

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 8, 2004

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 8, 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 the revised MFIP Consolidated Fund Budget. Motion carried.

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

- a. Mower County Seniors – approve amendment to extend contract for Chore Services, effective January 1, 2003 to December 31, 2004.
- b. Eunice & Keith Downey – renew agreement for Group Residential Housing Services, effective July 1, 2004 to June 30, 2006.
- c. Michael Wadding – renew agreement for Group Residential Housing Services, effective July 1, 2004 to June 30, 2006.
- d. Kathleen & Bill Abelson – renew agreement for Group Residential Housing Services, effective July 1, 2004 to June 30, 2006.

Motion carried.

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

- a. Lang's Adult Foster Care – renew agreement for Group Residential Housing Services, effective July 1, 2004 to June 30, 2006.
- b. Lang's Board & Lodge – renew agreement for Group Residential Housing Services, effective July 1, 2004 to June 30, 2006.

Motion carried.

Date: June 8, 2004

Res. #54-04

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 8, 2004 at the Courthouse, Austin, Minnesota.

WHEREAS, The Mower County Board of Commissioners recognizes that alcoholism and other drug dependencies are significant social problems with a potential of causing severe effects to the transit system's work force. The Mower County Board of Commissioners recognizes that such drug dependency may be an illness. Consistent with this understanding, the Mower County Board of Commissioners has an obligation to insure that contracted employees perform their jobs safely, efficiently and in a professional manner.

WHEREAS, the purpose of this document is set forth the Mower County Transit Policy regarding alcohol and other drug use in the workplace and to comply with Drug Free Workplace Act in accordance with the terms of 49 CFR Part 653, an alcohol misuse prevention program in accordance with the terms of 49 CFR Part 654. I further certify that the employee training conducted under this part meets the requirements of 49 CFR Part 653.

NOW THEREFORE BE IT RESOLVED that the Mower County Transit Policy regarding alcohol and other drug use in the workplace is approved and the Chair and Human Services Director are authorized to sign said policy.

Passed and approved this 8th day of June, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Commissioner Lang moved and Commissioner Ellingson seconded to authorize the Chair to sign an amendment to the Crest Adult Mental Health Initiative Compact with the other counties in southeastern Minnesota. Motion carried.

Commissioner Hillier moved and Commissioner Lang 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.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

SOCIAL SERVICE ACTIONS:

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

INCOME MAINTENANCE ACTIONS:

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

Dan Hoffman, Grand Meadow Business Center, made a presentation to the board concerning the space availability at the Grand Meadow Business Center and the potential opportunities it affords to Mower County.

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to approve the minutes of May 25, 2004. Motion carried.

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

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
103.75	KAREN ANTHONISEN	676.92	AUSTIN MEDICAL CENTER ATTN
361.45	AUSTIN NEWSPAPERS, INC	125.00	BILL BANTON
450.00	STEPHANIE BEDNAR	285.00	RUBY CAMPOS
1947.86	CEDAR VALLEY SERVICES, INC	248.24	CITICORP VENDOR FINANCE INC
169.95	CIVIC RESEARCH INSTITUTE	113.80	DASH MEDICAL GLOVES INC.
1024.35	DTI	323.51	FOX ELECTRIC COMPANY, INC
170.08	GALLS INC.	149.95	GREEN LAWN
312.21	IKON OFFICE SOLUTIONS	1826.36	INTERTECHNOLOGIES GROUP-AD
179.36	K MART	243.61	LASER PRODUCT TECHNOLOGIES
450.00	ROSEMARY LINDERMAN	461.10	LYNN PEAVEY CO
400.00	MACPO	429.87	MARTIN BROS
13280.00	MAYO FOUNDATION	171.60	MCKESSON GENERAL MEDICAL CO
459.00	METRO SALES, INC.	124.30	MINNEAPOLIS MARRIOTT CITY
6792.87	MINNESOTA COUNTIES COMPUTER CO	155.00	MINNESOTA COUNTY ATTORNEYS
276.00	NORTHERN BALANCE & SCALE	674.00	OSAGE DENTAL ARTS
2500.96	PARAGON PRINTING & MAILING INC	1244.31	PETTIPIECE & ASSOCIATES
600.00	JEANNE POPPE	124.35	ROCHESTER MIDLAND CORPORAT
319.49	SCHILLING PAPER COMPANY	159.88	SCHMIDT-GOODMAN OFFICE PROD
119.00	DR. SCHMITT	135.00	SHERIFF FREEBORN COUNTY
103.60	SHERIFF RAMSEY COUNTY	116.00	SHERIFF WRIGHT COUNTY
177.63	SHERWIN WILLIAMS COMPANY	599.90	SMYTH COMPANIES, INC
1080.00	SPHERION CORPORATION	1366.66	HOWARD STREY
106.53	UNITED PARCEL SERVICE	184.06	VWR SCIENTIFIC
456.18	WASTE MANAGEMENT OF SO MINNESO	262.21	WELLS FARGO FINANCIAL LEAS
997.94	WEST GROUP		
	29 PAYMENTS LESS THAN \$100	1,457.25	
GENERAL FUND		\$44,496.09	* TOTAL

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
516.53	A-BEST BUILDING MAINTENANCE, I	109.72	ADVANCE AUTO PARTS
392.34	AUSTIN FORD LINCOLN-MERCURY	205.00	AUSTIN NEWSPAPERS, INC
230.00	BUSTAD DOZING AND EXCAVATING	334.21	CATCO
145.44	CINTAS FIRST AID & SAFETY	1956.41	L.R. FALK CONSTRUCTION CO.
120.35	FORCE AMERICA, INC.	8505.00	JONES, HAUGH & SMITH, INC.
158.13	LEEF BROS., INC.	155.70	MINNESOTA COUNTIES COMPUTER
210.86	MISSISSIPPI WELDERS SUPPLY CO.	182.74	NAPA AUTO PARTS

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

203.21 NORTHERN TOOL & EQUIPMENT CO.	768.00 OFFICE OF STATE AUDITOR
113.17 OSMUNDSON BROS. CONTRACTORS, I	1194.00 PETROBLEND CORP.
262.72 PROLINE DIST., INC	170.87 UNITED LABORATORIES
496.83 UNITED RENTALS HIGHWAY TECHNOL	1045.70 ZIEGLER, INC
11 PAYMENTS LESS THAN \$100	484.66
ROAD & BRIDGE FUND	\$17,961.59 * TOTAL
SOCIAL SERVICE FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
1 PAYMENTS LESS THAN \$100	2.80
SOCIAL SERVICE FUND	\$2.80 * TOTAL
SOLID WASTE/RECYCLING FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
323.97 AMERICAN MAT	584.50 WALLACE BUSTAD
23879.04 CEDAR VALLEY SERVICES, INC	174.21 PARAGON PRINTING & MAILING
737.67 WASTE MANAGEMENT OF SO MINNESO	19.52
1 PAYMENTS LESS THAN \$100	
SOLID WASTE/RECYCLING FUND	\$25,718.91 * TOTAL
DITCH FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
3812.00 RUBLE EXCAVATING & CONSTRUCTIO	.00
0 PAYMENTS LESS THAN \$100	
DITCH FUND	\$3,812.00 * TOTAL
FAMILY CONNECTIONS	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
300.00 AUSTIN MEDICAL CENTER ATTN:CAS	.00
0 PAYMENTS LESS THAN \$100	
FAMILY CONNECTIONS	\$300.00 * TOTAL
****	\$92,291.39 ****
FINAL TOTAL.....	

Motion made by Commissioner Lang, seconded by Commissioner Ellingson to approve the On Sale Non-Intoxicating Liquor Licenses (3.2 beer licenses) effective July 1, 2004 through June 30, 2005 for Meadow Greens Golf Course and St. John's Catholic Church of Jonsburg; the On/Off Sale Non Intoxicating Liquor License (3.2 beer license) effective July 1, 2004 through June 30, 2005 for Cedar River Country Club; the Off Sale Non Intoxicating Liquor License (3.2 beer license) effective July 1, 2004 through June 30, 2005 for Windrift Lounge and liquor licenses effective July 1, 2004 through June 30, 2005 for Lansing Corners, The Old Mill, Ramsey Golf Club and Windrift Lounge. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the tobacco license applications for the period from 7-1-2004 to 6-30-2005 for Windrift Lounge, Oasis Bar & Grill and Windmill Travel Plaza. Motion carried.

A brief discussion concerning the reimbursement of Memorial Day Exercise expenses took place concerning State Statute and \$100 vs. \$200 reimbursements and the matter was referred to the County Attorney.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve the final payment vouchers presented by the County Coordinator on behalf of the County Engineer as follows:

CP 50-03-01	Osmundson Brothers Contractors	\$468.83
CP 50-03-02	Skyline Construction, Inc.	295.34
CP 50-03-04	L.R. Falk Construction	\$ 6,540.81

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to deny the request for funding from the Austin Festival office for the 2005 fireworks. Motion carried.

At this time a Public Hearing was continued from June 1, 2004 following a site visit conducted on June 7, 2004 in regard to CUP #667 of Dave Lewison to construct a dwelling in a wooded area on the property. No one presented new testimony for or against CUP #667.

Date: June 8, 2004

Res. #55-04

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 8, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #667 of Dave Lewison to be issued pursuant to the Mower County Zoning Regulations for:

To construct a dwelling in a wooded area on the property.

Location: E 697 ft. S 995 ft. Exc. W 300 ft. N 597 ft. & E 1050 ft. N 444 ft. & E 16 ft. N 1629 ft., Section 34, Marshall Township, T102N R16W, Mower County, Minnesota

Notice having been duly given and a hearing held June 1 and June 8, 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 Petitioner/Owner and future owners are put on notice that: The County will view the agricultural district as a zone in which land is used for commercial agricultural production. Owners, residents, and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to noise,

odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal operations. This condition stays with the property and all current and future owners of the property need to notify all prospective future owners of this condition.

2. There can only be one dwelling on this parcel. No additional dwellings or platting of this property will be allowed.
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.
8. Dwelling must be located 1,000 feet from any licensed feedlot.
9. The Owner/Petitioner is responsible for installation of driveway including culvert and fill.

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

Passed and approved this 8th day of June, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time a Public Hearing was continued from June 1, 2004 and following a site visit conducted on June 7, 2004 in regard to Rezoning of Property petitioned by Ulland Brothers in Section 27 of Austin Township to allow the operation of a Readymix Facility. No one presented new testimony for or against the rezoning of the property.

Date: June 8, 2004

Res. #56-04

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 8, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition for the Rezoning of Property to be issued pursuant to the Mower County Zoning Regulations for:

To allow the operation of a Readymix Facility on the property.

Location: 31.0 Ac. NE ¼ E & S of Cedar River, Section 27, Austin Township, T102N R18W, Mower County, Minnesota

Notice having been duly given and a hearing held June 1 and June 8, 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 Agricultural District.
2. The property can only be used for the Readymix Facility. Any other industrial use would require a new change of zoning with all necessary public hearings.
3. The rezoning is limited to a maximum of 3 acres and is limited to the north area as shown on the drawings. The legal description is as follows:

All that part of the NE¼ Section 27-T102N-R18W, Mower County, Minnesota; described as follows:

Commencing at the southeast corner of the NE¼ of said Section 27; thence North 00°34'47" West a distance of 513.81 feet, on an assumed bearing on the east line of said NE¼; thence North 90°00'00" West a distance of 753.65 feet, to the point of beginning;

thence North 00°00'00" East a distance of 326.70 feet;
thence North 90°00'00" West a distance of 400.00 feet;
thence South 00°00'00" East a distance of 326.70 feet;
thence North 90°00'00" East a distance of 400.00 feet, to the point of
beginning.

Petitioner must also submit map which will become part of the rezoning.

The Commissioners voted as follows: Lang aye, Tucker aye, Hillier nay,
Cummings aye and Ellingson aye. Passed and approved 4 to 1 on this 8th day of June,
2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____ **Chair**

By: _____ **Clerk/Coordinator**

At this time a Public Hearing was continued from June 1, 2004 following a site
visit conducted on June 7, 2004 in regard to CUP #670 of Ulland Brothers to allow the
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.
No one presented new testimony for or against CUP #670.

Date: June 8, 2004

Res. #57-04

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 8, 2004 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County
Board of Commissioners, Petition No. CUP #670 of Ulland Bros., Inc. to be issued
pursuant to the Mower County Zoning Regulations for:

To allow the 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.

Location: 61.0 Ac. NE ¼ E & S of Cedar River , Section 27, Austin
Township, T102N R18W, Mower County, Minnesota

Notice having been duly given and a hearing held June 1 and June 8, 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. Stock piling of aggregate material shall be at least 40 feet from residential property lines.
2. 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.
3. 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.
4. Ulland Brothers must maintain a low water mist during crushing operation.
5. Any runoff that would be present from this low water mist during the crushing operation must be contained and disposed by Ulland's.
6. Hours of operation would be from 7:00 a.m. to 7:00 p.m.
7. When crushing begins, Ulland Bros. Inc. shall notify the Environmental Services Office in writing.
8. Crushing is limited to twenty (20) working days per year. However, additional days can be granted if the Mower County Board of Commissioners approves after notification of neighbors.
9. Readymix Facility 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. Petitioner shall remove vegetative growth or other visibility obstructions on their property and neighboring property to provide safe "lines of sight" for oncoming traffic. Petitioner is to contact County Engineer to determine required line of sight clearance.

12. Petitioner shall erect "truck hauling" signs during the operation of this facility. Petitioner is to contact the County Engineer for location and type of truck hauling signs to be installed.

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

Passed and approved this 8th day of June, 2004.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to adjourn the meeting at 11:00 a.m. until June 22, 2004 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

A

Austin Festival
deny funding request, 205

B

bi-monthly bills, 203

C

Crest Adult Mental Health Initiative Compact
amendment, 202

D

destruction of designated Agency files, 202

F

final payment
LR Falk
CP 50-03-04, 204
Osmundson Bros.
CP 50-03-01, 204
Skyline Construction
CP 50-03-02, 204

G

Grand Meadow Business Center
office space, 203

I

Income Maintenance Actions, 203

L

Liquor License
Lansing Corners, 204
Ramsey Golf Club, 204
The Old Mill, 204
Windrift Lounge, 204

M

MFIP Consolidated Fund Budget
approve revision, 201
minutes
05-25-04, 203

O

Off Sale Non Intoxicating Liquor License
Windrift Lounge, 204
On Sale Non-Intoxicating Malt Liquor Licenses
Meadow Greens Golf Course, 204
St. Johns Catholic Church of Jonsburg, 204
On/Off Sale Non Intoxicating Malt Liquor License
Cedar River Country Club, 204

P

Public Hearing
CUP #667
Lewison, 205
CUP #670
Ulland Bros., 208
Rezoning of Property
Ulland Bros., 207
Purchase of Service Agreements
group residential housing
Abelson, Kathleen & Bill, 201
Downey, Eunice&Keith, 201
Lang's Adult Foster Care, 201
Lang's Board & Lodge, 201
Wadding, Michael, 201
Mower County Seniors
Chore, 201

R

Res. #54-04
Drug Free Workplace
Mower County Transit Policy, 202
Res. #55-04
CUP #667
Dave Lewison, 205
Res. #56-04
Rezoning of Property
Ulland Bros., 207
Res. #57-04
CUP #670
Ulland Bros., 208

S

Social Service Actions, 203

T

tobacco license applications
Oasis Bar & Grill, 204
Windmill Travel Plaza, 204
Windrift Lounge, 204