

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 2, 2006

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

Jeff Kasak, MIS Manager, was recognized as employee of the month.

Motion by Commissioner Lang, seconded by Commissioner Tucker to approve the minutes of April 25, 2006. Motion carried.

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

Lewis and Schaefer Painting	\$2,225.00
Soil and Water Conservation District	\$11,198.00

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to approve a hold harmless agreement with the City of Racine in regard to the radio system. Motion carried.

At this time a Public Hearing was continued from April 4, 2006 in regard to CUP #697 of Robert Bartel, Petitioner, to expand an existing feedlot from its current 2,000 animal units to up to 3,000 animal units on the property.

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

The Petitioner spoke in favor of the permit. Two people spoke in opposition to CUP #697.

Date: May 2, 2006

Res. #29-06

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 May 2, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #697 of Robert Bartel, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Expansion of a feedlot from its current 2,000 animal units to up to 3,000 animal units.

Location: 13.71 Ac. NE Corner NE ¼ , Section 22, Udolpho Township, and 3.67 Ac. E 1287.82 ft. S 124.18 ft. SE ¼ , Section 15, Udolpho Township, T104N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held May 6, 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. Secure and present copies to the Feedlot Officer of all applicable State and Federal Permits. These permits must be received before the expansion can take place.
2. Submit a Manure Management Plan that details that there is an adequate acreage for the manure to be spread upon at the appropriate agronomic rates, including methods of spreading.
3. Submit detailed plans showing that the containment area for the feedlot area and the feed storage are adequately designed and developed to prevent run-off and contamination to the water of the County, State and Federal. The construction must be completed before the expansion can take place.
4. All plans must be submitted to the County and State for review and approval.
5. Petitioner must complete and submit an EAW to the appropriate State agency for review. If the EAW determines that an EIS is necessary, Petitioner must complete and submit to the appropriate State agency. The cost of the EAW and EIS, if necessary, shall be borne by the Petitioner/Owner.
6. Petitioner/Owner must submit a detailed contingency plan for operation of the feedlot caused by a structural failure of the containment facility. This plan must be approved by the MPCA and County.

7. The Mower County Board shall send a letter to the MPCA requesting that no permit be issued until the facility meets all federal and state standards, including NPDES Zero Discharge Standard.
8. The amount of livestock cannot exceed the 1,920 (current permitted animal units) animal units until all of the above items have been received and approved by the County.
9. The County Feedlot and Ag Officer shall conduct a separate inspection of the feedlot annually in addition to the annual state inspection each year for a period of five years from the date the State issues a permit.

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

Passed and approved this 2nd of May, 2006.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to CUP #698 of Larry and Jennifer Lee, Petitioner, to construct an additional dwelling on the property as a replacement for an existing mobile home on the property.

Daryl Franklin, Environmental Services Director, reviewed the CUP and Planning Commission recommendations. Daryl also noted a resolution from Fillmore County was received in opposition to CUP #698 and a letter of opposition from Jerry and Susan Marr, adjoining landowners.

The Petitioner spoke in favor of the permit. No one spoke in opposition.

Date: May 2, 2006

Res. #30-06

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 May 2, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #698 of Larry and Jennifer Lee, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Construction of an additional dwelling on the property as a replacement for an existing mobile home.

Location: E 1145 ft. S 1324 ft. SE ¼ NE ¼ Exc. E 473 ft. S 575 ft.,
Section 24, Frankford Township, T102N R17W, Mower
County, Minnesota.

Notice having been duly given and a hearing held May 6, 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 home must be located 650 feet from the west right-of-way of the Fillmore-Mower County road.
3. The CUP shall become void on 12/31/08 if no construction has begun or the use has not been established.
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.
5. 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.
6. 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.
7. When the new home is occupied, the mobile home on the south end must be removed from the property.
8. 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.

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

Passed and approved this 2nd of May, 2006.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Wayne Stenberg and Pilar Rick, SEMCAC, met with the Board to update them on a housing survey and community development activities.

Motion by Commissioner Cummings, seconded by Commissioner Lang to rescind the current investment policy and approve the following investment policy, effective immediately.

Mower County establishes this investment policy to meet compliance with Minnesota Statutes 118A.04, 118A.05, and 118A.06 regarding types, ratings, and maturities of investments. This policy applies to all investment activities, investment assets, and accounting funds of Mower County.

The objectives of the Mower County investment portfolio are listed by priority as follows:

- Safety of Principal
- Appropriate liquidity to satisfy current operations
- Maximum return possible while meeting safety and liquidity

Any public funds, not restricted for other purposes, may be invested in the types of investments and subject to the following conditions:

United States securities – defined as governmental bonds, notes, bills, mortgages (excluding high-risk mortgage-backed securities), and other securities which are direct obligations or are guaranteed or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress.

State and local securities – defined as a general obligation of any state or local government with taxing powers which is rated “AA” or better by a national bond rating service; and a revenue obligation of any state or local government with taxing powers which is rated “AA” or better by a national rating service; and a general obligation of the Minnesota Housing Finance Agency, which is a moral obligation of the State of Minnesota and is rated “A” or better by a national bond rating agency.

Commercial Paper – commercial paper issued by United States corporations or their Canadian subsidiaries rated in the highest quality category by at least two nationally recognized rating agencies with maturity of 270 days or less.

Time Deposits – time deposits that are fully insured by Federal Deposit Insurance Corporation or bankers acceptances of United States banks.

Temporary general obligation bonds – Funds may be invested in general obligation temporary bonds of the same governmental entity issued under section 429.091, subdivision 7, 469.178, subdivision 5, or 475.61, subdivision 6.

Debt service funds – Funds held in a debt service fund may be used to purchase any obligation, whether general or special, of an issue which is payable from the fund, at such price, which may include a premium, as shall be agreed to by the holder, or may be used to redeem any obligation of such an issue prior to maturity in accordance with its terms. The securities representing any such investment may be sold by the governmental entity at any time, but the money so received remains part of the fund until used for the purpose for which the fund was created. Any obligation held in a debt service fund from which it is payable may be canceled at any time unless otherwise provided in a resolution or other instrument securing obligations payable from the fund.

Repurchase Agreements – with a financial institution qualified as a “depository” of public funds of the government entity; any other financial institution which is a member of the Federal Reserve System and whose combined capital and surplus equals or exceeds \$10,000,000;

A primary reporting dealer in United States government securities to the Federal Reserve Bank of New York; or a securities broker-dealer licensed to chapter 80A, or an affiliate of it, regulated by the Securities and Exchange Commission and maintaining a combined capital and surplus of \$40,000,000 or more, exclusive of subordinated debt.

Securities lending agreements – with a financial institution meeting the qualifications of either the first two requirements of repurchase agreements having its principal executive office in Minnesota. Collateral for these transactions shall be restricted to above qualified United States securities, state or local securities, commercial paper, or time deposits.

Minnesota Joint Powers Investment Trust – government entities may enter into agreements or contracts for: shares of a Minnesota joint powers investment trust whose investments are restricted to securities listed above; or units of a short term investment fund established and administered pursuant to regulation 9 of the Office of the Comptroller of Currency, in which investments are restricted to securities listed above; or shares of an investment company which is registered under the Federal Investment Company Act of 1940 and which holds itself out as a money market fund meeting the conditions of rule 2a-7 of the Securities and Exchange Commission and is rated in one of the two highest rating categories for money market funds by at least one nationally recognized statistical rating organization; or shares of an investment company which is registered under the Federal Investment Company Act of 1940, and whose shares are registered under the Federal Securities Act of 1933, as long as the investment company receives the highest credit rating and is rated in one of the two highest risk rating categories by at least one nationally recognized statistical rating organization and is invested in financial instruments with a final maturity no longer than 13 months.

Guaranteed Investment Contracts - if issued or guaranteed by United States commercial banks, domestic branches of foreign banks, United States insurance companies, or their Canadian subsidiaries, or the domestic affiliates of the foregoing. The credit quality of the issuer's or guarantor's short – and long- term unsecured debt must be rated in one of the two highest categories by a nationally recognized rating agency. Should the issuer's or

guarantor's credit quality be downgraded below "A", the governmental entity must have withdrawal rights.

The Mower County Board of Commissioners shall appoint the person or persons authorized to execute investment decisions. The authorization shall be forwarded to depository banks, brokers, broker-dealer, or agent of a government entity who transfers, purchases, sells, or obtains securities for, or on behalf of, Mower County. Monthly investment reports will be submitted to the County Board of Commissioners. An annual audit is performed to determine compliance and investment management performance.

Prior to completing any financial transactions with a broker, a government entity shall provide annually to the broker a written statement of investment restrictions which shall include a provision that all future investments are to be made in accordance with Minnesota Statutes regarding investment of public funds. A broker must then acknowledge annually receipt of the statement of investment restrictions in writing and agree to handle the government entity's account in accordance with these restrictions. Mower County may not enter into an investment transaction with a broker until the broker has returned this signed written agreement.

Investments, contracts, and agreements may be held in safekeeping with: any Federal Reserve Bank; or any bank authorized under the laws of the United States or any state to exercise corporate trust powers, including, but not limited to, the bank from which the investment is purchased; or a primary reporting dealer in United States government securities to the Federal Reserve Bank of New York; or a securities broker-dealer having its principal executive office in Minnesota, licensed in chapter 80A, or an affiliate of it, and regulated by the Securities and Exchange Commission; provided that the government entity's ownership of all securities is evidenced by written acknowledgments identifying the securities by the names of the issuers, maturity dates, interest rates, CUSIP number, or other distinguishing marks.

Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Lang to approve a one year pilot program providing secure drop box locations for remitting taxes, authorize the Treasurer to enter into necessary agreements with providers of the locations on behalf of Mower County subject to review of the agreement by the County Attorney and to adopt the following goals:

1. To implement a Secure Payment Pilot Program within Mower County for remitting property taxes. The pilot program would include up to three locations in cities outside of the City of Austin.
2. To offer the secure drop off box as other counties, cities and utilities such as Morrison and Ramsey County, Austin Law Enforcement Center and Austin Utilities provide their customers.

3. To provide convenience to the taxpayer and discourage the need of driving to the government center.

Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to adjourn the meeting at 3:30 p.m. until May 9, 2006 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

A

adjourn, 117

C

City of Racine
hold harmless agreement
radio system, 110

E

employee of the month
Jeff Kasak, 110

I

investment policy, 114

M

minutes
4/25/06, 110
miscellaneous bills for immediate payment, 110

P

Public Hearing
CUP #697, Bartel
continued from 4/4/06, 110
CUP #698
Lee, 112

R

Res. #29-06
CUP #697
Bartel, 110
Res. #30-06
CUP #698
Lee, 112

S

secure drop box locations
pilot program for reminting taxes, 116
SEMCAAC
update on housing and community development, 114