

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

March 28, 2006

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 28, 2006 at 8:30 a.m. at the Courthouse in Austin, Minnesota.

Members present, viz:           David Hillier, Chair  
  Dick Lang  
  Richard Cummings  
  Raymond Tucker  
  Craig Oscarson, County Coordinator

Member absent:                 Garry E. Ellingson

**GENERAL:**

There was discussion regarding the following items:

1. Proposed reduction in Federal Social Service Block Grant. (\$79,000 for Mower County).
2. Legislative requirement to transfer GAMC recipients to MNCare and pay the premiums. Pending offer to perform all MNCare eligibility.
3. Minnesota Disability Law Center proposed legislation regarding MNDHO program implementation.
4. Governor's mental health initiative.

Commissioner Cummings moved and Commissioner Lang seconded to authorize the Chair to sign letters of appreciation to various legislators for their support of pending legislation that would be helpful to counties. Motion carried.

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

- a. Wapiti Meadows CT&S – approve amendment to extend contract for MFIP & Diversionary Work Program Services, effective January 1, 2006 to December 31, 2006.
- b. Workforce Development, Inc. - approve amendment to extend contract for MFIP & Diversionary Work Program Services, effective January 1, 2006 to December 31, 2006.

Motion carried.

Commissioner Lang moved and Commissioner Cummings 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.

Date: March 28, 2006

Res. #20-06

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Tucker, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 28, 2006 at the Courthouse, Austin, Minnesota.

WHEREAS, the Director of Human Services for Mower County had advised that all Social Service case actions are in conformance with State, Federal and County laws, rules, regulations and policies,

BE IT RESOLVED, That all Social Service case openings, closings, placements, and licensing actions, as documented in the Mower County Human Services Office, on office listings for licensing action, case records, social service case plans, purchase of services abstract, payment authorizations, and payment records for the period March 1, 2006 through March 31, 2006 are hereby approved.

WHEREAS, the Director of Human Services for Mower County had advised that all Personnel Actions are in conformance with State and Federal law, Minnesota Merit System Rules, existing labor agreements, and Personnel Policies and Practices,

BE IT RESOLVED, That all Personnel Actions for the month of March 2006 for employees of the Department of Human Services as documented in the Department on proposed Personnel Action Listings, personnel abstracts, payroll reports, and Personnel Action Forms, are hereby approved.

WHEREAS the Director of Human Services for Mower County has been advised that all Social Service and Income Claims against Mower County submitted for payment in the month of March 2006 have been reviewed and are eligible for payment pursuant to all applicable rules, regulations, laws, and policies,

BE IT RESOLVED, That all bills, as listed on the listing of bills and claims against Social Services and Income Maintenance Funds and Warrant Registers, shall be approved as valid claims against the County of Mower and are hereby approved for payments.

The Commissioners voted as follows: David Hillier aye, Ray Tucker aye, Richard P. Cummings aye, and Richard Lang aye. Passed and approved this 28<sup>th</sup> day of March, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

**Date: March 28, 2006**

**Res. #21-06**

**RESOLUTION**

On motion of Commissioner Lang seconded by Commissioner Tucker, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 28, 2006 at the Courthouse, Austin, Minnesota.

WHEREAS, the Director of Human Services for Mower County had advised that all Income Maintenance case actions are in conformance with State, Federal and County laws, rules, regulations and policies,

BE IT RESOLVED, That all Income Maintenance case actions or approval, denial, suspension, reinstatement, closing, increased and decreased maintenance and denial as documented on the Maxis State computer system for the period March 1, 2006 through March 31, 2006 are hereby approved.

BE IT FURTHER RESOLVED, That all assistance payments issued during the month of March 2006 are hereby approved.

BE IT FURTHER RESOLVED, That all bills and claims against the Income Maintenance Programs, as cited in the Abstract of Payment Records in the Mower County Human Services Department, are hereby approved for payment.

BE IT FURTHER RESOLVED, That all personnel actions for the month of March 2006 for employees of the Department of Human Services as documented in the Department Payroll Reports and Personnel Action Reports, are hereby approved.

BE IT RESOLVED, That all refunds received during the month of March 2006 as listed on the Report of Refunds and Cancellation, are hereby acknowledged as received.

The Commissioners voted as follows: David Hillier aye, Ray Tucker aye, Richard P. Cummings aye, and Richard Lang aye. Passed and approved this 28<sup>th</sup> day of March, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Retiring Jerry Becker, Senior Property Appraiser, was recognized for his 27 years of service in Mower County.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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Motion made by Commissioner Cummings, seconded by Commissioner Lang to approve the settlement agreement on human services case # 664316. Motion carried.

The Building Committee provided a brief update regarding the proposed road project at the fairgrounds.

Craig Oscarson, County Coordinator, provided an update on the radio project. Two bids have been received for the project but the county is not ready to make an award yet due to the fact that the bids exceed the State's available funds for its share of the project and a potential deficiency in the submittal by the low bidder.

Motion made by Commissioner Cummings, seconded by Commissioner Tucker to approve the minutes of March 7 and March 14, 2006. Motion carried.

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

Leonard Koehnen & Assoc.	\$ 11,700.00
KKE Architects	5,140.76

The Commissioners voted as follows: Commissioner Tucker aye, Commissioner Cummings aye, Commissioner Lang nay, and Commissioner Hillier aye. Motion carried 3-1.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the bi-monthly bills for immediate payment:

General Fund	
492.28 Adams Drug	700.00 Assoc. of MN Counties
401.10 Austin Drug, Inc.	4266.56 Austin Medical Center
1078.63 Austin Newspapers, Inc.	187.55 Big K
670.00 Bjorklund Compensation	760.50 BP Products North America
187.50 Brandt Law Office	2022.30 Cedar Valley Services, Inc.
339.81 City of Austin	10555.88 Dell Marketing LP
1269.03 Daniel Donnelly Law Firm	2148.98 DTI
109.50 FirstLab, Inc.	250.99 Fleet Services
352.00 Fox Electric Company, Inc.	1079.43 Gold Cross Ambulance
298.20 Hasler Mailing Systems	360.41 Ikon Office Solutions
377.25 J & K Winona	443.80 Nitaya Jandragholica
11080.20 Jones, Haugh & Smith	111.39 Language Line Services
292.50 Evan Larson	178.87 Laser Product Technologies
590.00 Rosemary Linderman	547.67 Martin Bros.
1033.00 Mayo Foundation	190.00 Medtox Diagnostics
302.54 Melchert Hubert Sjodin	121.44 Midwest Wireless
195.00 Minnesota Continuing Legal	2632.56 MN Office of Enterprise Technolo
141.53 Craig Oscarson	4612.50 Plunkett & Assoc.
766.84 Post Bulletin Company	165.08 Presto-X-Company, Inc.
565.10 Public Safety Center, Inc.	160.00 Pyramid Concepts Inc.
523.42 Qwest	1449.30 RS Eden Inc.
859.03 Schilling Supply Company	120.00 Sheriff Dodge County
148.60 Sheriff Hennepin County	225.00 Sheriff Olmsted County
123.75 Skillings & Assoc.	290.82 Smyth Companies, Inc.
744.00 Paul Spyhalski	225.00 The Welcome Center
138.65 Thermo King Sales & Serv	124.83 Transact Technologies Inc
217.54 Uniforms Unlimited Inc.	760.00 Watchguard
262.21 Wells Fargo Financial Leasing	6083.94 West Group
175.00 2006 U.S.P.C.A. National Detect	
28 Payments Less than \$100.00	1203.23
General Fund Total	\$65,712.14

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COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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Road & Bridge Fund			
173.40	Qwest		
	0 Payments Less than \$100.00	0.00	
Road & Bridge Total		\$ 173.40	
Solid Waste/Recycling Fund			
375.00	Wallace Bustad	964.00	Greenman Technologies of MN
5715.05	Iverson Hauling	274.50	Krueger Transportation
244.00	Mower County Shopper		
	6 Payments Less than \$100.00	102.02	
Solid Waste/Recycling Fund Total		\$7,674.57	
Ditch Fund			
3033.20	Jones, Haugh & Smith, Inc.	271.60	Wesley Tennis
	0 Payments Less than \$100.00	0.00	
Ditch Fund Total		\$ 3,304.80	
FINAL TOTAL		<b>\$76,864.91</b>	

Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Lang to authorize the Finance Director to sign the Consent to Change Sales and Use Tax document with the Minnesota Department of Revenue and authorize the Finance Director to cost out the amount due to the appropriate affected departments. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Cummings to approve the Partial Release of 2002 ISTS Mortgage from Timothy and Annette Swegle for that portion of the property belonging to Marcus & Janet Siewert, adjacent property owners subject to review and approval of the Mower County Attorney. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the Hold Harmless Agreement with the City of Lyle for radios placed on the City's water tower. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Lang to amend the January 3, 2006 minutes pertaining to the motion for the fairgrounds minor repair allocation to the Mower County Agricultural Society. The amendment is to change the allocation from two equal installments to one payment. The allocation is still subject to the approval and execution of the responsibilities agreement between the entities. Motion carried.

The Board recessed at 10:39 and reconvened at 11:00 a.m.

At this time a Public Hearing was continued from March 14, 2006 in regard to amending the Mower County Zoning Ordinance Section #14-7 definitions for a proposed addition to the definition of "family" as it specifically pertains to feedlots.

Craig Oscarson, County Coordinator, reviewed the purpose of the hearing.

Jeremy Clinefelter, Assistant County Attorney, provided information concerning the alternatives of changing the ordinance or granting a variance. Both alternatives were acceptable.

Commissioner Hillier summarized that the public had stated on March 14, 2006 that it wasn't in opposition to the applicant constructing the feedlot but some objected to having the ordinance changed as the method of allowing the construction of the feedlot. Commissioner Hillier asked for additional new public input.

No one spoke for or against the language addition for the definition of family at today's meeting.

The Commissioners made revisions to the proposed amendment to Section 14-7 and Section 14-18.2.

**Date: March 28, 2006**

**Ord. #01-06**

**Ordinance**

On motion of Commissioner Tucker, seconded by Commissioner Cummings, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held March 28, 2006 at the Courthouse, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending Section 14-7 Definitions and Section 14-18.2 Special Requirements for Feedlots of the Mower County Zoning Ordinance was published in the Austin Daily Herald on March 2, 2006; and

**WHEREAS**, the County Board held a public hearing on said amendment on March 14, 2006 which was continued to March 28, 2006; and

**WHEREAS**, the Mower County Planning Commission recommended by a majority to amend the Mower County Zoning Ordinance;

**BE IT ORDAINED** that Section 14-7 Definitions and Section 14-18.2 Special Requirements for Feedlots of the Mower County Zoning Ordinance is amended as follows:

**AMEND Section 14-7**

**Family** – A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family, including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall, for the purpose of this Ordinance, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in each group. **A family shall include the livestock operation owner, the livestock operation owner's parents or stepparents, children or stepchildren.**

**AMEND Section 14-18.2**

- (j) New feedlots shall not be located within 1,000 feet of any dwelling, school, church, platted subdivision and/or public park, except for dwelling of the property owner or feedlot operator, **or family member based upon the definition of "family" provided the owner of the dwelling and family member, signs a statement that will be recorded stating that they have no objection to the feedlot being closer than the required 1,000 feet. This exception to the 1,000 foot setback is limited to family members to current owner and all other setback requirements shall be adhered to.**

**BE IT FURTHER ORDAINED** that this ordinance amendment is effective upon publication.

A copy of the entire Mower County Zoning Ordinance and related maps, if any, are on file in the Mower County Auditor's office.

Passed and approved this 28<sup>th</sup> day of March, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Tucker, seconded by Commissioner Lang to refund the applicant's (Joe Gehling) variance application fee to the Board of Adjustment. Motion carried. The board noted that this action will be non-precedent setting.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to rescind their motion from January 10, 2006 to discontinue membership on the Rural Energy Board and amend the 2006 Budget for the \$2000 annual membership fee. Motion carried.

At this time a Public Hearing was held in regard to adopting the Mower County Regulated Animal Ordinance.

Summary of the proposed ordinance was provided by Sheriff Terese Amazi.

No one spoke for or against the adoption of the Regulated Animal Ordinance.

**Date: March 28, 2006**

**Ord. #02-06**

**Ordinance**

On motion of Commissioner Tucker, seconded by Commissioner Cummings, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held March 28, 2006 at the Courthouse, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider adopting Chapter 17, Regulated Animal Ordinance, of the Mower County Ordinance was published in the Austin Daily Herald on March 13, 2006; and

**WHEREAS**, the County Board held a public hearing on said Ordinance on March 28, 2006; and

**WHEREAS**, the Mower County Planning Commission recommended by a majority the adoption of the Mower County Ordinance;

**BE IT ORDAINED** that Chapter 17, Regulated Animal Ordinance, of the Mower County Ordinance is adopted. A summary of the ordinance is as follows:

Chapter 17 Regulated Animal Ordinance

SECTION 17.1 INTENT AND PURPOSE  
SECTION 17.2 SCOPE AND LEGAL AUTHORITY  
SECTION 17.3 RULES  
SECTION 17.4 DEFINITIONS  
SECTION 17.5 COMPLIANCE REQUIRED  
SECTION 17.6 LICENSE  
SECTION 17.7 EXEMPTIONS  
SECTION 17.8 IMPOUNDMENT

**BE IT FURTHER ORDAINED** that this ordinance is effective upon publication.

A copy of the entire Mower County Ordinance and related maps, if any, are on file in the Mower County Auditor's office.

Passed and approved this 28<sup>th</sup> day of March, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Cummings, seconded by Commissioner Tucker to set the annual fee for regulated animals for 2006 at \$300.00. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Tucker to adjourn the meeting at 11:53 p.m. until April 4, 2006 at 1:00 p.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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