

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

July 12, 2005

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session July 12, 2005 at 8:30 a.m. at the Courthouse in Austin, Minnesota.

Members present: Raymond Tucker, Chair
 Dick Lang
 Garry E. Ellingson
 Richard Cummings
 Craig Oscarson, County Coordinator

Members absent: David Hillier

GENERAL:

Notice of response from Many Rivers Detention Center to concern over billed days by parent.

Commissioner Lang moved and Commissioner Cummings seconded to authorize the chair to sign a Business Associate Agreement with Cedar Valley Services. Motion carried.

Commissioner Ellingson moved and Commissioner Lang seconded to approve the Health Care Access Services Biennial Plan, effective January 1, 2005 to December 31, 2006. Motion carried.

Additional discussion regarding contracting with health plans for services.

Commissioner Cummings 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.

SOCIAL SERVICE ACTIONS:

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

INCOME MAINTENANCE ACTIONS:

Commissioner Cummings moved and Commissioner Lang seconded to approve the Income Maintenance Actions. Motion carried.

At this time a Public Hearing was held in regard to the findings of the EAW of Country Hills Estates Subdivision.

Daryl Franklin, Environmental Services Director, reviewed the findings in the Record of Decision which indicated that an EIS was not necessary.

No one spoke for or against the findings of the EAW of Country Hills Estates Subdivision.

Date: July 12, 2005

Res. #49-05

**RESOLUTION ESTABLISHING FINDINGS OF FACT AND
ISSUING A NEGATIVE DECLARATION
FOR AN ENVIRONMENTAL IMPACT STATEMENT
ON THE DEVELOPMENT KNOWN AS
COUNTRY HILLS ESTATES SUBDIVISION**

On motion of Commissioner Cummings, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held July 12, 2005 at the Courthouse, Austin, Minnesota.

WHEREAS, Mower County is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, THE Board of Commissioners of Mower County has adopted zoning and subdivision regulations, per Ordinance 02-02 dated September 9, 2002, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the County; and

WHEREAS, Matthias & Viola Klassen, hereinafter known as the Developer, made Preliminary Plat application for approval of a residential subdivision creating 12 lots on land located at:

The E ½ NW¼ Section 12-T103N-R14W, Mower County, Minnesota;

WHEREAS, THE Board of Commissioners decided on March 22, 2005, to require a discretionary Environmental Assessment Worksheet (EAW) to be prepared and submitted by the Developer; and

WHEREAS, the Mower County Board of Commissioners have reviewed the EAW and all public comments, and have made the following Findings of Fact:

1. The developer submitted an EAW to the County Board on March 22, 2005.
2. On May 23, 2005 the completed EAW was submitted to the Minnesota Environmental Quality Board (EQB) for publication in the EQB Monitor on June 6, 2005.

3. Copies of the EAW were distributed and made available to interested persons for comment.
4. Written public comments were received until July 6, 2005.
5. The Mower County Board of Commissioners held a public hearing to solicit comments from local parties of interest. The hearing notice was published in the County's Official Newspaper.
6. The Mower County Board of Commissioners reviewed and discussed the EAW and public comments at its July 12, 2005 meeting. In accordance with Minnesota Rules, Part 4410.1700, the County Board determined that the proposed project did not have the potential for significant environmental effects and found that an EIS is not required, based upon the following Findings of Fact and upon the condition recommended by the Planning Commission in Item 6 above.
 - A. Type, extent and reversibility of environmental effects.
 1. A total of 40 acres of land will be taken out of agricultural production permanently. This is out of a total of 406,668 acres of agricultural land that are available in Mower County. Therefore, the removal of the subject 40 acres of land from agricultural production does not have the potential for significant environmental effects.
 2. No wetlands exist based on the "Notice of Wetland Conservation Act" decision that was completed by the Mower County SWCD.
 3. The effects of surface water runoff on the site will not pose a significant threat to water quality of the watershed or its sub-watershed given the large size of lots for the proposed development. There is a large area of permeable surface for stormwater filtration prior to discharge. In addition, the County is requiring that the developer comply with MPCA requirements for, but not limited to, a general stormwater permit for construction activities.
 - B. Cumulative potential effect of related or anticipated future projects.
 1. The surrounding land use of mixed usage exists. To the north, west, south and east the area is zoned Rural Management. The development of the proposed project does not in itself pose a significant threat to the environment.
 - C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 1. The impacts to wetlands are subject to review and permit by the Mower County Soil and Water Conservation District under the 1991 Wetland Conservation Act of Minnesota, the U.S. Army Corps. Of Engineers Section 404 Permit, and Minnesota Dept. of Natural Resources.

2. The impacts of runoff are also governed by the Minnesota Pollution Control Agency Storm water Permit.
- D. The extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of EIS's previously prepared on similar projects.
1. Based upon the responses from the Minnesota Department of Transportation, they had no comments
 2. Based upon the response from the Minnesota Department of Agriculture, the County is requiring builders and buyers or home to sign and record an "Assumption of Risk From."
 3. A letter from Ed Drenth
 4. Based upon the response from the Minnesota Department of Natural Resources, the County has addressed the issues in the conditions that were placed upon this requested action; therefore no further action is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Mower County Board of Commissioners, as follows:

1. The Environmental Assessment Worksheet as prepared for Matthias & Viola Klassen, Country Hills Estates Subdivision, responses to public comments, and Findings of Fact are hereby approved.
2. An Environmental Impact Statement will not be required for the project as defined the Environmental Assessment Worksheet submitted by Matthias & Viola Klassen.

Passed and approved this 12th day of July, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Cummings, seconded by Commissioner Ellingson to adopt the Record of Decision in regard to the Country Hills Subdivision adding a requirement that the County Engineer approve the planned property access on to 795th Avenue and as on file in the Mower County Auditor's Office. Motion carried.

At this time a Public Hearing was held in regard to the findings of the EAW of the WBAN Subdivision.

Daryl Franklin, Environmental Services Director, reviewed the findings in the Record of Decision which indicated that an EIS was not necessary.

No one spoke for or against the findings of the EAW of the WBAN Subdivision.

Date: July 12, 2005

Res. #50-05

**RESOLUTION ESTABLISHING FINDINGS OF FACT AND
ISSUING A NEGATIVE DECLARATION
FOR AN ENVIRONMENTAL IMPACT STATEMENT
ON THE DEVELOPMENT KNOWN AS
WBAN SUBDIVISION**

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 July 12, 2005 at the Courthouse, Austin, Minnesota.

WHEREAS, Mower County is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the Board of Commissioners of Mower County has adopted zoning and subdivision regulations, per Ordinance 02-02 dated September 9, 2002, including subsequent amendments, to promote the orderly, economic and safe development and utilization of land within the County; and

WHEREAS, Wallace Bustad and Argus Nelson, hereinafter known as the Developer, made Preliminary Plat application for approval of a residential subdivision creating 10 lots on land located at:

All that part of the E ½ of NE¼ Section 15-T102N-R18W, Mower County, Minnesota;

WHEREAS, the Board of Commissioners decided on April 5, 2005, to require a discretionary Environmental Assessment Worksheet (EAW) to be prepared and submitted by the Developer; and

WHEREAS, the Mower County Board of Commissioners have reviewed the EAW and all public comments, and have made the following Findings of Fact:

1. The developer submitted an EAW to the County Board on May 26, 2005.
2. On May 26, 2005 the completed EAW was submitted to the Minnesota Environmental Quality Board (EQB) for publication in the EQB Monitor on June 6, 2005.

3. Copies of the EAW were distributed and made available to interested persons for comment.
4. Written public comments were received until July 6, 2005.
5. The Mower County Board of Commissioners held a public hearing to solicit comments from local parties of interest. The hearing notice was published in the County's Official Newspaper.
6. The Mower County Board of Commissioners reviewed and discussed the EAW and public comments at its July 12, 2005 meeting. In accordance with Minnesota Rules, Part 4410.1700, the County Board determined that the proposed project did not have the potential for significant environmental effects and found that an EIS is not required, based upon the following Findings of Fact and upon the condition recommended by the Planning Commission.
 - A. Type, extent and reversibility of environmental effects.
 1. The 40 acres of land that will be taken out of agricultural production is small and not the best land for agricultural uses. This is out of a total of 406,668 acres of agricultural land that are available in Mower County. Therefore, this subdivision does not have the potential for significant environmental effects since the land hasn't been in production.
 2. The wetland delineation conducted by Lawler Environmental, Inc., identified one 0.5 acre wetland along the north property boundary. The wetland will not be disturbed as part of this development.
 3. The effects of surface water runoff on the site will not pose a significant threat to water quality of the watershed or its sub-watershed given the large size of lots for the proposed development. There is a large area of permeable surface for stormwater filtration prior to discharge. In addition, the County is requiring that the developer comply with MPCA requirements for, but not limited to, a general storm water permit for construction activities.
 - B. Cumulative potential effect of related or anticipated future projects.
 1. The surrounding area consists of several residential subdivisions and this subdivision will be infilling this area. Therefore, this proposed project does not represent potential for cumulative potential effects on the environment.
 - C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
 1. The impacts to wetlands are subject to review and permit by the Mower County Soil and Water Conservation District under the 1991 Wetland Conservation Act of Minnesota,

- the U.S. Army Corps. Of Engineers Section 404 Permit, and Minnesota Dept. of Natural Resources.
2. The impacts of runoff are also governed by the Minnesota Pollution Control Agency Storm water Permit.
- D. The extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of EIS's previously prepared on similar projects.
1. Based upon the response from the Minnesota Department of Transportation, they had no comments.
 2. The Minnesota Department of Agriculture response was received and the County Board has addressed this issue by requiring that builders of homes sign a form called "assumption of risk." See attached form. The form explains that one is moving into a rural farming area and normal farming actions could be a nuisance to them.
 3. The Minnesota Department of Natural Resources response was received, the County Board's position is that they have addressed both of these concerns with the conditions that have been placed on their approval.

NOW, THEREFORE, BE IT RESOLVED by the Mower County Board of Commissioners, as follows:

1. The Environmental Assessment Worksheet as prepared for Wallace Bustad and Argus Nelson, WBAN Subdivision, responses to public comments, and Findings of Fact are hereby approved.
2. An Environmental Impact Statement will not be required for the project as defined the Environmental Assessment Worksheet submitted by Wallace Bustad and Argus Nelson.

Passed and approved this 12th day of July, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Ellingson, seconded by Commissioner Lang to adopt the Record of Decision in regard to the WBAN Subdivision as on file in the Mower County Auditor's Office. Motion carried.

The next order of business was a discussion on the previously proposed and rejected transit facility project. Craig Oscarson provided a brief history of the transit facility project and communicated a recommendation from the AMCAT Board regarding a proposed alternative site and building project. Paul Johnson, Architect, provided a preliminary site development.

Motion made by Commissioner Ellingson, seconded by Commissioner Cummings to provide preliminary approval of the transit building project and budget subject to the following conditions:

- *Securing four Option to Purchase Agreements with the property owners;

- *Negotiating a contract for professional services with Paul Johnson, Architect;
and

- *That the total cost of the project falls at or below the preliminary cost estimates.

Motion carried.

The Finance Committee has been preparing Minimum Guidelines for Tax Abatement and Minimum Guidelines for Local Funded Economic Development Loans. The committee was initially prepared to make a recommendation to the board but decided to ask for public input regarding the tax abatement prior to making a final recommendation.

At this time public input was received on the tax abatement and economic loan proposed policies. Two citizens suggested that the policies be revised to be more promotional for local development.

No action was taken on the proposed Minimum Guidelines for Tax Abatement and Minimum Guidelines for Local Funded Economic Development Loans.

Motion made by Commissioner Lang, seconded by Commissioner Cummings to approve entering into a contract with Southeastern Minnesota Development Corporation for grant writing services for Commercial Services of Sargeant expansion project. Motion carried.

Commissioner Cummings left the Board Room at 11:47 a.m.

Mike Hanson, County Engineer presented bid information received for SAP 50-636-004 and SAP 50-602-022.

Commissioner Cummings returned at 11:50 a.m.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Motion made by Commissioner Cummings, seconded by Commissioner Lang to award the bid for SAP 50-636-004 to Ulland Bros. with a low bid of \$602,830.81 and have them commence the project. Motion carried. Full bid abstract on file in the office of the County Auditor and County Engineer.

Motion made by Commissioner Ellingson, seconded by Commissioner Lang to award the bid for SAP 50-602-022 to Rochester Sand & Gravel with a low bid of \$1,402,111.07 and have them commence the project. Motion carried. Full bid abstract on file in the office of the County Auditor and County Engineer.

A brief discussion took place regarding the County impacts of a State Shutdown. As an update, the shutdown didn't occur.

Motion made by Commissioner Ellingson, seconded by Commissioner Cummings to authorize a wage increase of \$.30 per hour to \$9.80 per hour for the temporary summer employee in the Extension Office effective July 11, 2005. Motion carried.

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

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
390.51	ADAMS DRUG	162.50	ADVANCE AUTO PARTS
301.00	ALBERT LEA MEDICAL CENTER	14253.97	AMERICAN SOLUTIONS FOR BUSI
425.00	AMLA INTERNATIONAL TRANSLAT	206.25	AUSTIN NEWSPAPERS, INC
697.20	MYLES BENDTSEN	220.11	BEST WESTERN MARSHALL INN
230.00	BJORKLUND COMPENSATION CONSU	1084.51	BOB BARKER COMPANY
1982.23	CARDINAL HEALTH	2190.00	CHOSEN VALLEY TESTING, INC
504.76	COM-TEC LAND MOBILE RADIO	9713.20	DARCAN
143.96	DELL MARKETING L.P.	187.50	DANIEL DONNELLY LAW FIRM
133.55	JEFF ELLIS	757.73	FOX ELECTRIC COMPANY, INC.
183.00	VALENTINA GALLEGES	270.00	GBR, INC.
1250.00	HARRY HOBERMAN	109.85	HOLIDAY CARS, INC.
505.80	BARBARA HOVDE	350.42	IKON OFFICE SOLUTIONS
100.00	INDEPENDENT EMERGENCY SERV	364.46	J & K WINONA
27437.76	JONES, HAUGH & SMITH, INC.	139.18	K MART
481.50	MARGARET KIRCHNER	266.79	LASER PRODUCT TECHNOLOGIES
1039.95	LEXISNEXIS MATTHEW BENDER	337.48	SHELDON LUKES
452.10	MARTIN BROS	1020.00	MAYER FUNERAL HOME
130.25	MIDTOWN AUTO CLINIC	5225.17	MINNESOTA COUNTIES COMPUTER
175.00	MN ASSN OF CO AGRIC. INSPEC	168.00	THE MONITOR REVIEW
200.00	GARY NYQUIST	123.42	M.J. O'CONNOR, INC.
109.00	OSAGE DENTAL ARTS	3084.19	PARAGON PRITING & MAILING
165.00	JESSE PERALES	669.83	POLK CITY DIRECTORIES
481.00	JAMES RISIUS	1276.55	SCHILLING SUPPLY COMPANY
298.00	SE MN ORAL & MAXILLOFACIAL	1001.10	SERVICEMASTER CLEAN
425.63	SHERATON BLOOMINGTON HOTEL	137.34	SMYTH COMPANIES, INC.
126.34	STAPLES CREDIT PLAN	510.00	CJIS STATE OF MINN
104.40	STERLING STATE BANK	1230.00	DAVID STROBEL
121.29	TRANSACT TECHNOLOGIES INCORP	372.27	UNIFORMS UNLIMITED INC.
288.03	MARGY VOSS	142.58	PAUL WAHLSTROM
488.73	WASTE MANAGEMENT OF SO MN	577.23	WELLS FARGO FINANCIAL LEASING
4748.10	WEST GROUP	1212.19	WHITEWATER WIRELESS, INC. ROCES
	32 PAYMENTS LESS THAN \$100	1,370.28	
GENERAL FUND		\$93,420.69	* TOTAL

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
42683.80	AAA STRIPING SERVICE CO.	132.58	AUSTIN BUILDERS SUPPLY INC
152.00	AUSTIN MEDICAL CENTER	146.75	AUSTIN NEWSPAPERS, INC.
106.29	AUTO VALUE AUSTIN	202.50	C S S
142.77	CRYSTEEL TRUCK EQUIPMENT, INC.	233.20	DAVE'S PLUMBING & HEATING
126.07	DEX MEDIA EAST	215.98	DIAMOND MOWERS, INC.
307.78	DOUBLE K SPECIALTY, INC.	376.33	L.R. FALK CONSTRUCTION CO
13770.35	FLINT HILLS RESOURCES	433.40	GLOBAL EQUIPMENT CO
460.08	HANSON TIRE SERVICE	2301.08	JONES, HAUGH & SMITH, INC
158.75	KESTNER ELECTRIC, INC.	1200.00	KOCH, INC.
196.56	LEEF BROS., INC.	1253.80	MIDWEST OVERHEAD CRANE CORP
226.32	MISSISSIPPI WELDERS SUPPLY CO	11988.00	MOREM AGRI-LAWN
4745.91	OSMUNDSON BROS. CONTRACTORS	346.17	PERSINGER'S EQUIPMENT, INC.
130.27	PETROBLEND CORP.	350.62	ROAD MACHINERY & SUPPLIES C
512.83	SHARROW CABLE & LIFTING PRO	370.00	STROUP DISTRIBUTING, INC.
314.51	DAVE SYVERSON FORD	115.14	TOP PERFORMANCE SALES
311.09	UAP TIMBERLAND, LLC	1023.20	ULLAND BROTHERS, INC.
114438.45	UNIVAR USA, INC.	634.29	ZACK'S, INC.
473.69	ZIEGLER, INC.		
	16 PAYMENTS LESS THAN \$100	597.26	
		\$201,177.82	* TOTAL

ROAD & BRIDGE FUND

SOCIAL SERVICE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
	1 PAYMENT LESS THAN \$100	8.50	
		\$ 8.50	* TOTAL

SOCIAL SERVICE FUND

SOLID WASTE/RECYCLING FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
375.00	AUSTIN NEWSPAPERS, INC.	750.00	WALLACE BUSTAD
113.42	EVANS PRINTING AND PUBLISHING	222.00	KFIL FM-TRUE COUNTRY
1998.11	MOWER COUNTY SHOPPER	168.22	REDNECK, INC.
435.26	WASTE MANAGEMENT OF SO MN		
	7 PAYMENTS LESS THAN \$100	193.75	
		\$4,255.76	* TOTAL

SOLID WASTE/RECYCLING FUND

**** FINAL TOTAL..... \$298,862.77 ****

Motion carried.

Motion made by Commissioner Ellingson, seconded by Commissioner Lang to approve the following miscellaneous bills for immediate payment:

MCIT \$4227.00

Motion carried.

Date: July 12, 2005

Res. #51-05

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 July 12, 2005 at the Courthouse, Austin, Minnesota.

BE IT RESOLVED that Mower County enter into a cooperative agreement with the Office of Justice Programs in the Minnesota Department of Public Safety. The Mower County Chair is hereby authorized to execute such agreements and amendments,

as are necessary to implement the project on behalf of Mower County, Correctional Services.

Passed and approved this 12th day of July, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Lang, seconded by Commissioner Ellingson to adjourn the meeting at 12:10 p.m. until July 26, 2005 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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