

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 4, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session May 4, 2004 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

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

Duane Felt, Data Processing was recognized as Employee of the Month.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to amend the 2004 County Attorney budget to be used for the cost of prosecution in the case of USA v. American Bankers Insurance Group and for methamphetamine education. Said funds are authorized for payment from the settlement in the above case and are broken down as follows:

Attorney General's Office	\$10,000.00
Gray & Malacko Law Offices	42,000.00
Methamphetamine Video	4,000.00

Motion carried.

At this time a Public Hearing was held in regard to CUP #665 of Eric Lee for an additional dwelling on the property.

The County Coordinator reviewed the CUP and Planning Commission recommendations.

No one spoke for or against CUP #665.

Date: May 4, 2004

Res. #41-04

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 May 4, 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 #665 of Eric Lee (Petitioner) to be issued pursuant to the Mower County Zoning Regulations for:

Constructing an additional dwelling on the property.

Location: SE ¼ Exc. S 490 ft. E 1710 ft. S ½ SE ¼ & SW ¼ NE ¼ , Section 2, Dexter Township, T103N R16W, Mower County, Minnesota.

Notice having been duly given and a hearing held May 4, 2004, on said petition.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas; and

BE IT FURTHER RESOLVED, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. 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. A Zoning Permit and ISTS Permit must be obtained prior to construction.
4. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
5. 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.
6. 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.
7. 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.

This permit is in accordance with Section 14-18.4 of the Mower County Code.

Passed and approved this 4th day of May, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

Date: May 4, 2004

Res. #42-04

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 4, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, an agreement was entered into between the Minnesota Department of Natural Resources and Mower County for the construction of the Shooting Star Trail between Lake Louise and Taopi;

WHEREAS, that trail has now been completed and is ready to be turned over to the Minnesota Department of Natural Resources;

WHEREAS, the County has received an e-mail from DNR stating that the trail is in acceptable condition to be turned over;

NOW THEREFORE BE IT RESOLVED, that the Mower County Board of Commissioners hereby turns over the trail to the Minnesota Department of Natural Resources, per the agreement of January 29, 2002.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to approve the Annual Plan Agreement with the Minnesota Department of Health for a grant in the amount of \$2,000.00 to be used for recording of water quality data and to authorize the Chair to sign said agreement. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to reduce one full-time Family Facilitator position to half-time effective June 4, 2004. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to authorize hiring one Probation Officer to replace the vacancy created by an upcoming retirement. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to eliminate the vacant Office Support Specialist position from the Environmental Services Department and to re-assign the duties of the position to remaining Environmental Services Staff. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to approve the tentative agreement with Courthouse Division, Local 9, United Food and Commercial Workers International Union and to authorize the Chair, Coordinator, Treasurer, Auditor, Attorney and Recorder to sign the Agreement. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to authorize final payment to Wagner Construction in the amount of \$30,810.00 for Mower County Fairgrounds three steel barns and one Historical Society building subject to the architect resolving outstanding issues. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to approve the following Tobacco License Applications, effective July 1, 2004 through June 30, 2005:

City Service, Dexter, Minnesota
Freeborn County Coop Oil, Austin, Minnesota
Windrift Lounge, Austin, Minnesota

Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to approve the minutes of April 6, 2004 and April 13, 2004. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to accept a Restorative Justice grant from the Minnesota Department of Corrections in the amount of \$15,000.00 and to amend the 2004 budget in the amount of \$15,000.00 contingent upon receiving grant funds. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to approve a contract with Cedar House for children's mental health service and therapeutic foster care, effective May 1, 2004 through December 31, 2004. Motion carried.

The following bids were received on May 3, 2004 in regard to SAP 50-599-094, precast concrete box culvert installation No. 50J74:

Midwest Contracting, LLC	\$207,059.85
Swenke Co., LLC	208,899.00
Minnowa Construction, Inc.	227,351.50

Motion by Commissioner Tucker, seconded by Commissioner Hillier to award the bid on SAP 50-599-094, precast concrete box culvert installation No. 50J74 to Midwest Contracting, LLC. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to set an informational meeting in regard to Belleman's Addition on May 10, 2004 at 5:30 p.m. and to instruct staff to notify residents. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to adjourn the meeting at 3:07 p.m. until May 11, 2004 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

2

2004 County Attorney budget
amend for settlement, 160

A

Annual Plan Agreement
MN Dept of Health
water quality data, 162

B

Belleman's Addition
informational meeting
set date, 164

C

Cedar House
contract for children mental health, 163
City Service
Tobacco License, 163

E

Employee of the Month
Duane Felt, 160

F

Family Facilitator
reduce to half time, 162
final payment
Wagner Construction
3 barns & Hist building, 163
Freeborn County Coop Oil
Tobacco License, 163

M

minutes
4/6/04 and 4/13/04, 163

O

Office Support Specialist
Env. Services
eliminate, 163

P

Probation Officer
authorize filling, 163
Public Hearing
CUP #665
Eric Lee, 160

R

Res. #41-04
CUP #665
Lee, 160
Res. #42-04
turn over bike trail to DNR, 162
Restorative Justice grant, 163

S

SAP 50-599-094
award to Midwest Contracting, 164

T

tentative agreement
Local 9, 163
Tobacco License
Windrift Lounge, 163
Tobacco License Applications
City Service, 163
Freeborn County Coop, 163

W

Windrift Lounge
Tobacco License, 163