

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

May 3, 2005

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session May 3, 2005 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

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

Linda Ehmke, Chief Deputy Treasurer, was recognized as Employee of the Month.

At this time a Public Hearing was held in regard to CUP #678 of Scott Johnson, Petitioner, and Phyllis Foote-Milbrandt, Owner, to construct an additional home and operate an antique business in a separate building on the property.

Daryl Franklin, Environmental Services Director, reviewed the application and Planning Commission recommendations.

Scott Johnson, Petitioner and Mr. Milbrandt, Owner, spoke in favor of the permit. No one spoke against CUP #678.

**Date: May 3, 2005**

**Res. #35-05**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 3, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #678 of Scott Johnson, Petitioner, and Phyllis Foote-Milbrandt, Owner, and to be issued pursuant to the Mower County Zoning Regulations for:

Construction of an additional home and operation of an antique business in a separate building on the property.

Location: E ½ W ½ Sec. 35, S of Vil & E of RR, Exc. Strly .5 Ac., Section 35, Racine Township, T104N R14W, Mower County, Minnesota. PIN #15-035-0040.

Notice having been duly given and a hearing held May 3, 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 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. The lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction. The CUP shall become void on December 31, 2007 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. Petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Records Office.
9. No more than six items maybe stored or displayed outside of the antique business.

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

Passed and approved this 3<sup>rd</sup> of May, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chair

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

At this time a Public Hearing was held in regard to CUP #679 of John Hanson, Petitioner and Owner, to construct an additional home on the property.

Daryl Franklin, Environmental Services Director, reviewed the application and the Planning Commission recommendations.

No one spoke for or against CUP #679.

**Date: May 3, 2005**

**Res. #36-05**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 5, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #679 of John Hanson, Petitioner and Owner, and to be issued pursuant to the Mower County Zoning Regulations for:

Construction of an additional home on the property.

Location: S 704 ft. N 2034 ft. W 1323 ft. SW ¼ NW ¼ Exc. S 234 ft. E 1142 ft., Section 22, Waltham Township, T104N R17W, Mower County, Minnesota. PIN #19-022-0045.

Notice having been duly given and a hearing held May 3, 2005, on said petition.

**NOW THEREFORE BE IT 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. The lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction.

5. The CUP shall become void on December 31, 2007 if no construction has begun or the use has not been established by that date.
6. 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.
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. Petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.
10. The location of the home must comply with the Mower County Shoreland Ordinance.

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

Passed and approved this 3<sup>rd</sup> day of May, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
**Chair**

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

At this time discussion took place in regard to proposed amendments to the Mower County Zoning Ordinance.

Motion by Commissioner Cummings, seconded by Commissioner Hillier to set a public hearing for May 24, 2005 at 10:30 a.m. in regard to amending Section 14-3 Zoning Permit, Section 14-51 Conditional Uses and Section 14-51.5 Prohibited Uses of the Mower County Zoning Ordinance. Motion carried.

Motion by Commissioner Lang to amend the Individual Sewage Treatment System Loan Program Procedural Guide. The motion was withdrawn.

Motion by Commissioner Lang, seconded by Commissioner Ellingson to refer the amendments to the Individual Sewage Treatment System Loan Program Procedural Guide to the Finance Committee. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Lang to authorize the Environmental Services Director to publish all required notices in regard to the Small Cities Block Grant. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to authorize the Sheriff to submit a joint application with the City of Austin for a Bureau of Justice Association grant in the amount of \$16,975.00 to be used for equipment, uniforms and drug awareness education. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Lang to approve the following Applications for Duplicate Warrant:

National Law Enforcement Training Center, Warrant #42920, \$175.00; and  
City of Austin, Warrant #44328, \$225.00.

Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Cummings to approve the application of Meadow Greens Golf Course for 3.2 On Sale Beer license effective July 1, 2005 through June 30, 2006. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to approve the request of The Spantown USA Freedom Fest to use the Courthouse lawn and power outlets during the festival. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Ellingson to adjourn the meeting at 2:08 p.m. until May 10, 2005 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_

**Chairperson**

**Attest:**

**By:** \_\_\_\_\_

**Clerk/Coordinator**

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