

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

November 1, 2005

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

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

Christine Swatfager, Social Worker, was recognized as employee of the month.

Motion by Commissioner Lang, seconded by Commissioner Ellingson to adopt the following Tax Court Petition Policy:

The Mower County Board of Commissioner wishes to better define the limits the County Attorney and County Assessor may use in the defending and/or settling of Tax Court Petitions without further County Board approval.

Therefore, the County Attorney is hereby given the authority to hire outside council for any tax court petition where the classification of the property or properties under appeal is commercial, industrial or apartment.

The County Assessor is hereby given the authority to defend tax court petitions by employing firms at the County Assessor's discretion for making appraisals and testifying in tax court proceedings concerning properties under appeal as long as the valuation under appeal is equal to or greater than \$500,000 and the classification is commercial, industrial or apartment. Appraisals and testimony for tax court proceedings concerning properties with valuation under appeal of less than \$500,000 or with classifications other than commercial, industrial or apartment will be completed by the County Assessor's Office unless further authorization is given by the County Board.

The County Assessor and the County Attorney are also given the authority to negotiate and approve settlements for tax court petitions involving commercial or industrial classifications as long as the tax dollar impact is a total of \$20,000 per year under petition or less; and for tax court petitions involving classifications other than commercial and industrial as long as the tax dollar impact is a total of \$15,000 per year under petition or less. Any negotiated proposed settlement for

tax court petitions with a tax dollar impact total of more than the above amounts will be presented to the County Board for their input and approval.

The County Assessor will provide quarterly updates to the County Board or as necessary.

Motion carried.

A Public Hearing was held in regard to renewal of CUP #495 of SKB Environmental, LLC, to continue operating a demolition landfill and have a solid waste handling and disposal facility, which allows for storage of garbage in bins on the property.

Daryl Franklin, Environmental Services Director, reviewed the permit and Planning Commission recommendations. Daryl also passed out a letter from Bill Keegan, Petitioner's representative, in regard to a proposed condition on the operation of hours.

Bill Keegan spoke in favor of the renewal of CUP #495, requesting that hours of operation not be included in the permit as this is addressed in the solid waste permit issued by the State of Minnesota. Alternately, the hours of operation could match the ones in the state issued permit. No one spoke in opposition to renewal of CUP #495.

Bev Nordby, Lansing Township Board, stated that the petitioners have been good neighbors. Bev also stated that the Township prefers traffic enter the site primarily from TH 218.

Date: November 1, 2005

Res. #80-05

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 November 1, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, renewal of Petition No. CUP #495 of SKB Environmental, LLC to be issued pursuant to the Mower County Zoning Regulations for:

Continue operating a demolition landfill and have a solid waste handling and disposal facility, which allows for storage of garbage in bins on the property.

Location: NE ¼ SW ¼ , Section 21, Lansing Township, T103N R18W, Mower County, Minnesota. PIN #08-021-0040.

Notice having been duly given and a hearing held November 1, 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 previous conditions of CUP #495 and CUP #516 are void and are replaced with the following conditions.
- 2) The owner/operator must secure the appropriate County, State and Federal permits and comply with all applicable provisions, conditions and requirements.
- 3) The applicant must provide a minimum of a \$50,000 Surety Bond on the site each year payable to Mower County.
- 4) The applicant shall have a Minnesota Pollution Control Agency (MPCA) certified landfill operator present at the facility during operating hours.
- 5) The landfill can only receive debris as described in the permit issued by the MPCA. Unacceptable material that is incidental to the demolition debris must be separated and disposed of at another site approved to accept the material.
- 6) The County has the right to inspect the facility monthly or when necessary for compliance with all solid waste regulations and conditions of the conditional use permit.
- 7) Petitioner is responsible for clean-up of all debris from the adjacent township roads and ditches resulting from the landfill operations of the petitioner and/or from vehicles using the SKB landfill.
- 8) Petitioner will encourage all customers to access the landfill from Trunk Highway 218.
- 9) Hours of operation are from 7:00 a.m. to 7:00 p.m., Monday through Saturday. In the event the State of Minnesota approves different hours of operation, the hours permitted by the State shall be followed.

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

Passed and approved this 1st day of November, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #688 of Michelle and Robert Lane to operate an agriculturally-oriented business, including a welding and machine shop to rebuild used equipment from meat processing plants and in the future, possibly design some equipment for the agricultural processing industry on the property.

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

Michelle Lane, Petitioner, spoke in favor of CUP #688. No one spoke in opposition.

Date: November 1, 2005

Res. #81-05

RESOLUTION

On motion of Commissioner Ellingson, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2005 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #688 of Robert and Michelle Lane to be issued pursuant to the Mower County Zoning Regulations for:

Operating an agriculturally-oriented business, including a welding and machine shop to rebuild used equipment from meat processing plants and in the future, possibly design some equipment for the agricultural processing industry on the property.

Location: 5.3 Ac. S ½ SE ¼ in Doc. #522582, Section 31, LeRoy Township, T101N R14W, Mower County, Minnesota. PIN #09-031-0030.

Notice having been duly given and a hearing held November 1, 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 no conditions.

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

Passed and approved this 1st day of November, 2005.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chair

By: _____
Clerk/Coordinator

Commissioner Ellingson gave an update on a juvenile detention meeting he recently attended.

Commissioner Ellingson and Craig Oscarson gave an update on the site selection process for the proposed criminal justice center and on repair of entry doors at Health and Human Services.

Motion by Commissioner Hillier, seconded by Commissioner Lang to approve the minutes of October 25, 2005. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to approve an agreement with Independent School District No. 492 to utilize the services of two probation officers effective from September 1, 2005 to June 2, 2006. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to adjourn the meeting at 2:00 p.m. to County Ditch Board. Motion carried.

The Board reconvened at 2:12 p.m.

Motion by Commissioner Lang, seconded by Commissioner Hillier to approve a six month lease with Osmundson Brothers effective November 1, 2005 for property located in Adams, Minnesota. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to approve final payment to Damel/Morem Tree Service for SAP 50-602-025 in the amount of \$1,496.00. Motion carried.

Date: November 1, 2005

Res. #82-05

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 November 1, 2005 at the Courthouse, Austin, Minnesota.

WHEREAS, Mower County has determined that Bridge D20V56 in Section 33 of Pleasant Valley 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 Hillier, seconded by Commissioner Lang to set a letting date of November 28, 2005 at 1:00 p.m. for SAP 50-599-096 and SAP 50-599-097, replacement of two bridges in Lodi and Sargeant Townships. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to approve the Minnesota Senior Health Options (MSHO) contract between Mower County Public Health Nursing Service and UCare Minnesota and BCBS Blue Plus. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Hillier to approve the 2006 Child and Teen Checkup Administrative Outreach contract between the Minnesota Department of Human Services and Mower County Public Health Nursing in the amount of \$102,525.00. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to approve the Agreement for Purchase of Additional School Health Nursing Service Beyond the

Terms of the Mower County Public Health, Health Services Agreement between Mower County Public Health Nursing and Grand Meadow Public School and Lyle Public Schools for the remainder of the 2005-2006 school year. Motion carried.

Lowell Franzen, Mower County Feedlot Officer and Jerry Hildebrand, Minnesota Pollution Control Agency, gave an update on the Mower County Feedlot Program.

Motion by Commissioner Lang, seconded by Commissioner Ellingson to award the bid for clean up of the Crews/Ulwellung site to Waste Management in the amount of \$49,850.00. It is noted for the minutes the bid from JR Recycling was disqualified as the bid was unsigned, no bid bond or check was received and the bidder did not submit a total bid. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Ellingson to authorize the Chair to sign the 2006 Feedlot Work Plan. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Lang to amend Section B220, Employee Recognition Policy of the Mower County Personnel Policies as follows:

Retirement Recognition Policy:

Purpose: To recognize employees who are retiring or resigning and who have served Mower County for ~~twenty (20)~~ ten (10) years or more.

Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Ellingson to adjourn the meeting at 3:17 p.m. until November 8, 2005 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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