

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

March 1, 2005

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 1, 2005 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

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

Members absent: Raymond Tucker

Valerie Kruger, Payroll and Benefits, was recognized as Employee of the Month

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to approve the minutes of February 22, 2005. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Lang to appoint Jim Risius to the Board of Adjustment effective January 1, 2005 through December 31, 2007. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to extend contracts with Iverson Hauling (2 contracts) and Cedar Valley Services (1 contract) for curbside collection of recycling through April 2006 at the same terms and conditions of the existing contract. Motion carried.

At this time a Public Hearing was held in regard to CUP #676 of Mower County for construction of a 400 foot guyed communications tower on property owned by Robert and Grace Hanson.

The Coordinator reviewed the permit and Planning Commission recommendations. No one spoke for or against CUP #676.

**Date: March 1, 2005**

**Res. #18-05**

**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 March 1, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #676 of Mower County, Petitioner, and Robert and Grace Hanson, Owner, and to be issued pursuant to the Mower County Zoning Regulations for:

Constructing a 400 foot guyed communications tower on the property.

Location: NW ¼ NW ¼ NW ¼ (5 Acres), Section 7, Clayton Township, T102N R15W, Mower County, Minnesota. PIN #04-007-0030.

Notice having been duly given and a hearing held March 1, 2005, 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 CUP permit is permanent.
2. The petitioner must secure appropriate FCC and FAA permits and licenses.

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

Passed and approved this 1<sup>st</sup> day of March, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Vice-Chair

By: \_\_\_\_\_  
Clerk/Coordinator

**Date: March 1, 2005**

**Res. #19-05**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Lang, the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held March 1, 2005 at the Courthouse, Austin, Minnesota.

BE IT RESOLVED that Mower County, hereinafter referred to as the "Applicant" act as legal sponsor for the project contained in the Flood Damage Reduction Grant Assistance Program Application to be submitted on March 2, 2005 and that County Environmental Services Director, Daryl W. Franklin or County Coordinator, Craig

Oscarson are hereby authorized to apply for the Department of Natural Resources for funding of this project on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional managerial and financial capability to ensure adequate acquisition, maintenance and protection of the proposed project.

BE IT FURTHER RESOLVED that the applicant has not incurred any costs, and has not entered into any written agreements to purchase property proposed by this project.

BE IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest, or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the Applicant may enter into an agreement with the State of Minnesota for the above-referenced project, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW THEREFORE BE IT RESOLVED that County Environmental Services Director, Daryl W. Franklin or County Coordinator, Craig Oscarson are hereby authorized to execute such agreements as necessary to implement the project on behalf of the applicant.

Passed and approved this 1<sup>st</sup> day of March, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Vice-Chairperson

By: \_\_\_\_\_  
Clerk/Coordinator

**Date: March 1, 2005**

**Res. #20-05**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Ellingson, the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held March 1, 2005 at the Courthouse, Austin, Minnesota.

**WHEREAS**, Mower County is in the process of developing a radio tower for public safety communications; and

**WHEREAS**, the County's radio consultant has notified the county that wind towers can interfere with signals between radio antennas; and

**WHEREAS**, Mower County has a zoning ordinance regulating wind towers,

**THEREFORE BE IT RESOLVED** that a moratorium is established on the permitting of wind towers in order to allow time to determine if clear zones need to be established to protect the integrity of public safety communications, and

**BE IT FURTHER RESOLVED** that unless earlier terminated by the County Board, this moratorium shall be effective for 120 days for its effective date and may be further extended for such additional periods as the County Board deems appropriate and necessary and as allowed by State Statute.

Passed and approved this 1<sup>st</sup> day of March, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

**By:** \_\_\_\_\_  
**Vice-Chairperson**

**By:** \_\_\_\_\_  
**Clerk/Coordinator**

Rick Morrison, County Ditch Inspector, presented the Board with the 2004 annual Ditch Inspector's report.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to approve the grant application for a challenge grant for Regional Surface Water Management in the Upper Cedar River Watershed from the State of Minnesota. The Mower County Soil and Water District will administer the grant on behalf of Mower County. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Cummings to approve the following final payment vouchers:

1. Rochester Sand and Gravel, CP 50-004-003, in the amount of \$641.08;
2. Ulland Brothers, Inc., CP 50-004-003, in the amount of \$149.23; and
3. Sorenson Brothers, SAP 50-636-003, in the amount of \$30,362.27.

Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to set the rate for acquisition of right-of-way property at \$2,900.00 per acre for the 2005 CSAH #2 Project. Motion carried.

**Date: March 1, 2005**

**Res. #21-05**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 1, 2005 at the Courthouse, Austin, Minnesota.

**WHEREAS**, the County of Mower is planning on implementing County State Aid Highway Projects in 2005 which will require State Aid funds in excess of those available in its State Aid Regular Construction Account, and

**WHEREAS**, said County is prepared to proceed with the construction of said projects through the use of advance encumbrances from the general State Aid Construction Account to supplement the available funds in their State Aid Regular Construction Account, and

**WHEREAS**, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.08, Subdivision 7 and Minnesota Rules, Chapter 8820.

**NOW, THEREFORE, BE IT RESOLVED:** That the Commissioner of Transportation be and is hereby requested to approve this advance for funding approved County State Aid Highway Projects of Mower County in an amount up to \$500,000 in accordance with Minnesota Rules 8820.1500, Subparagraph 9, and to authorize repayments from the following years accruals to the Regular Construction Account of the County State Aid Highway funds for said County.

Passed and approved this 1<sup>st</sup> day of March, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

**By:** \_\_\_\_\_  
**Vice-Chairperson**

**By:** \_\_\_\_\_  
**Clerk/Coordinator**

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to authorize the County Coordinator to advertise and fill the position of Engineering Technician I. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Lang to approve the budgeted elimination of the Household Hazardous Waste Specialist position in the Environmental Services Department effective March 4, 2005 and instruct the Environmental Services Director to reassign the duties to the existing staff. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to remove any prior approved county limits on department head state association memberships for 2005 provided the membership dues are in the approved 2005 budget. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to approve the 2005 Homeland Security grant application for updating the Emergency Operations Center. Motion carried.

Jim Gebhardt, Mower County Soil and Water Conservation District, updated the Board on SWCD activities.

Motion by Commissioner Lang, seconded by Commissioner Ellingson to adjourn the meeting at 2:47 p.m. until March 8, 2005 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**Vice-Chairperson**

**Attest:**  
**By:** \_\_\_\_\_  
**Clerk/Coordinator**

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