➤ 6 – 12	Not Allowed	Allowed
➤ > 12	Not Allowed	Not Allowed

Septage may only be applied on areas with a slope of 2% or less when the soil is snow covered or frozen.

4. Setback Requirements. Septage shall not be land applied closer than the distances listed in Table 2.

Table 2. (distances in feet)¹

Feature	Separation Distances in Feet		
	Surface Applied	Incorporated within 48 hours	Injected
Private drinking water	200	200	200
Public drinking water supply wells(1)	1000	1000	1000
Irrigation wells	50	25	25
Residences(2)	200	200	100
Residential developments(2)	600	600	300
Public contact sites	600	300	300
Down gradient lakes, Rivers, streams, Slope 0% to 6%	200	50	50
wetlands, Intermittent streams, or tile inlets connected to these Slope 6% to 12%	Not Allowed	100	100
Surface water features, And sinkholes(3) Winter 0% to 2%	600	Not Applicable	Not Applicable
Grassed water ways (4)	Slope 0% to 6%	100	33
	Slope 6% to 12%	Not Allowed	33

- 1 There may be special requirements if the land application site is within the boundaries of a wellhead protection area. Check with the Minnesota Department of Health or local unit of government.
- 2 Separation distances may be reduced with written permission from all persons inhabiting within the protected distance.
- 3 If downgradient surface water does not receive runoff because the site is bermed, separation distances can be reduced to 33 feet.
- 4 Separation distances are measured from the centerline of grassed waterways. For grassed waterways that are wider than these separation distances, application is allowed to the edge of the grass strip. Grassed waterways are natural or constructed, typically broad and shallow, and seeded to grass as protection against erosion.

B. Grease Trap Wastes Disposal Requirements.

Disposal of grease trap waste or grease trap wastes mixed with non-grease trap septage must be as follows:

1. Grease trap waste must be incorporated into the soil within six hours of surface application or injected into the soil. The application rate not to exceed 15,000 gallons/acre/year.
2. Grease trap waste must be mixed with septage not derived from grease traps prior to land application. The quantity of grease trap waste mixed with septage cannot exceed 25% of the mixture by volume. Maximum application rates of this mixture are limited to 60,000 gallons/acre/year.
3. Grease trap waste must be mixed with septage not derived from grease traps prior to land application. The quantity of grease trap waste mixed with septage cannot exceed 50% of the mixture by volume. Maximum application rates of this mixture are limited to 30,000 gallons/acre/year.

SEC 11-4 DESIGN, SITE EVALUATION AND SYSTEM ABANDONMENT REQUIREMENTS

SUBD 1 DESIGN REQUIREMENTS. All individual sewage treatment systems shall be designed by a certified Individual Sewage Treatment System Designer.

SUBD 2 SITE EVALUATION REQUIREMENTS. All applications for new or replacement individual sewage treatment systems shall be accompanied by a report from a certified Designer I or Designer 2 which satisfies the criteria and certifies that the proposed site meets the requirements of Chapter 7080 and this Ordinance. The Designer shall be responsible for the placement of flagging around the perimeter of the proposed system at the time of evaluation.

SUBD 3 SOIL BORINGS Soil borings shall be required for all individual sewage treatment system sites.

SUBD 4 SYSTEM ABANDONMENT. An individual sewage treatment system or part thereof that is no longer to be used must be abandoned according to Chapter 7080.0176 Subparts 1-3. In addition, the abandonment must be conducted by a licensed ISTS installer or ISTS pumper.

SEC 11-5 LICENSE, PERMIT, INSPECTION AND VARIANCE REQUIREMENTS

SUBD 1 All design, installation, alteration, repair, maintenance, pumping and inspection activities for an individual sewage treatment system must be completed by an appropriately licensed business and an appropriately registered qualified employee or a person exempted under 7080.0700 Subpart I.

SUBD 2 PERMITS REQUIRED. No person shall install, alter, repair or extend an individual sewage treatment system until a permit has been issued for the site by the Director. Permits shall be valid for six months from the date of issuance for individual sewage treatment systems.

SUBD 3 PERMIT EXEMPTIONS. All of the requirements of this Ordinance shall be complied with except that Permits shall not be required for the following installations or actions:

- a. Repair or replacement of the solid sewer pipe extending from the building to the septic or holding tank.
- b. Repair or replacement of the solid sewer pipe extending from the septic tank to the first distribution or drop box.
- c. Repair or replacement of pumps, floats or electrical pump devices.
- d. Repair or replacement of septic tank baffles.

SUBD 4 PERMIT APPLICATION FEES. Application fees shall be payable at the time of application as established by the Mower County Board of Commissioners.

SUBD 5 PERMIT APPLICATION REQUIREMENTS. Application for a permit to install a system shall be made on a form provided by the County Environmental Services Department in accordance with the submittal requirements established thereon. An application to construct an individual sewage treatment system shall be accompanied by a plan prepared by a certified Designer I or 2 and accompanied by a site evaluation and soil borings and percolation tests, where required by this Ordinance.

SUBD 6 INDEMNIFICATION AGREEMENT. The permittee shall indemnify and hold the County harmless from all losses, damages, costs and charges that may be incurred by

the County due to the failure of the permittee to conform to and comply with the provisions of this Ordinance.

SUBD 7 INSPECTIONS. The Department shall make such inspection or inspections as are necessary to determine compliance with this Chapter. No part of the system shall be covered until it has been inspected and accepted by the inspector. It shall be the responsibility of the applicant for the permit to notify the inspector that the job is ready for inspection or reinspection, and it shall be the duty of the inspector to make the indicated inspection within forty-eight hours after such notice has been given. Notice must be given before noon in order for an inspection to be conducted the same day. It shall be the duty of the owner or occupant of the property to give the inspector free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system the inspector shall issue to the applicant a certificate of compliance.

If, upon inspection, the inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this chapter, he/she shall give the applicant written notification describing the defects. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

If an inspection cannot be made within 48 hours or if for weather or other reasons the inspector deems that the system must be covered prior to inspection, the contractor shall photograph the entire system and provide the photographs and an "as built" drawing to the inspector within 7 days of completion of the system.

- a. Compliance Criteria. An ISTS shall be considered in compliance if the following provisions are satisfied:
 1. The system is not a failing system or an imminent threat to public health or safety and meets the requirements of any monitoring plan.
 2. All existing systems built after March 31, 1996 shall have a three foot vertical separation and those built before April 1, 1996, in non-SWF areas must have at least two foot of vertical separation from the water table as measured outside the area of system influence in an area of similar soil.
 3. All existing systems built after March 31, 1996 must meet the compliance requirements of this section and the technical standards in MN Rule Chapter 7080 parts 7080.0130, 7080.0170 Subp 1A-C and F, Subp 2C, Subp 5B(2) and Subp 6B(1).
 4. All new or replacement systems must meet technical standards and criteria shown in this Ordinance and MN Rule Chapter 7080 parts 7080.0020, 7080.0060 to 7080.0176 & 7080.0600 as adopted in Sec. 11-3 of this Ordinance.

5. For all new construction the vertical separation distance shall be measured in the soil treatment area.
 6. Other systems must meet design requirements and monitoring and mitigation plans specified in parts 7080.0178 and 7080.0310, Subp 7.
- b. Inspection Requirements for Existing Systems. Only a qualified employee or authorized licensee or licensed Designer I or Inspector independent of the owner and the installer shall conduct an inspection when a compliance inspection is required for an existing ISTS. A copy of the Certificate of Compliance or Notice of Noncompliance resulting from a compliance inspection shall be provided to the property owner and the County within 30 days of the inspection.
- c. Mandatory Compliance Inspections of Existing Systems. An ISTS shall require a compliance inspection when any one of the following conditions occur:
1. At the transfer of property in Mower County as stated in Sec 11-3 Subdivision 2(d) of this Ordinance.
 2. At any time the Department deems appropriate such as upon receiving a complaint or other information of system failure.
 3. At the time of application for a Zoning Permit or variance for a bedroom addition to a dwelling or a Zoning Permit for a dwelling.
- d. Notice of Non-Compliance. A Notice of Non-Compliance shall be issued and copies provided to the property owner and the County within 30 days under the following conditions:
1. An ISTS posing an (ITPHS) shall be brought into compliance within 10 months of notification.
 2. Except in the case of an ITPHS, a failed ISTS shall be upgraded, replaced or repaired and brought into compliance with Minnesota Rules Chapter 7080.0060, as applicable within one (1) year. The Department will give consideration to weather conditions as compliance dates are established.
 3. When the ISTS is determined to be failing at the point of sale or transfer of property.
- e. Failing ISTS. The owner(s) of a failing ISTS shall submit to the Department an acceptable Replacement Plan within thirty (30) days after notification by the Department. The Replacement Plan shall identify the

location and design of the ISTS and a schedule for its replacement. Failure to submit and execute an acceptable Replacement Plan is a violation of this SECTION.

- f. Certificate of Compliance. Certification of an ISTS is valid for three (3) years for an existing system, five (5) years for a new or replacement system, provided the system does not fail or become an imminent public health threat or other cause as deemed appropriate by the Department.

SUBD 8 VARIANCES. The Mower County Board of Adjustment shall have the authority to grant variances when the purposes and intent of the variance are consistent with this Ordinance and Mower County's Comprehensive Plan, Zoning Ordinance, Shoreland Management Ordinance, Water Well Construction, Sealing and Repair Ordinance and Surface Water Management Plan.

The application procedure for a variance from the Board of Adjustment is contained in the Mower County Zoning Ordinance under Division 5 Board of Adjustment, Sections 14-22 through 14-27.

SEC 11-6 VIOLATIONS AND ENFORCEMENT

SUBD 1 RESPONSIBILITY. The Department of Environmental Services shall be responsible for the enforcement of this Ordinance.

SUBD 2 NOTICES OF VIOLATIONS

- a. Cause to Issue a Notice of Violation. Unresolved and either separate, recurrent, or continuing violations of this Ordinance by an applicant, permittee, installer or other person, as determined by inspections, re-inspections, or investigations shall constitute nonconformance or noncompliance with this Ordinance.
- b. Serving a Notice of Violation. A notice of violation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of this Ordinance.
- c. Contents of a Notice of Violation. A notice of violation shall contain the following:
 - 1. A statement documenting the findings of fact through inspections, re-inspections or investigations;
 - 2. A list of specific violations of this Ordinance;
 - 3. The specific requirements for correction or removal of said violations;

4. A mandatory time schedule for correction, removal and compliance with the Ordinance; and
 5. Specific enforcement actions that will be taken if corrective action is not completed.
- d. Enforcement Action. If specific violations of the Ordinance are not adequately corrected in accordance with the time schedule identified in the notice of violation, the applicant, permittee, installer or other person shall be subject to those enforcement actions identified in this Ordinance. Failure to comply with provisions of this Ordinance shall be a misdemeanor and subject to penalties.

SUBD 3 SUSPENSION OF PERMITS.

- a. Cause to Issue Notice of Suspension. Any permit required under this Ordinance may be suspended by the Department for violation of any provision of this ordinance. Upon written notice to the applicant or permittee, said permit may be suspended by the Department until the violation is corrected.
- b. Serving a Notice of Suspension. Written notice of suspension shall be served on the permittee by mail and shall be effective on the date identified on the notice of suspension. If the Department concludes that there is a health hazard, suspension may be effective immediately upon notice to the permittee.
- c. Contents of a Notice of Suspension. A notice of suspension shall contain the following:
 1. The effective date of the suspension;
 2. The nature of the violation or violations constituting the basis for the suspension;
 3. The facts which support the conclusion that a violation or violations has occurred; and
 4. A statement that if the permittee desires to appeal, the permittee must, within 15 County working days, exclusive of the day of service, file a request for an appeal pursuant to the requirements of this Ordinance.
- d. Enforcement Action. If said suspension is upheld and the permittee has not demonstrated within the 60 day period that the provisions of this Ordinance have been complied with, the Department may serve notice by mail of continued suspension for up to an additional 60 days or initiate revocation procedures.
- e. Suspension Reinspections. Upon notification from the permittee that all violations for which a suspension was invoked have been corrected, the

Department shall reinspect the on-site sewage treatment system or activity within a reasonable length of time, but in no case more than five (5) County working days after receipt of written notice from the permittee. If the Department finds upon such reinspection that the violations constituting the grounds for the suspension have been corrected or removed, the Department shall immediately dismiss the suspension by written notice to the permittee.

SUBD 4 PENALTIES. Any person, firm or corporation who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to penalties as established by Minnesota Statutes. Each day that the violation continues shall constitute a separate offense warranting penalty.

SUBD 5 STOP WORK ORDER. Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order work stopped by written notice personally served upon the installer or landowner. All installation or construction shall cease and desist until subsequent authorization to proceed is received from the Department.

SUBD 6 COMPLAINTS. Upon receipt of a written or verbal complaint from any person regarding an individual sewage treatment system after following the procedure for notices of violation as prescribed by Sec 11-7, Subd 2, the Department shall file a complaint with the Mower County Attorney who shall prosecute the complaint through the County Courts.

SUBD 7 REVOCAION OF PERMITS.

- a. Cause to Issue a Notice of Revocation. Any permit granted pursuant to this Ordinance may be revoked by the Department for violation of any provisions of this Ordinance.
- b. Serving a Notice of Revocation. A notice of revocation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of this Ordinance. Revocation shall not occur earlier than fifteen (15) County working days from the time that the notice of revocation is served by the Department. If an appeal is requested pursuant to this Ordinance, revocation shall not occur until written notice of the Department action has been served on the permittee.
- c. Contents of a Notice of Revocation. A notice of revocation shall contain the following:
 1. The effective date of the revocation;
 2. The nature of the violation or violations constituting the basis of the revocation;
 3. The facts which support the conclusion that a violation or violations has occurred; and

4. A statement that if the permittee desires to appeal, the permittee must, within 15 County working days, exclusive of the day of service, file a written request for an appeal pursuant to this Ordinance.

SEC 11-7 APPEALS

Any decision by the County Environmental Services Department to stop work, suspend a permit or revoke a permit may be appealed in writing to the Mower County Board of Commissioners within fifteen (15) County working days after the official notice of action by the Department.

SEC 11-8 SEVERABILITY

If any provision or application of any provision of this Ordinance is held invalid, such finding of invalidity shall not affect other provisions or applications of this Ordinance.

SEC 11-9 ORDINANCE REPEALER

The Mower County Individual Sewage Treatment Ordinance, dated 1994 and all amendments thereto, is hereby repealed in its entirety upon the effective date of this ordinance.

SEC 11-10 EFFECTIVE DATE

This Ordinance shall be in full-force and effect on and after August 1, 2004 upon adoption and publication pursuant to law.

Passed and approved this 27th day of April, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to ratify the union contract changes with International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) Local #867 for the period May 1, 2004 through April 30, 2007 as presented by the County's Personnel Committee subject to the union signing the Tentative Agreement and authorize the payroll coordinator to calculate back pay to January 1, 2004. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

The Building Committee that a prioritized list of projects has been compiled for work to be done at the fairgrounds.

Motion made by Commissioner Hillier, seconded by Commissioner Ellingson to authorize that the top two projects be commenced from the project list. Those project items are as follows:

1. Historical – Fire building has not been open for more than a year due to deterioration of ceiling and walls – needs ventilation correction; and replace damaged ceiling electrical, ceiling tiles and inside wall covering.
2. Plager Building roof has leaked for some time and is getting worse—repair or replace roof. Storage and exhibiting in building has been affected.

These projects are limited to a total expense of \$200,000 from the county building fund. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to approve the minutes of March 23, 2004 as corrected. Motion carried.

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

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
2122.24	ADAMS DRUG	111.50	ALCOPRO
1394.00	AUSTIN MEDICAL CENTER ATTN:CAS	417.30	AUSTIN NEWSPAPERS, INC
6852.09	AVIANDS	450.00	STEPHANIE BEDNAR
471.35	BOB BARKER COMPANY	247.74	BP PRODUCTS NORTH AMERICA,
328.00	BUDGET OIL CO	125.00	WALLACE BUSTAD
4093.72	CARDINAL HEALTH	1470.01	CEDAR VALLEY SERVICES, INC
120.25	ALETA CHRISTOPHERSON	330.00	DICTAPHONE SALES AGENCY
244.50	DANIEL DONNELLY LAW FIRM	164.99	DOUBLE K SPECIALTY, INC.
1091.07	DTI	218.68	FRONTIER
773.50	GAMES PEOPLE PLAY	117.15	GARY GRANLE ENTERPRISES
738.08	GLAXOSMITHKLINE	450.00	HARTY MECHANICAL INC
115.80	HOLIDAY CARS, INC.	156.70	HOLIDAY INN ST CLOUD
1680.00	INTERTECHNOLOGIES GROUP	254.27	J & K WINONA
276.82	K MART	135.68	LANGUAGE LINE SERVICES
156.81	LEXISNEXIS MATTHEW BENDER	242.50	LRP PUBLICATIONS
208.84	WAYNE MADSON	568.74	MARRIOTT INTERNATIONAL
5525.00	MAYO FOUNDATION	737.52	MEDTRONIC PHYSIO-CONTROL
525.80	METRO SALES, INC.	107.03	MIDTOWN AUTO CLINIC
144.00	MIDTOWN CAR WASH	1009.85	MIDWEST WIRELESS
125.00	MINNESOTA ASSOC FOR COURT MGE	3528.00	MINNESOTA COUNTIES COMPUTER
21693.00	MINNESOTA COUNTIES INFORM.SYS.	990.55	MITCHELL COUNTY REGIONAL HE
1200.00	NATIONAL CENTER FOR STATE COUR	600.00	JEANNE POPPE
144.09	POSITIVE PROMOTIONS,INC.	548.86	QWEST
4500.00	RAMSEY BADRE & ASSOCIATES,INC	150.00	RICHARDSON LAW OFFICE
150.00	RIVERLAND COMMUNITY COLLEGE-OW	166.95	RS EDEN INC
115.00	SHERIFF FREEBORN COUNTY	17830.00	SHERIFF MITCHELL COUNTY
180.30	SHOPKO	567.67	SMYTH COMPANIES, INC
2052.00	SPHERION CORPORATION	120.00	CJIS STATE OF MINN
10363.00	STEELE COUNTY DETENTION CENTER	1140.00	DAVID STROBEL
187.91	UNIFORMS UNLIMITED INC	3909.49	UNIV OF MINN EXTENSION
303.79	VWR SCIENTIFIC	932.43	WELLS FARGO FINANCIAL LEAS
6658.38	WHITWATER WIRELESS,INC	387.40	WRS GROUP, INC
	38 PAYMENTS LESS THAN \$100	1,703.60	

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

GENERAL FUND \$114,423.95 * TOTAL

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
516.53	A-BEST BUILDING MAINTENANCE, I	113.14	ADVANCE AUTO PARTS
115.34	AUSTIN FORD LINCOLN-MERCURY	546.25	AUSTIN NEWSPAPERS, INC
426.43	BROCK WHITE CO LLC	310.61	CATCO
206.61	HANSON TIRE OF AUSTIN INC	297.00	HARTY MECHANICAL, INC.
145.86	HELM	300.00	PAUL HYLLE
1925.62	JONES, HAUGH & SMITH, INC.	212.99	LAWSON PRODUCTS, INC
229.78	M-R SIGN COMPANY, INC.	401.49	MANTEK
243.82	MINNESOTA UNEMPLOYMENT FUND	3577.25	MISSISSIPPI WELDERS SUPPLY
130.00	MOWER COUNTY TRANSIT	590.76	NEWMAN TRAFFIC SIGNS
155.90	PETROBLEND CORP.	222.00	POSTMASTER
230.39	PROLINE DIST., INC	125.02	QWEST
399.19	REED CONSTRUCTION DATA	351.07	ROAD MACHINERY & SUPPLIES
569.98	SHOPKO	257.75	STATE OF MINNESOTA,
290.23	ZACK'S, INC.		
	18 PAYMENTS LESS THAN \$100	660.28	

ROAD & BRIDGE FUND \$13,551.29 * TOTAL

SOLID WASTE/RECYCLING FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
227.00	AUSTIN NEWSPAPERS, INC	303.50	WALLACE BUSTAD
306.71	FOREMOST MACHINE BUILDERS, INC	181.05	FREEBORN-MOWER COOPERATIVE
4850.00	IVERSON HAULING	475.00	RECOVERY SYSTEMS COMPANPY,
	1 PAYMENTS LESS THAN \$100	22.50	

SOLID WASTE/RECYCLING FUND \$6,365.76 * TOTAL

DITCH FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
230.00	BUSTAD DOZING AND EXCAVATING	7232.44	MOWER COUNTY SOIL & WATER C
3280.00	RUBLE EXCAVATING & CONSTRUCTIO	.00	
	0 PAYMENTS LESS THAN \$100		

DITCH FUND \$10,742.44 * TOTAL

FAMILY CONNECTIONS

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
232.39	MIDWEST WIRELESS	.00	
	0 PAYMENTS LESS THAN \$100		

FAMILY CONNECTIONS \$232.39 * TOTAL

**** FINAL TOTAL..... \$145,315.83 ****

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

Wagner Construction	\$20,700.00
(subject to final inspection by the Building Committee and Zenk, Read, Trygstad & Associates, Inc.)	
Adams, Rizzi & Sween	\$ 4,175.80

Motion carried.

Date: April 27, 2004

Res. #38-04

RESOLUTION

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

WHEREAS, on April 27, 2004 the Mower Council for the Handicapped presented a request for a premise permit for gambling to be conducted at the Twister Lounge.

BE IT RESOLVED THAT, the Mower County Board of Commissioners do hereby approve the issuance of a premise permit to the Mower Council for the Handicapped for gambling at the Twister Lounge.

Passed and adopted this 27th day of April, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: April 27, 2004

Res. #39-04

RESOLUTION

On motion of Commissioner Lang, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 27, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, job creation, business development, and individual wealth growth in Mower County, Minnesota have been less than the national and state averages; and

WHEREAS, the resulting effects of such lagging job creation, business development, and individual wealth growth have harmed and are forecasted to continue to harm the economy of Mower County, Minnesota; and

WHEREAS, the Job Opportunity Building Zone (JOBZ) program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 1 allows for the formation of tax-free zones.

NOW, THEREFORE, BE IT RESOLVED by the Mower County Board of Commissioners of Mower County, Minnesota at its meeting held on the 27th day of April, 2004, upon careful consideration and review, approves the transferring of the requested acres from the southerly approximate 4.62 acres of DEED Sub-Zone No. 198 to the City of Brownsdale as identified as follows: W¹/₂, SE¹/₄, except 2 acres in Northeast corner and except 7.75 acres and except 12 acres and except Southerly 4.62 acres, Section 1, Township 102, Range 18, Mower County, Minnesota for tax-free zones, approves the use of tax exemptions and tax credits

within the designated zones (subject to property review and approval by the other appropriate taxing authorities within the zones), and encourages the Minnesota Department of Employment and Economic Development to approve the Tax Free Zone Application being submitted by Austin Community Development Director Craig Hoium and the City of Brownsdale.

Passed and approved this 27th day of April, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: April 27, 2004

Res. #40-04

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Ellingson, the following Resolution passed and adopted at a meeting held April 27, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, on April 27, 2004 the LeRoy Rod and Gun Club presented a gambling application for the LeRoy Rod and Gun Club.

BE IT RESOLVED THAT, the Mower County Board of Commissioners do hereby approve said application of the LeRoy Rod and Gun Club.

Passed and adopted this 27th day of April, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to deny the Application for Tax Abatement of Didacus Guzman for Elmwood Addition properties (parcels #34-245-0120 and #34-245-0140). Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to adjourn the meeting at 12:47 p.m. until May 4, 2004 at 1:00 p.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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