

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 1, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 1, 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

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to authorize the County to provide Interpreter Services to the Court Administrator's Office after the State take over; however, only services that are eligible for reimbursement will be authorized. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Tucker to approve the following fees for 3.2 non-intoxicating malt liquor (beer) licenses, effective immediately:

3.2 beer OFF sale license	\$72.00
3.2 beer ON and OFF sale license	80.00

Motion carried.

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

Raceway Amoco, Racine, Minnesota
Woody's, Dexter, Minnesota
Lake GEO Travel Plaza, Dexter, Minnesota

Motion carried.

At this time a Public Hearing was held in regard to CUP #666 of Robert Kvam for constructing an additional dwelling in a wooded area on the property.

Craig Oscarson, County Coordinator reviewed the Permit and Planning Commission recommendations.

No one spoke for or against CUP #666.

Date: June 1, 2004

Res. #48-04

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 June 1, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #666 of Robert Kvam (Petitioner) to be issued pursuant to the Mower County Zoning Regulations for:

Constructing a dwelling in a wooded area on the property.

Location: N 1264.9 ft. S 2993.9 ft. W ½ , W of River, Exc. W 703.9 ft. –
24.5 Acres , Section 33, Lyle Township, T101N R18W, Mower
County, Minnesota.

Notice having been duly given and a hearing held June 1, 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. This permit shall be limited to one dwelling on property (24.5 acres.) The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
2. A Zoning Permit and ISTS Permit must be obtained prior to construction.
3. 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.
4. 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.
5. 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.
6. 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.

7. Dwelling must be located 1,000 feet from any licensed feedlot.
8. Dwelling must be located outside the delineated floodplain.

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

Passed and approved this 1st day of June, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #667 of Dave Lewison (Petitioner) and Brian and Sherry Schotanus (Owner) for constructing an additional dwelling in a wooded area on the property.

Craig Oscarson, County Coordinator reviewed the Permit and Planning Commission recommendation. He also reviewed a letter from the Minnesota Department of Agriculture requesting careful consideration of the permit due to possible adverse impact on surrounding feedlots.

Daryl Franklin, Environmental Services Director, reviewed photos of the site.

The Owner spoke in favor of CUP #666. Seven people spoke in opposition to CUP #666.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to continue CUP #667 of Dave Lewison, Petitioner, (Brian and Sherry Schotanus, Owner) for constructing an additional dwelling in a wooded area on the property until June 8, 2004 at 10:30 a.m. to conduct a site visit. The site visit is scheduled for June 7, 2004 at 8:45 a.m. Motion carried.

At this time a Public Hearing was held in regard to amending CUP #535 of David Beckel, Ulland Brothers, Petitioner, (Janice Shade, Owner) for allowing washing of sand, gravel and imported aggregate materials on the site in addition to their current gravel pit operation on the property.

Craig Oscarson, County Coordinator, reviewed the permit and Planning Commission recommendations.

Daryl Franklin, Environmental Services Director, reviewed photos of the site.

The petitioner spoke in favor of amending CUP #535. No one spoke in opposition to CUP #535.

Date: June 1, 2004

Res. #49-04

RESOLUTION

On motion of Commissioner Hillier, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 1, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, amendment of Petition No. CUP #535 of Ulland Brothers, Petitioner (Janice Shade, Owner) to be issued pursuant to the Mower County Zoning Regulations for:

Allowing washing of sand, gravel and imported aggregate materials on the site in addition to their current gravel pit operation on the property.

Location: N ½ NW ¼ W of River, Exc. 1.2 Ac. to State, Section 4, Lyle Township, T101N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held June 1, 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. An \$8,750 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on a 10 acre parcel) shall be in effect at all times when the conditional use permit is operational and must be posted with the county Auditor valid as long as the pit is in operation.
2. A "No Trespassing" sign shall be posted at the entrance.
3. Comply with Article IV Excavation of Earth Products of the Mower County Code.
4. Extraction of materials shall be limited to areas as delineated on the site plan. Extraction of sand and gravel shall remain at least twenty (20) feet from all adjoining property lines and forty (40) feet from the road right-of-way.
5. Prior to opening as a gravel and sand pit, petitioner must submit a detailed site plan that accurately shows limits of gravel and sand pit operation. The

- gravel and sand pit operation shall be limited to this site plan. Modifications shall require an amendment to this CUP.
6. Petitioner is responsible for any damage to the township road.
 7. Access to the site is limited to the north township road with all trucks going directly to Highway 105.
 8. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.
 9. Secure a Water Appropriations Permit from the Minnesota Department of Natural Resources and submit a copy to Mower County Environmental Services Dept. prior to commencing the washing operation.
 10. Petitioner must submit bore hole log results to Mower County Environmental Services which will be forwarded to the Minnesota Department of Natural Resources as they consider the Water Appropriations Permit.
 11. Hours of Operation for Washing will be Monday through Friday, 7:00 a.m. to 6:00 p.m.
 12. Hours of Operation for aggregate removal from pit will be Monday through Saturday, 7:00 a.m. to 6:00 p.m.

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

Passed and approved this 1st day of June, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to the Rezoning of Property in Section 27, Austin Township of David Beckel, Ulland Brothers, Inc. from Agricultural District to Industrial District to allow operation of a Readymix Facility on the property and for CUP #670 for operation of a Readymix facility on the site, washing of sand, gravel and imported aggregate materials and crushing of concrete and bituminous material on the property.

Craig Oscarson, County Coordinator, reviewed the request and the Planning Commission recommendations.

Daryl Franklin, Environmental Services Director, reviewed photos of the site.

The Petitioner spoke in favor the rezoning of property. Four people spoke in opposition to the rezoning.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to table the Request for Rezoning of Ulland Brothers, Inc. from Agricultural District to Industrial District and CUP #670 for operating a Readymix Facility on site, washing of sand, gravel and imported aggregate materials and crushing of concrete and bituminous materials on the property to June 8, 2004 at 10:45 a.m. in order to conduct a site visit. The site visit is scheduled for June 7, 2004 at 10:00 a.m. Motion carried.

At this time a Public Hearing was held in regard to the request of Ulland Brothers, Inc., Petitioner, (Dorothy Sheedy, Owner) for rezoning of property from Rural Management District to Industrial District and for CUP #669 for operation of a Readymix Facility and Bituminous Drum Mix Plant on the site, operate a gravel pit, washing of sand, gravel and imported aggregate materials and crushing of concrete and bituminous material.

Craig Oscarson, County Coordinator, reviewed the request and the Planning Commission recommendations.

Daryl Franklin, Environmental Services Director, reviewed photos of the site.

The Petitioner spoke in favor of the rezoning and CUP #669. No one spoke against the rezoning and CUP #669.

Date: June 1, 2004

Res. #50-04

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 June 1, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Request for Rezoning of Property from Rural Management District to Industrial District of Ulland Brothers, Petitioner (Dorothy Sheedy, Owner) to be issued pursuant to the Mower County Zoning Regulations for:

Allowing the operation of a Readymix Facility and Bituminous Drum Mix Plant on the property.

Location: N ½ NE ¼, Section 22, Lansing Township, T103N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held June 1, 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. If the property is not developed within 24 months from the date of change, the property shall revert back to the Rural Management District.
2. The property can only be used for the Readymix Facility and Bituminous Drum Mix Plant. Any other industrial use would require a new change of zoning with all necessary public hearings.
3. Petitioner must submit a map which will become part of the rezoning. The legal description for the property rezoned is as follows:

All that part of the NW¼ NE¼ Section 22-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of the NE¼ of said Section 22; thence North 88°30'46" East a distance of 645.69 feet, on an assuming bearing on the north line of said NE¼, to the point of beginning;

thence North 88°30'46" East a distance of 455.00 feet, on the north line of said NE¼;

thence South 01°29'14" East a distance of 325.00 feet;

thence South 88°30'46" West a distance of 455.00 feet;

thence North 01°29'14" West a distance of 325.00 feet, to the point of beginning.

This permit is in accordance with the Mower County Code.

Passed and approved this 1st day of June, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

Date: June 1, 2004

Res. #51-04

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 June 1, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #669 of Ulland Brothers, Petitioner (Dorothy Sheedy, Owner) to be issued pursuant to the Mower County Zoning Regulations for:

Allowing the operation of a Readymix Facility and Bituminous Drum Mix Plant on the site, operate a gravel pit, washing of sand, gravel and imported aggregate materials and crushing of concrete and bituminous material on approximately 34 acres of the site on the property.

Location: N ½ NE ¼, Section 22, Lansing Township, T103N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held June 1, 2004, on said petition.

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

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

1. A \$26,750 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on a 34 acre parcel) must be posted with the County Auditor while the pit is in operation.
2. Stock piling of aggregate material shall be at least 40 feet from residential property lines.
3. 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.
4. 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.
5. There shall be no ingress or egress from CSAH #25 or 540th Avenue. All access shall be from Highway 218 except when local townships are hauling Class 5 maintenance gravel then CSAH #25 or 540th Avenue may

- be used. The Petitioner shall notify the Environmental Services when local townships are hauling.
6. Ulland Brothers must maintain a low water mist during crushing operation.
 7. Any runoff that would be present from this low water mist during the crushing operation must be contained and disposed by Ulland's.
 8. Hours of operation would be from 7:00 a.m. to 7:00 p.m., Monday through Saturday.
 9. Readymix Facility and Bituminous Drum Mix Plant shall follow site plan submitted with the application.
 10. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.
 11. No fuel shall be stored in the bottom of the pit.
 12. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.

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

Passed and approved this 1st day of June, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #668 of David Beckel, Ulland Brothers, Petitioner, (Michael Bell, Owner) for allowing the operation of a gravel pit, washing of sand, gravel and imported aggregate materials and crushing of concrete ad bituminous material on approximately 15 acres of the site on the property.

Craig Oscarson, County Coordinator, reviewed the permit and Planning Commission recommendations.

The petitioner spoke in favor of CUP #668. No one spoke in opposition to CUP #668.

Date: June 1, 2004

Res. #52-04

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 June 1, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #668 of Ulland Brothers, Petitioner (Michael Bell, Owner) to be issued pursuant to the Mower County Zoning Regulations for:

Allowing the operation of a gravel pit, washing of sand, gravel and imported aggregate materials and crushing of concrete and bituminous material.

Location: S ½ SE ¼ Exc. E 840 ft. N 520 ft. & Exc. E 290 ft. S 700 ft.,
Section 15, Lansing Township, T103N R18W, Mower County,
Minnesota.

Notice having been duly given and a hearing held June 1, 2004, on said petition.

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

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

1. A \$12,500 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on a 15 acre parcel) must be posted with the County Auditor while the pit is in operation.
2. Comply with Article IV Excavation of Earth Products of the Mower County Code.
3. Extraction of gravel shall be limited to area shown on Map B.
4. Stock piling of aggregate material shall be at least 40 feet from residential property lines.
5. The gravel pit sides when completed will have a slope no greater than 3:1 horizontal to vertical.
6. Hours of operation shall be Monday – Saturday 7:00 a.m. to 7:00 p.m.
7. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A “No Loss Determination (no wetlands on site).
 - b. A “Wetland Exemption” (the act does not apply).
 - c. A “Wetland Replacement Plan” approval.

8. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
9. Ulland Brothers must maintain a low water mist during crushing operation.
10. Any runoff that would be present from this low water mist during the crushing operation must be contained and disposed by Ulland's.
11. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.
12. No fuel shall be stored in the bottom of the pit.

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

Passed and approved this 1st day of June, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time Dr. LuAnn Hiniker gave an update on the University of Minnesota Extension Service. She also presented the Commissioners with an Atlas of Minnesota.

At this time Shirley DeYoung met with the Board to give an update on the Mower County Historical Society.

Motion by Commissioner Tucker, seconded by Commissioner Lang to set a letting date for SAP 50-608-022, Replace Bridge No. 6645, for June 28, 2004 at 1:00 p.m. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to participate with the IC&E Railroad to upgrade two crossings on County Road 2 and County Road 25, both in the Lansing area at a cost to the county of \$38,000.00. The financing of the project is referred the Finance Committee for recommendation. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Hillier to adjourn the meeting at 4:27 p.m. until June 8, 2004 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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