

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

September 6, 2005

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session September 6, 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

Mike Feuerhak, Jailer, was recognized as Employee of the Month

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to approve the minutes of August 9, 2005 and August 23, 2005. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Hillier to approve the 2005 State Homeland Security Grant in the amount of \$30,000 and authorize the Chair and Emergency Management Director to sign the grant agreement. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to approve an agreement with Minnesota Counties Insurance Trust (MCIT) for administration of drug and alcohol testing of employees. Motion carried.

A Public Hearing was held in regard to CUP #687 of Mitchell and Sara Glynn for display and sale of up to ten vehicles.

Daryl Franklin, Environmental Services Director, reviewed the permit and Planning Commission recommendations. Mr. Franklin also read a letter from Minnesota Department of Transportation (MN/DOT) stating CUP #687 would have no impact on MN/DOT roads.

Mitchell Glynn, Petitioner, spoke in favor of the CUP. No one spoke against CUP #687.

**Date: September 6, 2005**

**Res. #64-05**

**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 September 6, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #687 of Mitchell and Sarah Glynn to be issued pursuant to the Mower County Zoning Regulations for:

Display and sale of up to ten vehicles on the property.

Location: W 640 ft. E 1043 ft. S 454 ft. SE ¼ NE ¼ , Section 21, Frankford Township, T103N R14W, Mower County, Minnesota. PIN #06-015-0030.

Notice having been duly given and a hearing held September 6, 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. Secure the necessary State and Federal permits.
2. No more than ten (10) vehicles on display outside for sale shall be on the property at one time.
3. All vehicles for display or sale shall be licensed and operable.

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

Passed and approved this 6<sup>th</sup> day of September, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #686 of Brian Plath to display and sell up to ten vehicles and motorcycles.

Daryl Franklin, Environmental Services Director, reviewed the permit and Planning Commission recommendations. Mr. Franklin also read a letter from Minnesota

Department of Transportation (MN/DOT) stating CUP #686 would have no impact on MN/DOT roads.

No one spoke for or against CUP #686.

**Date: September 6, 2005**

**Res. #65-05**

**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 September 6, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #686 of Brian Plath to be issued pursuant to the Mower County Zoning Regulations for:

Display and sale of up to ten vehicles and motorcycles on the property.

Location: N 165 S 660 SW ¼ NW ¼ SW ¼ , Section 13, Austin Township, T102N R18W, Mower County, Minnesota. PIN #02-010-0050.

Notice having been duly given and a hearing held September 6, 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. Secure the necessary State and Federal permits.
2. No more than ten (10) vehicles on display outside for sale shall be on the property at one time.
3. All vehicles for display or sale shall be licensed and operable.
4. 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.

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

Passed and approved this 6<sup>th</sup> day of September, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

**Date: September 6, 2005**

**Res. #66-05**

**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 September 6, 2005 at the Courthouse, Austin, Minnesota.

WHEREAS, the Internal Revenue Service adopted regulations to tax certain non-cash fringe benefits including "personal use" of an employee-provided vehicle; and

WHEREAS, "personal use" of an employer-provided vehicle includes commuting to and from work; and

WHEREAS, the County of Mower has the option not to withhold income taxes other than Social Security and Medicare on the value of an employee's personal use of an employer-provided vehicle, and the employee must be notified by January 31<sup>st</sup> that the employer is not withholding; the County of Mower must include the value of the employee's personal use in the gross pay recorded on the worker's W2 form at year-end.

NOW, THEREFORE, Be It Resolved that the County of Mower will use the "IRS Vehicle Commuting-only Valuation Rule" in assigning the value of the benefit to employees, said rule designating the IRS approved amount for each round trip commute to and from work; and,

BE IT FURTHER RESOLVED, the County of Mower will not withhold income taxes, other than Social Security and Medicare on the value of using a county vehicle; that the County will include the value in the gross pay recorded on the employee's W-2 form; and that this resolution serves as notification to the employees as required by the IRS.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chairperson

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

Motion by Commissioner Hillier, seconded by Commissioner Lang to approve out of state travel for Patrick Flanagan, County Attorney, for a conference in Chicago, Illinois. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Hillier to approve a contract with Jeanine Marks for elderly services at a rate of \$25 for up to 200 hours and to amend the 2006 Human Services budget in the amount of \$5,000. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Cummings to reimburse the Mower County Historical Society in the amount of \$1,650.00 for cost of rock around new agricultural display building. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Cummings to approve the Application for Duplicate Warrant of Wagner Hardware in the amount of \$13.13 to replace warrant #47239. Motion carried.

**Date: September 6, 2005**

**Res. #67-05**

**RESOLUTION**

On motion of Commissioner Ellingson, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2005 at the Courthouse, Austin, Minnesota.

**WHEREAS**, on September 6, 2005 the Root River Antique Historical Power Association, Inc. presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the Root River Antique Historical Power Association, Inc.

**BE IT RESOLVED THAT**, the Mower County Board of Commissioners do hereby approve the issuance of a Minnesota Lawful Gambling License to Root River Antique Historical Power Association, Inc. for gambling at the Root River Antique Historical Power Association, Inc.

Passed and adopted this 6<sup>th</sup> day of September, 2005.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chairperson

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

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to authorize the Chair to sign a letter of Congressman Gutknecht in support of a digital TV transition timeline due to the public safety communication benefit. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Lang to approve the 2006 WIC Project Agreement between Mower County Community Health Services and the Minnesota Department of Health effective January 1, 2006 through December 31, 2010. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to approve an agreement with the State of Minnesota for the SE MN Tobacco Free Communities Project. Motion carried.

Margene Gunderson, Director of Community Health Services, updated the Board on activities taking place to shelter evacuees from Hurricane Katrina.

Motion by Commissioner Hillier, seconded by Commissioner Lang to close one block of CSAH 12 in the City of Racine on September 15, 2005 from 3:00 p.m. to 5:00 p.m. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Lang to approve final payment to Minnowa Construction in the amount of \$7,498.05 for Bridge #50J77 and \$21,915.88 for Bridge #50585. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to award the bid on SAP 050-061-028, Street Construction, CSAH 1 to Road Constructors, Inc. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Hillier to award bids on SAP 050-593-001 and 050-592-001, CSAH 4 Curve Reconstruction to Osmundson Brothers Construction. Motion carried.

**Date: September 6, 2005**

**Res. #68-05**

**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 September 6, 2005 at the Courthouse, Austin, Minnesota.

**WHEREAS**, Mower County has determined that Bridge L5121 in Section 6 of Lodi Township is deficient and should be replaced, and

**WHEREAS**, local roads play an essential role in the overall State transportation network and local bridges are the critical component of the local road systems, and

**WHEREAS**, State support for the replacement, rehabilitation, and removal of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the Townships to proceed with the management of deficient bridges, and

**WHEREAS**, Mower County intends to proceed with the removal of this bridge as soon as possible; now therefore

**BE IT RESOLVED:**

That Mower County commits that it will proceed with the design and contract documents for the removal of this bridge immediately after being notified that funds are available in order to permit the work to take place.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chairperson

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

**Date: September 6, 2005**

**Res. #69-05**

**RESOLUTION**

On motion of Commissioner Hillier, seconded by Commissioner Cummings, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2005 at the Courthouse, Austin, Minnesota.

**WHEREAS**, Mower County has determined that Bridge L9602 in Section 34 of Sargeant Township is deficient and should be replaced, and

**WHEREAS**, local roads play an essential role in the overall State transportation network and local bridges are the critical component of the local road systems, and

**WHEREAS**, State support for the replacement, rehabilitation, and removal of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the Townships to proceed with the management of deficient bridges, and

**WHEREAS**, Mower County intends to proceed with the removal of this bridge as soon as possible; now therefore

**BE IT RESOLVED:**

That Mower County commits that it will proceed with the design and contract documents for the removal of this bridge immediately after being notified that funds are available in order to permit the work to take place.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Ellingson, seconded by Commissioner Cummings to direct the County Engineer to correct a drainage problem at the County/MN DOT shop in Dexter, Minnesota. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to adjourn the meeting at 2:40 p.m. until September 13, 2005 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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