

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 20, 2006

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 20, 2006 at 8:30 a.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

GENERAL:

Commissioner Tucker moved and Commissioner Ellingson seconded to refer the following items to the Finance Committee for further discussion and recommendations:

Review of County burials

Update on utilization of emergency assistance allocations for FY 2006

Motion carried.

The Commissioners received a report on recently completed Food Support Management Evaluation Review.

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

- a. Parenting Resource Center – renew contract for Crisis Nursery & Parenting Services, effective July 1, 2006 to June 30, 2007.
- b. REM Woodvale, Inc. – renew contract for In-Home Services, effective July 1, 2006 to June 30, 2007.
- c. Turtle Creek Industries (MSOCS) – renew contract for DTH Services, effective July 1, 2006 to June 30, 2007.
- d. Kathleen & Bill Abelson – renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- e. Scott Almy - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- f. Cardinal of Minnesota (Cardinal Circle) - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- g. Cardinal of Minnesota (Orchard Creek) - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- h. Cardinal of Minnesota (Southwind SLS) - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.

- i. Cenneidigh, Inc. - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- j. Downey, Eunice & Keith - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- k. Betty Dugan - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- l. Diane Hanson - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- m. Hecla, Inc. (Austin Manor) – approve agreement for Group Residential Housing Services, effective February 1, 2005 to June 30, 2008.
- n. Independent Mgmt. Services - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- o. Doyle & Linda Lindahl - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- p. MSOCS - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- q. Ralph & Bonnie Pitts - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- r. Edmund Seys - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- s. Constance Stark - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- t. Michael Wadding - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- u. WestPark – renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- v. Workforce Development, Inc. (FSET) – approve amendment to extend current contract through September 30, 2006 and to update language.

Motion carried.

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

- a. Richard Lang (Adult Foster Care) - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.
- b. Richard Lang (Board & Lodge) - renew agreement for Group Residential Housing Services, effective July 1, 2006 to June 30, 2008.

Motion carried. Commissioner Lang abstained.

Commissioner Lang moved and Commissioner Cummings seconded to approve Developmental Disabilities funding for case #38420. Motion carried.

Commissioner Tucker moved and Commissioner Ellingson 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: June 20, 2006

Res. #41-06

RESOLUTION

On motion of Commissioner Ellingson, seconded by Commissioner Cummings, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 20, 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 May 1, 2006 through June 30, 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 May & June 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 May & June 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: Garry Ellingson aye, David Hillier aye, Ray Tucker aye, Richard P. Cummings aye, and Richard Lang aye. Passed and approved this 20th day of June, 2006.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: June 20, 2006

Res. #42-06

RESOLUTION

On motion of Commissioner Lang, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 20, 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 May 1, 2006 through June 30, 2006 are hereby approved.

BE IT FURTHER RESOLVED, That all assistance payments issued during the month of May & June 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 May & June 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 May & June 2006 as listed on the Report of Refunds and Cancellation, are hereby acknowledged as received.

The Commissioners voted as follows: Garry Ellingson aye, David Hillier aye, Ray Tucker aye, Richard P. Cummings aye, and Richard Lang aye. Passed and approved this 20th day of June, 2006.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Cummings, seconded by Commissioner Lang to reject the proposed new Joint Powers Agreement for Family Connections and continue with the current Joint Powers Agreement. Motion carried.

At this time a Public Hearing was continued from June 6, 2006 in regard to CUP #699 of Brian Dolan to operate a commercial nursery on the property.

Summary provided of the previous public hearing by Daryl Franklin.

The Petitioner, Brian Dolan, spoke on his own behalf. Four persons spoke to different aspects of the Conditional Use Permit conditions objecting to some of the conditions but without objecting to the CUP.

Motion by Commissioner Cummings, seconded by Commissioner Tucker for a resolution to approve CUP #699 of Brian Dolan to operate a commercial nursery on the property and accept and adopt the findings of fact and set the following conditions:

1. If the property is not developed within 24 months from the date of the change, the property shall revert back to "Urban Expansion".
2. The development shall be per the submitted site plan.
3. Dedicate an additional 17 feet of right-of-way on CSAH #45.
4. Maintain a 17 foot setback on the north side of the property to be out of Austin Utilities' powerline easement.
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. Secure and submit MPCA (NPDES) General Stormwater Permit for Construction Activities.
7. The in-drive and parking lot shall be blacktopped by 2008.
8. Any outside lighting shall be directed away from the residences of surrounding property owners.
9. A 4 foot vegetative barrier shall be planted on the east side for 300 feet at five foot intervals starting at the end of the easement as per the site plan and a 4 foot vegetative barrier shall be planted in front of the bunkers.
10. Mobile business equipment shall be enclosed on the weekends and not left outside.
11. A 4 foot vegetative barrier shall be planted on the remainder of the property.
12. The ISTS system shall be upgraded in accordance with county and state laws.
13. Any signage shall be place as specified in the County Zoning Ordinance.
14. The hours of operation to the public shall be until 5:00 p.m. on Saturdays and 4:00 p.m. on Sundays.

Prior to a Board vote, discussion took place and the following motion was offered to amend the proposed resolution to approve CUP #699 with 14 conditions:

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to amend the conditions for CUP #699 as follows:

1. Delete proposed condition #7 in its entirety.
2. Modify proposed condition #9 to a 200 foot vegetative barrier and delete the requirement for a vegetative barrier in front of the bunkers.
3. Delete proposed condition #10 in its entirety.
4. Modify proposed condition #14 to set the hours of operation until 6:00 p.m. on Saturdays and Sundays.

The Commissioners voted as follows: Commissioner Ellingson aye, Commissioner Tucker aye, Commissioner Cummings nay, Commissioner Lang nay, and Commissioner Hillier aye. Motion carried 3-2.

After the motion modifying the original proposed resolution for CUP #699 was passed, the Board voted on the resolution to approve CUP #699 as amended as follows:

Date: June 20, 2006

Res. #43-06

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 June 20, 2006 at the Courthouse, Austin, Minnesota as amended by the preceding motion.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #699 of Brian Dolan, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To operate a commercial nursery and/or greenhouse business on the property

Location: S ½ NE ¼ Exc. W 245 ft. N 125 ft. S 834 ft., Section 27, Lansing Township, T103N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held June 6, 2006 and continued on June 20, 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. If the property is not developed within 24 months from the date of the change, the property shall revert back to "Urban Expansion".
2. The development shall be per the submitted site plan.
3. Dedicate an additional 17 feet of right-of-way on CSAH #45.

4. Maintain a 17 foot setback on the north side of the property to be out of Austin Utilities' powerline easement.
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. Secure and submit MPCA (NPDES) General Stormwater Permit for Construction Activities.
7. Any outside lighting shall be directed away from the residences of surrounding property owners.
8. A 4 foot vegetative barrier shall be planted on the east side for 200 feet at five foot intervals starting at the end of the easement as per the site plan.
9. A 4 foot vegetative barrier shall be planted on the remainder of the property.
10. The ISTS system shall be upgraded in accordance with county and state laws.
11. Any signage shall be place as specified in the County Zoning Ordinance.
12. The hours of operation to the public shall be until 6:00 p.m. on Saturdays and Sundays.

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

The Commissioners voted as follows: Commissioner Ellingson aye, Commissioner Tucker aye, Commissioner Cummings aye, Commissioner Lang nay, and Commissioner Hillier aye. Passed and approved this 20th day of June, 2006 with a vote of 4-1 as amended.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The County Commissioners reviewed the request of the City of Elkton for the purchase of the tax forfeited property prior to public sale according to M.S. 282.01 adjacent to the City hall and heard the request of Dianne Engelhart, the other adjacent property owner to the property, to have the property go to public sale.

Date: June 20, 2006

Res. #44-06

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 June 20, 2006 at the Courthouse, Austin, Minnesota.

WHEREAS, the Mower County Board of Commissioners has authorized the City of Elkton to request, by application, that it be allowed to purchase the following described tax-forfeited lands:

The East 15 feet of the South 60 feet of Lot 13, Block 4, Original Village of Elkton, Mower County, Minnesota.

WHEREAS, the City of Elkton states in the application they wish to acquire the above-described land for easier access as existing property line goes only two feet from building and access was always acquired and expected.

NOW THEREFORE BE IT RESOLVED, that the Mower County Board of Commissioners hereby approve the conveyance purchase of the above tax-forfeited land as per the application of the City of Elkton.

The Commissioners voted as follows: Commissioner Ellingson aye, Commissioner Tucker aye, Commissioner Cummings aye, Commissioner Lang ay, and Commissioner Hillier aye. Passed and approved this 20th day of June, 2006 with a vote of 4-1.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At the request of the Building Committee, Randy Lindemann, KKE Architects, presented to the Board an Executive Summary Site Development Cost Comparison Report. The report outlined cost comparisons of four proposed sites to bring them "pad ready" for the proposed Criminal Justice Center. The sites are termed the Mapleview Site (N), the Airport North Site (E), the Airport South Site (S), and the Kehret Site (W).

Motion made by Commissioner Cummings, seconded by Commissioner Ellingson to select "Site S (airport south site)" NE of the intersection of 218 South and CR 3 as the location for the proposed criminal justice center and authorize the County Coordinator to enter into an eighteen month purchase option agreement on behalf of the county at a price of \$15,000/acre for 60 acres. The Commissioners voted as follows: Commissioner Ellingson aye, Commissioner Tucker ay, Commissioner Cummings aye, Commissioner Lang ay, and Commissioner Hillier aye. Motion carried 3-2.

Motion made by Commissioner Cummings seconded by Commissioner Ellingson to authorize the chair to send a letter to the City of Austin requesting a decision on the co-

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

location of police services, dispatch and records management at the proposed criminal justice center with a response requested on or before August 1, 2006. Motion carried.

Mr. and Mrs. Goettelman appealed to the Board to do something about the noise levels and the hours and days of activity at the Deer Creek Speedway. They requested that days and times of cars on the speedway be limited. No action was taken on this request.

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

Thoroughbred Carpet \$3,177.60

Motion carried.

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

GENERAL FUND

Table with 4 columns: AMOUNT, VENDOR NAME, AMOUNT, VENDOR NAME. Lists various vendors and amounts for the General Fund, including items like ADAMS DRUG, AMERICAN LEGION POST #140, and a total of \$51,255.28.

GENERAL FUND

ROAD & BRIDGE FUND

Table with 4 columns: AMOUNT, VENDOR NAME, AMOUNT, VENDOR NAME. Lists various vendors and amounts for the Road & Bridge Fund, including items like ABOVE ALL CLEANING, INC and AMERICAN RED CROSS AUSTIN.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

398.54 MR. SAM COMMUNICATIONS		192.00 SCHILLING SUPPLY COMPANY	
182.39 SHERWIN WILLIAMS COMPANY		4203.07 STATE OF MINNESOTA,	
644.68 TERMINAL SUPPLY CO.		156.18 ULVEN'S ACE HARDWARE	
110.72 UNITED BLDG CENTERS		475.00 VANBUSKIRK & SONS EXCAVATING,	
15 PAYMENTS LESS THAN \$100		702.55	
ROAD & BRIDGE FUND		\$25,780.14	* TOTAL
SOLID WASTE/RECYCLING FUND		AMOUNT	VENDOR NAME
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
5250.00	IVERSON HAULING	649.34	WASTE MANAGEMENT OF SO MINNESO
6 PAYMENTS LESS THAN \$100		203.83	
SOLID WASTE/RECYCLING FUND		\$6,103.17	* TOTAL
DITCH FUND		AMOUNT	VENDOR NAME
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
2488.00	RUBLE EXCAVATING & CONSTRUCTIO	.00	
0 PAYMENTS LESS THAN \$100		\$2,488.00	* TOTAL
DITCH FUND			
FAMILY CONNECTIONS		AMOUNT	VENDOR NAME
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
189.57	MIDWEST WIRELESS	.00	
0 PAYMENTS LESS THAN \$100		\$189.57	* TOTAL
FAMILY CONNECTIONS		\$85,816.16	****
****	FINAL TOTAL.....		

Motion carried.

Motion made by Commissioner Ellingson, seconded by Commissioner Cummings to approve Amendment #1 to Agreement No. 87009 with the Minnesota Department of Transportation to extend the grant timeline to September 30, 2008. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the on sale liquor licenses of Austin Bowling Center, Inc. d/b/a, Echo Lanes and Ramsey Golf Club, Inc. d/b/a River Oaks of Austin effective July 1, 2006 through June 30, 2007 including Sundays; and approve the On / Off Sale Non-Intoxicating Liquor License (3.2 beer licenses) effective July 1, 2006 through June 30, 2007 for Cedar River Country Club and for Deer Creek Speedway. Motion carried.

Date: June 20, 2006

Res. #45-06

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 20, 2006 at the Courthouse, Austin, Minnesota.

WHEREAS, the Mower County Board of Commissioners has authorized the Mower County Board of Commissioners to request, by application, that it be given free of charge the following described tax-forfeited land:

The East one-half of the northeast quarter lying South of the Old Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way in Section 36, Township 102 North, Range 17 West, Mower County, Minnesota. Parcel Identification Number 20.036.0085

WHEREAS, Mower County Board of Commissioners state in the application they wish to acquire the above-described land for a public purpose,

NOW THEREFORE BE IT RESOLVED, that the Mower County Board of Commissioners hereby approve the conveyance free of charge, except costs and fees associated with the transfer of the property, of the above tax-forfeited land as per the application of the Mower County Board of Commissioners.

Passed and approved this 20th day of June, 2006.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: June 20, 2006

Res. #46-06

RESOLUTION

On motion of Commissioner Cummings, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 20, 2006 at the Courthouse, Austin, Minnesota.

NOW, THEREFORE, BE IT RESOLVED, that the basic sale price of each parcel included in said Auditor's List, which is on file in the office of the Mower County Auditor, is hereby approved, and authorization for a public sale of this land pursuant to M.S. 282.01 is now granted.

BE IT FURTHER RESOLVED that said public sale will be held on July 20, 2006 at 9:00 A.M. by the Mower County Auditor in the Commissioner's Room of the Mower County Courthouse at Austin, Minnesota for not less than the basic sale price – plus any special assessments authorized between now and the actual sale of the property – and that the terms of sale shall be full payment in cash.

Passed and approved this 20th day of June, 2006.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Cummings, seconded by Commissioner Lang to direct all county departments to ensure proper internal controls that all payments received by Mower County be made payable in the title of "Mower County Treasurer." Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Ellingson to approve a one time additional allocation of \$5,000 to the Mower County Historical Society to assist them in their transition between directors. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Ellingson to provide an allocation of \$7,000 to the City of Austin for the SIRT vehicle being purchased by the city contingent upon a written agreement that these funds would be dedicated by the city for use of the vehicle by the county at a guaranteed rate of \$400 per use until the \$7,000 in funds is utilized. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Lang to amend the 2006 Human Services budget in the amount of \$10,000 from the reserve contingency fund for a contract with Turtle Creek Industries for a pilot document scanning project. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Tucker to amend the 2006 Coordinator's budget by a maximum of \$6,000 for a contract with Computer Professionals Unlimited, Inc. to update the general ledger and make improvements to the IFS COFARS chart of accounts. Motion carried.

The Mower County Board of Commissioners changed their previously scheduled meeting set for July 3rd at 1:00 p.m. to Wednesday, July 5, 2006 at 1:00 p.m.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to adjourn the meeting at 1:02 p.m. until July 5, 2006 at 1:00 p.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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