

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

March 7, 2006

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 7, 2006 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

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

Valerie Kruger, Payroll and Benefits, was recognized as Employee of the Month.

Motion by Commissioner Ellingson, seconded by Commissioner Cummings to approve the following miscellaneous bill for immediate payment: KKE Architects in the amount of \$3,030.39. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Tucker to declare the following list of surplus property for auction:

<u>Quantity</u>	<u>Item</u>	<u>Department</u>
1	1994 Plymouth Acclaim	Human Services
1	1997 Ford Champion bus	AMCAT
1	1994 Ford Crown Victoria	Correctional Services
Varies	Variety of Camping equipment including canoes, trailers, tents, sleeping bags, etc. A detailed list is on file in the office of the County Coordinator.	Correctional Services.

Motion carried.

A Public Hearing was held in regard to CUP #695 of Mike Munson for construction of an additional dwelling on the property.

Daryl Franklin, Environmental Services Director, reviewed the permit and the Planning Commission recommendations. He also recommended a condition be added in regard to the placement of the driveway. The County Engineer stated that the property is on a hill and the driveway needed to be placed so that it is visible from both directions.

No one spoke for or against CUP #695.

Date: March 7, 2006

Res. #17-06

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Cummings, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 7, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #695 of Mike Munson, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Construction of an additional dwelling on the property.

Location: NW ¼ Exc. E 411 ft. W 1340 ft. S 529 ft. , Section 12, Windom Township, T102N R17W, Mower County, Minnesota.

Notice having been duly given and a hearing held March 7, 2006, 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. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 12/31/08 if no construction has begun or the use has not been established.
3. 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.
4. 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.
5. 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.
6. 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.
7. The Petitioner shall comply with the County Engineer's requirements in regard to the placement and specifications of the driveway to the property in accordance with the Mower County Driveway Policy. The Petitioner is responsible for all costs associated with the driveway in accordance with the policy.

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

Ordinance.

Passed and approved this 7<sup>th</sup> of March, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A public hearing was held in regard to amend CUP #555 of Lloyd VanBuskirk to operate an auto body and frame repair shop, paint operations, vehicle storage and auto sales less than ten vehicles on the property. This is in addition to the previously approved items of the maintenance of farm machinery, the building of jigs and fixtures, maintenance of equipment used in a manufacturing business and the dynamic testing of automotive, industrial and agricultural engines.

Daryl Franklin, Environmental Services Director, reviewed the permit and Planning Commission recommendations. In addition, he recommended deleting condition #5.

The petitioner was present and did not offer any additional information.

No one spoke in favor of or against the amendment of CUP #555.

**Date: March 7, 2006**

**Res. #18-06**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 7, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, amendment of Petition No. CUP #555 of Lloyd VanBuskirk, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Operate an auto body and frame repair shop, paint operations, vehicle storage and auto sales less than ten vehicles on the property. This is in addition to the previously approved items of the maintenance of farm machinery, the building of jigs and fixtures, maintenance of equipment used in a manufacturing business and the dynamic testing of automotive, industrial and agricultural engines.

Location: NE ¼ , Section 7, Dexter Township, T103N R16W, Mower County, Minnesota.

Notice having been duly given and a hearing held March 7, 2006, 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. All testing will be in an enclosed building.
2. Noise levels shall not exceed MPCA standards.
3. Limit outside storage to no more than 40 pieces of equipment.
4. No more than ten vehicles may be on display (outside) for sale.

This permit is in accordance with Section 14-51 (m) & (u) of the Mower County Zoning Ordinance.

Passed and approved this 7<sup>th</sup> of March, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to set a public hearing for March 28, 2006 at 11:30 a.m. to consider establishing a Mower County Regulated Animal Ordinance. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to award the following seasonal bids based on apparent low bid:

- CP 50-06-01, Furnish and load crushed limestone, class 2 aggregate and FA-2 at quarry and pit in the Grand Meadow area to Ulland Brothers Inc.
- CP 50-06-02, Furnish and load crushed limestone aggregate in the LeRoy area to Koch, Inc.
- CP 50-06-03, Plant mixed bituminous mixture production 2350, to Ulland Brothers, Inc., Rochester Sand and Gravel, Shamrock Enterprises and Crane Creek Asphalt based on lowest bidder taking into consideration availability and haul distance.
- CP 50-06-04, Furnish and load crushed limestone aggregate and FA-2 in the Stacyville, Iowa area to LR Falk Construction.
- CP 50-06-05, Weed Spraying for 2006 to Damel Corporation, Inc.
- CP 50-06-06, Centerline and edge striping for 2006 to AAA Striping Service.

CP 50-06-07, Furnish and load salvaged crushed concrete aggregate to Ulland Brothers, Inc.  
Gasoline and diesel fuel to Baudoin Oil Company.  
Calcium chloride for 2006 to Univar USA.  
Bituminous materials for 2006 to Flint Hills Resources.

A full abstract of bids is on file in the office of the County Engineer and County Auditor. Motion carried.

**Date: March 7, 2006**

**Res.#19-06**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Ellingson, the following Resolution was unanimously passed and adopted at a meeting held March 7, 2006, at the Courthouse, Austin, Minnesota.

**2006 ROAD RESTRICTION RESOLUTION**

BE IT RESOLVED, that pursuant to Section 169.87, Seasonal Load Restrictions and 163.02, Subdivision 3, Load Restrictions, the following described County State Aid Highways and County Roads within Mower County, Minnesota, are hereby restricted to a maximum axle load as noted below, that the County Highway Engineer is hereby authorized to impose weight and load restrictions on any highway under County Jurisdiction during the calendar year of 2006 and the County Engineer be hereby authorized to erect proper signs plainly indicating the prohibition or restriction at each end of these described roads. All restrictions shall become effective when appropriate signs are erected.

**Six Ton Per Axle**

C.S.A.H. No. 5 - From T.H. 218 to C.S.A.H. No. 7  
C.S.A.H. No. 5 - From C.S.A.H. No. 7 to T.H. 56  
C.S.A.H. No. 6 - From C.S.A.H. No. 19 to C.S.A.H. No. 9 south  
C.S.A.H. No. 9 - Iowa State Line to C.S.A.H. No. 6  
C.S.A.H. No. 10 - From C.S.A.H. No. 1 north to County Line  
C.S.A.H. No. 11 - From T.H. No. 56 to East County Line  
C.S.A.H. No. 18 - From C.S.A.H. No. 7 to Iowa State Line  
C.S.A.H. No. 19 - From Rose Creek to C.S.A.H. No. 46  
C.S.A.H. No. 19 - From C.S.A.H. No. 6 to C.S.A.H. No. 5  
C.S.A.H. No. 20 - From C.S.A.H. No. 7 to 1 ½ miles west  
C.S.A.H. No. 22 - From T.H. 218 to C.S.A.H. No. 19  
County Road No. 52 - From C.S.A.H. No. 4 to T.H. 56  
County Road No. 58 - From Co. Rd. 58 to T.H. 56  
County Road No. 61 - Austin north to C.S.A.H. No. 2

**Seven Tons Per Axle**

C.S.A.H. No. 1 & 15 - C.S.A.H. No. 20 to C.S.A.H. No. 8  
C.S.A.H. No. 3 - From T.H. 56 to C.S.A.H. No. 8  
C.S.A.H. No. 4 - From West County Line to C.S.A.H. No. 29

C.S.A.H. No. 6 - From C.S.A.H. No. 9 South to T.H. 56  
C.S.A.H. No. 8 - From C.S.A.H. No. 15 to Olmsted County Line  
C.S.A.H. No. 13 - Interstate 90 to C.S.A.H. No. 7  
C.S.A.H. No. 20 - From North County Line to C.S.A.H. No. 46  
C.S.A.H. No. 26 - From West County Line to T.H. 218  
C.S.A.H. No. 27 - From West County Line to 1,595 ft. west of T.H. 218  
C.S.A.H. No. 28 - From West County Line to T.H. 218  
County Road No. 57 - From C.S.A.H. No. 16 to C.S.A.H. No. 20

**Nine Tons Per Axle**

C.S.A.H. No. 1 - From C.S.A.H. No. 36 to C.S.A.H. No. 20  
C.S.A.H. No. 1 & 10 - From C.S.A.H. No. 2 to C.S.A.H. No. 15  
C.S.A.H. No. 2 - From T.H. 218 to East County Line  
C.S.A.H. No. 3 - From T.H. 218 to T.H. 56  
C.S.A.H. No. 4 - From C.S.A.H. No. 29 to C.S.A.H. No. 7  
C.S.A.H. No. 5 - From West County Line to T.H. 218  
C.S.A.H. No. 6 - From West County Line to C.S.A.H. No. 19  
C.S.A.H. No. 7 - From Iowa State Line to C.S.A.H. No. 2 west  
C.S.A.H. No. 8 - From T.H. 16 to C.S.A.H. No. 2  
C.S.A.H. No. 16 - From Austin City Limits to C.S.A.H. No. 25  
C.S.A.H. No. 19 - From C.S.A.H. No. 46 to C.S.A.H. No. 2  
C.S.A.H. No. 19 - From C.S.A.H. No. 5 to T.H. 56 at Rose Creek  
C.S.A.H. No. 20 - From Interstate 90 to C.S.A.H. No. 3  
C.S.A.H. No. 21 - From C.S.A.H. No. 28 to T.H. 105  
C.S.A.H. No. 25 - From C.S.A.H. No. 2 to C.S.A.H. No. 1  
C.S.A.H. No. 27 - From 1,595 ft. west of T.H. 218 to C.S.A.H. No. 45  
C.S.A.H. No. 29 - From C.S.A.H. No. 4 to Austin City Limits  
C.S.A.H. No. 36 - From C.S.A.H. No. 26 to C.S.A.H. No. 1  
C.S.A.H. No. 45 South - From T.H. 218 to Austin City Limits  
C.S.A.H. No. 45 North - From Interstate 90 to T.H. 218  
C.S.A.H. No. 46 East - From 28 St. N.E. exit to C.S.A.H. No. 20  
C.S.A.H. No. 46 West - From Freeborn County Line to I-90  
County Road No. 51 - From C.S.A.H. No. 21 to T.H. 105  
County Road No. 58 - From Interstate 90 to C.S.A.H. No. 3  
County Road No. 59 - From West end to C.S.A.H. No. 13  
County Road No. 60 - From C.S.A.H. No. 20 east

**Ten Tons Per Axle**

C.S.A.H. No. 14 - From T.H. 56 to T.H. 16

**Five Tons Per Axle**

All other County State Aid Highways and County Roads of Mower County, Minnesota, not covered by the foregoing 6, 7, 9 & 10 ton per axle restrictions.

Passed and approved at a regular meeting of the Board of County Commissioners of Mower County, Minnesota, this 7<sup>th</sup> day of March, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Cummings, seconded by Commissioner Lang to approve final payment for SAP 50-616-018 to Midwest Contracting in the amount of \$8,236.70. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Cummings to approve the application for refund of taxes and penalty payable in 2004 of Gina Grundmeier due to an error in revenue recapture. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to approve the application for refund of taxes and penalty payable in 2004 due to an error in the Treasurer's office. Motion carried.

Jim Gebhardt and Bev Nordby, Mower County Soil and Water Conservation District gave an annual report.

Bruce Underdahl, Minnesota Counties Insurance Trust, gave an annual report.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to adjourn the meeting at 3:11 p.m. until March 28, 2006 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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