

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

July 5, 2005

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session July 5, 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

Mavis Fritsch, Social Worker, was recognized as Employee of the Month.

Motion by Commissioner Hillier, seconded by Commissioner Lang to authorize one (1) additional employee to telecommute from Mower County Human Services. The total number of employees authorized to telecommute is twelve (12.) Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Cummings to authorize filling a vacant .90 FTE Public Health Nurse position. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Cummings to approve the quote of Kester's Welding to paint three roll off recycling containers to be paid from the Solid Waste budget. Motion carried.

At this time a Public Hearing was held in regard to CUP # 682 of Dick DeGeus, Jr., to construct an additional home and operate a taxidermy business in an accessory building on the property.

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

Dick DeGeus Jr, Petitioner, and Dixie Bakken, potential buyer, spoke in favor of the permit. No one spoke against CUP #682.

Date: July 5, 2005

Res. #48-05

RESOLUTION

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

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #682 of Dick DeGeus, Jr., Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Construction of an additional home and to operate a taxidermy business in an accessory building on the property.

Location: N ½ N ½ SE ¼ & S ½ S ½ NE ¼ , Section 35, Racine Township, T104N R14W, Mower County, Minnesota.
PIN #15-035-0020.

Notice having been duly given and a hearing held July 5, 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. Each 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 two years from the date of approval by the County Board if no construction has begun or the use has not been established.
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 Records Office.
10. Regarding the Taxidermy Business, the owner must dispose of any animal residual waste in a legal and sanitary manner.

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

Passed and approved this 5th of July, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP # 683 of Matthias and Viola Klassen, to construct an additional home on property that is uneconomical for agricultural use.

Daryl Franklin, Environmental Services Director, reviewed the application and informed the Board that Planning Commission recommended denial of the permit based on taking agricultural land out of production and concerns with traffic. Daryl further stated that he had visited the site with the County Engineer and were prepared to make a recommendation on a driveway location.

The Petitioner spoke in favor of the permit. Two people spoke against CUP #683.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to table the Public Hearing on CUP #683 of Mathias and Viola Klassen until July 26, 2005 at 11:30 a.m. subject to waiver of the sixty day requirement by the Petitioner in order to conduct a site visit on July 25, 2005 at 1:00 p.m. Motion carried.

At this time a Public Hearing was held in regard to amending Section 14-18.5 and Section 14-18.6, Special Requirements for Wind Energy Conservation of the Mower County Zoning Ordinance in order to add language regarding microwave beam paths or aisleways to both sections.

No one spoke for or against amending Section 14-18.5 and Section 14-18.6, Special Requirements for Wind Energy Conservation of the Mower County Zoning Ordinance. Wind energy developers in the area, the Rural Minnesota Wind Energy Task Force and the Environmental Quality Board were all given an opportunity to give input on the proposed changes previously and offered no objections.

Date: July 5, 2005

Ord. #05-05

Ordinance

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

WHEREAS, a Notice of Intention to consider amending Section 14-18.5 and Section 14-18.6, Special Requirements for Wind Energy Conservation of the Mower County Zoning Ordinance was published in the Austin Daily Herald on June 13, 2005.

WHEREAS, the County Board held a public hearing on said rezoning on July 5, 2005.

WHEREAS, the Mower County Planning Commission recommended by a majority the amending of the Mower County Zoning Ordinance;

BE IT ORDAINED that Section 14-18.5, Special Requirements for Wind Energy Conservation of the Mower County Zoning Ordinance is amended to add a definition for Microwave Beam Paths (Aisleway) and to add subparagraph (4) to paragraph (b) Permitted Use:

- (4) Prohibited Locations for Wind Turbines and Associated Electrical Lines Serving Wind Turbines or Wind Farms. These microwave beam paths are based on a 500 foot aisle on either side of the center line. In addition, electrical lines that serve wind turbines or wind farms are not allowed in Sections 6 and 7 of Clayton Township and Sections 1 and 12 of Marshall Township.

CENTER POINT

Mower: Elkton 400 Final 020505 (Central Radio Tower)

43 39 30.10 N
92 41 19.30 W

END POINTS

Mower: Racine Water Tank

43 46 28.20 N
92 28 52.00 W

Mower: Waltham Water Tank

43 49 16.00 N
92 52 36.70 W

Mower: Lyle Tank

43 30 27.60 N
92 56 40.90 W

Mower: Leroy Tank

43 30 39.10 N
92 30 16.10 W

Mower: Austin 14th Street Tank

43 40 7.10 N

92 59 32.20 W

Each Aisle is Center Point to End Point

(Map on file in office of the County Auditor)

BE IT FURTHER ORDAINED that Section 14-18.6, Special Requirements for Wind Energy Conservation of the Mower County Zoning Ordinance is amended to add a definition for Microwave Beam Paths (Aisleway) and to add subparagraph (7) to paragraph (b) Conditional Use Permit Required:

- (7) Prohibited Locations for Wind Turbines and Associated Electrical Lines Serving Wind Turbines or Wind Farms. These microwave beam paths are based on a 500 foot aisle on either side of the center line. In addition, electrical lines that serve wind turbines or wind farms are not allowed in Sections 6 and 7 of Clayton Township and Sections 1 and 12 of Marshall Township.

CENTER POINT

Mower: Elkton 400 Final 020505 (Central Radio Tower)

43 39 30.10 N

92 41 19.30 W

END POINTS

Mower: Racine Water Tank

43 46 28.20 N

92 28 52.00 W

Mower: Waltham Water Tank

43 49 16.00 N

92 52 36.70 W

Mower: Lyle Tank

43 30 27.60 N

92 56 40.90 W

Mower: Leroy Tank

43 30 39.10 N

92 30 16.10 W

Mower: Austin 14th Street Tank

43 40 7.10 N

92 59 32.20 W

Each Aisle is Center Point to End Point (See Attached Map)

BE IT FURTHER ORDAINED that Section 14-18.61, State Regulated Wind Turbines and Wind Farms be added to the Mower County Zoning Ordinance:

SECTION 14-18.61 STATE REGULATED WIND TURBINES & WIND FARMS

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Wind farms and wind turbines over 5 MV regulated by the State of Minnesota are also prohibited from locating wind turbines within these designated microwave beam paths.

CENTER POINT

Mower: Elkton 400 Final 020505 (Central Radio Tower)

43 39 30.10 N

92 41 19.30 W

END POINTS

Mower: Racine Water Tank

43 46 28.20 N

92 28 52.00 W

Mower: Waltham Water Tank

43 49 16.00 N

92 52 36.70 W

Mower: Lyle Tank

43 30 27.60 N

92 56 40.90 W

Mower: Leroy Tank

43 30 39.10 N

92 30 16.10 W

Mower: Austin 14th Street Tank

43 40 7.10 N

92 59 32.20 W

Each Aisle is Center Point to End Point

(Map on file in office of the County Auditor)

A copy of the entire Mower County Zoning Ordinance and related maps are on file in the Mower County Auditor's office.

Passed and approved this 5th day of July, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Ellingson, seconded by Commissioner Lang to set a letting date for SAP 050-607-032 on August 8, 2005 at 1:00 p.m. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to approve the minutes of June 28, 2005. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to approve the following miscellaneous bill for immediate payment:

KKE Architects \$23,621.39

Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Cummings to approve an Indemnity Agreement with the City of Austin to provide use by the Sheriff's Department of the City's shooting range facility contingent on review of the Agreement by Minnesota Counties Insurance Trust. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Ellingson to approve the liquor license for Austin Bowling Center – Echo Lanes effective July 1, 2005 through June 30, 2006. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Cummings to adopt the following fees for the Mower County Auditor's office based on legislative action effective July 1, 2005:

Description of Fee or License	Amount
Auctioneer License Fee	\$20.00
Auditor Certificate	\$150.00
Beer (3.2%) Off-Sale License	\$72.00
Beer (3.2%) On & Off-Sale License	\$80.00
Beer (3.2%) On-Sale License	\$72.00
Confession of Judgment	\$75.00
Consumption and Display (bottle club) License	\$240.00
Dangerous dog Registration Fee	\$150.00
Fireworks Display	\$50.00
Liquor License On-Sale	\$2,160.00
List of Delinquent Taxes	\$100.00
Public Barn Dance	\$55.00
Public Dance	\$100.00
Public Single Dance	\$40.00

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Sunday Liquor On-Sale	\$240.00
1 New TIF EMV estimates/final	\$50/pin
2 New TIF set up fee	\$250.00
3 Existing/new TIF modification or decertification	\$200.00
4 Existing/new TIF annual maintenance	\$100.00
Tobacco Retailer License Fee	\$75.00
Transient Merchant License Fee	\$150.00
Wine License	\$240.00

Motion carried.

The Board and Coordinator held a discussion in regard to the impact of the State shutdown and the Board directed Craig to request each department to report to the Board on State funded services by next week.

Motion by Commissioner Hillier, seconded by Commissioner Cummings to adjourn the meeting at 2:23 p.m. until July 12, 2005 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

C

CUP #683
Klassen
table for site visit, 156

E

Employee of the Month
Mavis Fritsch, 154

F

fees for the Mower County Auditor's office, 160

I

Indemnity Agreement
With City of Austin
shooting range, 160

L

liquor license
Austin Bowling Center, 160

M

minutes
6/28/05, 160
miscellaneous bill
KKE Architects, 160

O

Ord. #05-05
amend wind energy ordinance
microwave beam paths, 156

P

Public Health Nurse position
authorize filling, 154
Public Hearing
amend Wind Energy Ordinance, 156
CUP #682
DeGeus, 154
CUP #683
Klassen, 156

R

Res. #48-05
CUP #682
DeGeus, 154
roll off recycling containers
approve quote to paint, 154

S

SAP 050-607-032
set letting date, 159

T

telecommute
Human Services
one additional authorized, 154