

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

August 9, 2005

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session August 9, 2005 at 8:30 a.m. at the Courthouse in Austin, Minnesota.

All members present, viz: Raymond Tucker, Chair
 David Hillier
 Dick Lang
 Garry E. Ellingson
 Richard Cummings
 Kelly Olson, Clerk Pro Temp

GENERAL:

Commissioner Hillier moved and Commissioner Lang seconded to authorize the Chair to sign the Delegation of Licensing Functions agreement effective August 9, 2005 to June 30, 2007. Motion carried.

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

- a. Austin/Mower County Area Transit – approve contract for Transportation Services, effective January 1, 2005 to December 31, 2005.

Motion carried.

Commissioner Ellingson moved and Commissioner Lang seconded to issue a Request for Proposals for the provision of case management services for adults with serious and persistent mental illness. Motion carried.

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

INCOME MAINTENANCE ACTIONS:

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

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to authorize Human Resources to proceed with filling the vacant female jailer position. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to adopt Section D182 On Call Pay – Highway Department to the Mower County Personnel Policies effective August 9, 2005. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to amend Section D181 On Call Pay of the Mower County Personnel Policies effective August 9, 2005. Motion carried.

A brief discussion took place regarding the proposed Dust Control Application Policy. The County has been and will continue to provide dust control on curves and at intersections on unpaved roads. However, the proposed policy would require residents to pay a fee for dust control along their property.

Motion made by Commissioner Ellingson, seconded by Commissioner Hillier to adopt the Dust Control Application Policy of the Mower County Highway Department effective August 9, 2005. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Ellingson to adopt the Mailbox Policy of the Mower County Highway Department effective August 9, 2005. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to adopt the Snow and Ice Control Policy of the Mower County Highway Department effective August 9, 2005. Motion carried.

The Finance Committee chair provided an update on the 2006 budget process.

At this time a Public Hearing was held in regard to CUP #684 of Roland and Lola Hanson to operate a dog kennel on the property.

Daryl Franklin, Environmental Services Director, reviewed the permit and the Planning Commission recommendations. It was noted that this would not be a boarding kennel.

No one spoke for or against CUP #684.

Date: August 9, 2005

Res. #56-05

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 August 9, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #684 of Roland and Lola Hanson to be issued pursuant to the Mower County Zoning Regulations for:

To operate a dog kennel operation on the property

Location: N 650 ft. E 565 ft. NE ¼ , Section 15, Udolpho Township, T103N R16W, Mower County, Minnesota. PIN #18-015-0010.

Notice having been duly given and a hearing held August 9, 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 kennel would be limited to 25 dogs.
2. Comply with Minnesota Statute 325F.791, 346.39, 343.40 and any Applicable MN Statute and amendments thereof.
3. The Mower County Sheriff's Department, Mower County Environmental Services Department or Minnesota Federated Humane Society agent has the right to make periodic inspections of the facility and of required recordkeeping.

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

Passed and approved this 9th day of August, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #685 of Darin Drake to construct an additional home in the quarter section on the property.

Daryl Franklin, Environmental Services Director, reviewed the permit, arial photos of the site and the Planning Commission recommendations.

One person spoke in favor of CUP #685. No one spoke against CUP #685.

Date: August 9, 2005

Res. #57-05

RESOLUTION

On motion of Commissioner Hillier, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 9, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #685 of Darin Drake to be issued pursuant to the Mower County Zoning Regulations for:

To construct an additional home in the quarter section on the property.

LOCATION: E ½ NW ¼ Exc. 2.8 Ac. RR & E ½ SW ¼ , Section 18,
Dexter Township, T103N R16W, Mower County,
Minnesota. PIN #05-018-0080.

Notice having been duly given and a hearing held August 9 , 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.
5. The CUP shall become void on 12/31/07 if construction has not commenced.
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. Petitioner must receive approval from the Mower County Board of Adjustment to build the home closer than the 1,000 foot requirement from a feedlot.

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

Passed and approved this 9th day of August, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

Mike Hanson, County Engineer presented bid information received for SAP 50-607-032 for CSAH 2 project through Dexter.

Motion made by Commissioner Cummings, seconded by Commissioner Ellingson to award the bid for SAP 50-607-032 to Rochester Sand & Gravel with a low bid of \$951,817.03 and have them commence the project. Motion carried. Full bid abstract on file in the office of the County Auditor and County Engineer.

The County Engineer updated the Board on preparations for the fairground project for sanitary, storm and water mains.

Motion made by Commissioner Cummings, seconded by Commissioner Ellingson to set the project letting date for the fairgrounds sanitary, storm and water main project to September 12, 2005 at 1:00 p.m. at the office of the County Highway Department and awarded at the next County Board of Commissioner's meeting. Motion carried.

At this time a Public Hearing was held in regard to the Final Plat for Country Hills Estate. No one spoke for or against the Final Plat for Country Hills Estate.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Motion made by Commissioner Ellingson, seconded by Commissioner Hillier to approve and authorize the Chair to sign the final plat of Country Hills Estate. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Lang to approve the minutes of July 26, 2005 and August 2, 2005. Motion carried.

Motion made by Commissioner Ellingson, seconded by Commissioner Hillier to approve the bi-monthly bills for immediate payment with one correction to an incorrect payee on a warrant.

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
1283.84	ADAMS DRUG	268.00	ALBERT LEA TRIBUNE
110.47	KAREN ANTHONISEN	692.85	AUSTIN MEDICAL CENTER ATTN:
373.79	AUSTIN NEWSPAPERS, INC	1600.00	AUSTIN SCHOOL DIST 492
253.00	AUTO VALUE AUSTIN	110.00	BJORKLUND COMPENSATION CONS
231.00	RUBY CAMPOS	1947.86	CEDAR VALLEY SERVICES, INC
440.00	CITY OF AUSTIN	114.00	CLASEN-JORDAN MORTUARY
1250.00	CLINICAL & FORENSIC PSYCHOLOGY	346.92	CUSTOM COMMUNICATIONS INC
11713.70	DARCAN	858.95	DANIEL DONNELLY LAW FIRM
108.60	ENVIRONMENTAL RESOURCE ASSOCIA	117.17	EXHAUST PROS
136.24	FEDERAL EXPRESS	630.00	FOX ELECTRIC COMPANY, INC
100.19	GALLS INC.	1016.06	GOLD CROSS AMBULANCE SERVIC
123.11	HOLIDAY CARS, INC.	1660.00	IDENTIX INCORPORATED
272.91	IKON OFFICE SOLUTIONS	965.00	INTERTECHNOLOGIES GROUP
1656.03	INTERTECHNOLOGIES GROUP-ADMIN	282.94	J & K WINONA
4564.08	KMTELECOM	288.30	LASER PRODUCT TECHNOLOGIES
518.52	LEXISNEXIS MATTHEW BENDER	426.35	MEDDIRECT
4249.35	MEDTRONIC EMERGENCY RESPONSE S	1100.70	METRO SALES, INC.
5944.69	MN DEPT EMPLOYMENT & ECONOMIC	10700.00	MOWER COUNTY SOIL & WATER
117.51	MPH INDUSTRIES, INC	115.00	NAJIT
200.00	GARY NYQUIST	3212.28	PARAGON PRINTING & MAILING
279.75	PLUNKETT & ASSOCIATES INC	390.00	POST BULLETIN COMPANY
158.69	PRESTO-X-COMPANY INC	168.32	QUALIFICATION TARGETS
142.47	RADISSON SUITE HOTEL ST CLOUD	2841.70	SCHILLING SUPPLY COMPANY
129.00	DR. SCHMITT	191.00	SE MN ORAL & MAXILLOFACIAL
1001.10	SERVICEMASTER CLEAN	257.94	SMYTH COMPANIES, INC
150.00	SOUTHEAST SERVICE COOPERATIVE	109.54	STAPLES CREDIT PLAN
2605.50	OFFICE STATE AUDITOR	306.25	THE WELCOME CENTER INC.
121.30	THIRD JUDICIAL DISTRICT PUBLIC	1144.13	VWR SCIENTIFIC
880.06	WELLS FARGO FINANCIAL LEASING	5152.42	WEST GROUP
936.67	WHITEWATER WIRELESS, INC ROCHES		
	32 PAYMENTS LESS THAN \$100	1,383.90	
GENERAL FUND		\$78,449.15	* TOTAL

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
775.53	EARL ANDERSEN, INC.	114.82	AUSTIN BUILDERS SUPPLY, INC
152.00	AUSTIN MEDICAL CENTER ATTN: CAS	147.00	AUSTIN NEWSPAPERS, INC
116.26	AUTO VALUE AUSTIN	176.00	BOYER TRUCKS SO. ST. PAUL
247.81	BUNDY AUTO PARTS	139.30	CATCO
448.46	DOUBLE K SPECIALTY, INC.	64764.29	FLINT HILLS RESOURCES, LP
147.75	GREENMAN HEATING & REFRIG., IN	842.59	HANSON TIRE SERVICE
148.99	INTERSTATE BATTERY SYSTEMS OF	3332.50	IOWA PRISON INDUSTRIES
213.59	J-CRAFT, DIV. OF CRYSSTEEL MFG,	244.95	LASER PRODUCT TECHNOLOGIES
164.31	LEEF BROS., INC.	4489.22	LOVERINK DRAINAGE
1269.21	MANTEK	133.13	MISSISSIPPI WELDERS SUPPLY
432.64	PROLINE DIST., INC	947.85	READY MIX CONCRETE COMPANY

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

315.12 REED CONSTRUCTION INFORMATION	142.50 ROCHESTER PETROLEUM EQUIPM
2173.45 ROCHESTER SAND AND GRAVEL, INC	123.97 RONCO ENGINEERING SALES,
3321.02 STATE OF MINNESOTA,	1922.67 TRADING POST
198.98 ULVEN'S ACE HARDWARE	902.06 ZARNOTH BRUSH WORKS, INC.
14 PAYMENTS LESS THAN \$100	662.46
ROAD & BRIDGE FUND	\$89,210.43 * TOTAL
SOCIAL SERVICE FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
1 PAYMENTS LESS THAN \$100	11.53
SOCIAL SERVICE FUND	\$11.53 * TOTAL
SOLID WASTE/RECYCLING FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
375.00 WALLACE BUSTAD	994.00 GREENMAN TECHNOLOGIES OF MN
110.12 HYDRAULIC SPECIALTY CO.	
4 PAYMENTS LESS THAN \$100	86.26
SOLID WASTE/RECYCLING FUND	\$1,565.38 * TOTAL
****	FINAL TOTAL..... \$169,236.49 ****

Motion carried.

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

Robert & Grace Hanson	\$ 28,600.00
Kenneth & Bonnie Peterson	3,000.00
Heselton Construction, LLC	175,838.15
Southeastern Libraries Coop	4,504.50

Motion carried.

Date: August 9, 2005

Res. #58-05

RESOLUTION

On motion of Commissioner Lang, seconded by Commissioner Cummings, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 9, 2005 at the Courthouse, Austin, Minnesota.

WHEREAS, the Mower County Board of Commissioners has applied for and been approved for a grant from the Board of Water & Soil Resources to do a study entitled, "The Regional Surface Management in the Upper Cedar River Watershed";

WHEREAS, the Mower County Soil & Water Conservation District has the ability and necessary expertise to carry out the terms of this grant;

WHEREAS, the Mower County Board of Commissioners wishes to contract with the Mower County Soil & Conservation District to administer this grant that will develop and implement a framework plan for regional drainage and surface water management to provide flood reduction, water quality, and habitat improvements in the Upper Cedar River Watershed. In addition, SWCD will coordinate an effort to develop an organizational structure over the entire watershed to provide coordinated water resource management over Upper Cedar River Watershed. This organization would consist of LGU's, SWCD's, Counties, and municipalities within the Upper Cedar River Watershed.;

NOW, THEREFORE BE IT RESOLVED, that the Mower County Board of Commissioners hereby agrees to reimburse the Mower County Soil & Water Conservation District \$75,000.00 from the BWSR grant for qualifying expenses on the "Regional Surface Water Management in the Upper Cedar River Watershed" plan provided Mower County receives proper documentation of expenses and the expenses are not already funded by non-qualifying state or federal funds. To meet qualifying expenses, SWCD will coordinate \$65,000 in-kind match.

BE IT FURTHER RESOLVED, that the SWCD will comply with all applicable audit and contracting requirements from BWSR, which requires copies of SWCD paid invoices that specifically identify the above project expenses;

Passed and approved this 9th day of August, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: August 9, 2005

Res. #59-05

RESOLUTION

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 August 9, 2005 at the Courthouse, Austin, Minnesota.

WHEREAS, the Mower County Board of Commissioners has applied for and been approved for a grant from the SE MN Water Resources Board to do a study entitled, "Designing Feedlot Improvements in Targeted Areas Under the Open Lot Agreement";

WHEREAS, the Mower County Soil & Water Conservation District has the ability and necessary expertise to carry out the terms of this grant;

WHEREAS, the Mower County Board of Commissioners is assigning the Mower County Soil & Conservation District the three-year feed-lot runoff reduction work plan duties of initial feedlot site visits, best management practice layout, feedlot design and construction inspection. Mower County Feedlot Officer will review and approve final design for compliance with MN 7020 rules and open lot agreement requirements.

NOW, THEREFORE BE IT RESOLVED, that the Mower County Board of Commissioners hereby agrees to reimburse the Mower County Soil & Water Conservation District \$21,000.00 (to be divided equally over a 3-year period) from the SE MN Water Resources Board grant to complete the above-mentioned functions for the "Designing Feedlot Improvements in Targeted Areas Under the Open Lot Agreement" provided Mower County receives proper documentation of eligible (not current state or federal funded) expenses. Mower County Feedlot Office will receive \$6,300 (to be divided equally over a 3-year period) of the \$27,300 grant for the compliance review and approval (considered as an in-kind match).

BE IT FURTHER RESOLVED, that the SWCD will comply timely with all applicable audit and reporting requirements from the SE MN Water Resources Board;

BE IT FURTHER RESOLVED that the SWCD will provide copies of paid invoices specific to and qualified for this project to Mower County for reimbursement under the proposal.

Passed and approved this 9th day of August, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: August 9, 2005

Res. #60-05

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 August 9, 2005 at the Courthouse, Austin, Minnesota.

WHEREAS, job creation, business development, and individual wealth growth in Mower County, Minnesota have been less than the national and state averages; and

WHEREAS, the resulting effects of such lagging job creation, business development, and individual wealth growth have harmed and are forecasted to continue to harm the economy of Mower County, Minnesota; and

WHEREAS, the Job Opportunity Building Zone (JOBZ) program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 1 allows for the formation of tax-free zones.

NOW, THEREFORE, BE IT RESOLVED by the Mower County Board of Commissioners of Mower County, Minnesota at its meeting held on the 9th day of August, 2005, upon careful consideration and review, approves the transferring of the requested acres from the southerly approximate 10.00 acres of DEED Sub-Zone No. 198 to the City of Sargeant as identified on the attached Exhibit A for tax-free zones, approves the use of tax exemptions and tax credits within the designated zones (subject to property review and approval by the other appropriate taxing authorities within the zones), and encourages the Minnesota Department of Employment and Economic Development to approve the Tax Free Zone Application being submitted by Austin Community Development Director Craig Hoium and the City of Sargeant. The transfer of said acres to the City of Sargeant shall be contingent upon the approval of the Lloyd Van Buskirk expansion project by the Hayfield School District, City of Sargeant, Mower County and the Department of Employment and Economic Development.

Passed and approved this 9th day of August, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Cheryl Corey from the Convention and Visitor's Center on behalf of Southern Minnesota Tourism Association made a report on southern Minnesota tourism and made a request for 2006 funding to generate tourism in the area. Finance Committee will include the request with the budget process.

Motion made by Commissioner Cummings, seconded by Commissioner Lang to approve the County Auditor's request for duplicate warrants for original warrants identified as follows:

- #45913 dated December 28, 2004 to Ruby Compos in the amount of \$156.00;
- #46042 dated December 30, 2004 to Margy Voss in the amount of \$257.55;
- #46222 dated January 20, 2005 to City of Rose Creek in the amount of \$1,552.23.

Motion carried

Motion made by Commissioner Ellingson, seconded by Commissioner Hillier to accept the surplus property list for auction. A detailed list is on file at the office of the County Coordinator. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Lang to authorize the Finance Director to sign the annuity agreement documents prepared as part of the Board approved settlement of case #866810. Motion carried.

An ISTS loan request was referred to the finance committee for board recommendation.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to adjourn the meeting at 11:41 until August 23, 2005 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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