

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

September 5, 2006

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session September 5, 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

The Finance Committee updated the Board regarding the 2007 budget process in general and in terms of the three options for the Human Services department. The Finance Committee is recommending that the proposed levy will provide for a 3% increase in the Human Services budget with an additional \$250,000 in an attempt to provide stability to the department and provide the same level of services as currently being provided.

At this time a Public Hearing was held in regard to CUP #706 of John Seymour/FPL Energy Mower County to install a meteorological tower.

Daryl Franklin provided a brief summary of the CUP and the planning commission's recommendations.

No one spoke for or against CUP #706.

Commissioner Ellingson questioned the visibility of the 50' tower for crop dusters in the area. A discussion followed. The petitioner was not present for comment.

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to table the public hearing for CUP #706 and CUP #709 until September 12, 2006 at 11:00 a.m. Motion carried.

At this time a Public Hearing was held in regard to CUP #707 of Dan & Nicki Lohuis to construct an additional dwelling on the property.

Daryl Franklin provided a brief summary of the CUP and the planning commission's recommendations.

The Petitioner briefly spoke on his own behalf stating that some of the land would remain pasture land and that he and his family are used to country living in response to the need to sign an Assumption of Risk statement.

No one spoke for or against CUP #707.

**Date: September 5, 2006**

**Res. #56-06**

**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 September 5, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #707 of Dan & Nicki Lohuis, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct an additional dwelling in the quarter section of land on the property.

Location: NE ¼, Section 16, LeRoy Township, T101N R14W, Mower County, Minnesota.

Notice having been duly given and a hearing held September 5, 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. However, the County Board may extend the CUP for an additional twelve (12) months by a motion if the conditions are the same as the approved CUP.
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.

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

Passed and approved this 5<sup>th</sup> day of September, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time a Public Hearing was held in regard to amend CUP #699 of Brian Dolan to allow for the sale of spas and hot tubs and to clarify conditions #2 and #9 of the approved CUP.

Daryl Franklin provided a brief summary of the proposed amendment to CUP #699 and the planning commission's recommendations.

Petitioner spoke on his own behalf and reviewed the revised site plan with the commissioners.

No one spoke for or against amending CUP #699.

Commissioner Cummings recommending hard surfacing the in-drive within two years to minimize dust for the neighboring property owner. Discussion followed concerning this proposed condition.

**Date: September 5, 2006**

**Res. #57-06**

**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 September 5, 2006 at the Courthouse, Austin, Minnesota.

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

The addition of allowing for the sales of spas and pools and to clarify conditions #2 and #9 of the previous CUP approved for 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 September 5, 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. Delete condition #2.
2. Clarify condition #9, to read: "A 4-foot vegetative barrier shall be planted around the Boysen property on the north, east and south sides of the property."
3. Add a condition, "The sales of spas and pools on the property will be allowed."
4. Add a condition, "The in-drive and customer parking lot shall be hard surfaced by August 1, 2008 or Petitioner is to provide appropriate dust control measures at all times effective immediately."

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

Passed and approved this 5<sup>th</sup> day of September, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to the request of Jeremy & Lisa Reese to rezone property from "R1" to "Industrial" to allow application for a CUP #708 to allow the sale of trailers and vehicles.

Daryl Franklin provided a brief summary, power point outlining the property in question, a review of the site plan for the rezoning of the property and CUP #708 as well as the planning commission's recommendations.

The Petitioner spoke on his own behalf and answered questions presented by the Board.

One person spoke in favor of the rezoning and CUP #708 and no one spoke against.

**Date: September 5, 2006**

**Res. #58-06**

**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 September 5, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, a request of Petitioner Jeremy & Lisa Reese to rezone property, and to be issued pursuant to the Mower County Zoning Regulations for:

Amend the future land use plan and rezone property from "R-1" to "Industrial" to allow the applicant to apply for a Conditional Use Permit to allow the sales of trailers and vehicles and do vehicle repair on the property.

Location: Lots 5, 6, 7, 8 & 9, St. Michaels Subdivision and Area E, St. Michaels Subdivision Lot 31, Section 22, Lansing Township, T103N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held September 5, 2006, on said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that request for rezoning from "R-1" to "Industrial" for the stated location excluding "Area E, St. Michaels Subdivision Lot 31" and amendment of the future land use plan 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 "R-1".
2. Applicant must apply for and receive a conditional use permit from Mower County for the sales of trailers and vehicles and to do vehicle repair on the property.
3. The property is rezoned "Industrial" specifically for the use designated in CUP #708 of Petitioner.

This permit is in accordance with Section 14-82(h) of the Mower County Zoning Ordinance.

Passed and approved this 5<sup>th</sup> day of September, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time a Public Hearing was held in regard to CUP #708 of Petitioner Jeremy & Lisa Reese for the sale of trailers and vehicles.

Daryl Franklin provided a brief summary of the request along with the Planning Commission's recommendation.

Petitioner spoke on his own behalf.

No one spoke for or against CUP #708.

**Date: September 5, 2006**

**Res. #59-06**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 5, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #708 of Jeremy & Lisa Reese, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To allow the sales of trailers and vehicles and do vehicle repair on the property.

Location: Lots 5, 6, 7, 8 & 9, St. Michaels Subdivision and Area E, St. Michaels Subdivision Lot 31, Section 22, Lansing Township, T103N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held September 5, 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 CUP is void.
2. Comply with EPA Small Entity Compliance Guide.
3. The Petitioner shall be responsible for obtaining 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. Install a five foot chain link fence around the perimeter of the property.
5. Remove the existing concrete from the property and properly dispose of it.
6. All motorized vehicles must be currently licensed allowing no motorized vehicles with an expired license in excess of one year.

This permit is in accordance with Section 14-82(h) of the Mower County Zoning Ordinance.

Passed and approved this 5<sup>th</sup> day of September, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to authorize the Human Resource Director to fill a female Jailer vacancy. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Cummings to authorize the Human Resource Director to fill the vacant Financial Worker and Office Support Assistant in Human Service from the Merit System. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to authorize the Human Resource Director to fill the .5 FTE vacant Office Support Specialist position in Public Health according to union contract. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang approve the Auditor's request for training for the new Office Support Specialist Sr. commencing September 18, 2006 through October 1, 2006 for 4 hours per day. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Cummings to accept the resignation of the County Attorney effective October 2, 2006. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Ellingson to amend Policy B130 for formatting/housekeeping changes and to amend sections of the policy as follows:

In Section entitled "Policy Statement" amend the last line in the first paragraph as follows:

The recruitment and selection process shall provide equal opportunity for all qualified applicants based on Merit ~~or Civil Service~~ and suitability to the position.

In Section entitled "Recruitment Procedures" subsection "3. Eligibility List" amend the 1<sup>st</sup> sentence in the second paragraph as follows:

Upon creation of an eligibility list the Human Resource Director will submit to the department head the top ~~three to five~~ candidates ~~on the eligibility list~~ **to interview**.

In Section entitled "Selection Process" subsection "4. Interview" amend the last sentence in the first paragraph as follows:

The Human Resource Director or designee shall determine who will set up interviews with the top ~~three to five~~ candidates **selected**.

And in subsection "5. Appointment and Notification" amend subparagraph "3" to subparagraph "c." and further amend as follows:

- ~~a.~~ i. Authority to hire up to step 4.
- ~~b.~~ ~~Authority to grant up to 15 days of sick leave. (Union)~~
- ~~c.~~ ~~Authority to grant up to 3 weeks of vacation. (Union)~~
- ~~d.~~ ii. Strictly comply with all union contract requirements.
- ~~e.~~ iii. Authority to grant up to level 2 PTO. (Non-union **and Union**)

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to approve the following final payments for Highway Department projects:

SAP 050-607-032	Rochester Sand & Gravel	\$54,009.86
SAP 050-599-096	Minnowa Construction, Inc.	8,782.45
SAP 050-599-097	Minnowa Construction, Inc.	9,760.25

Motion carried.

Motion made by Commissioner Ellingson, seconded by Commissioner Lang to approve the minutes of August 15, 2006 and August 22, 2006. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Lang to approve the miscellaneous bill to the City of Austin in the amount of \$30,000 for immediate payment. Motion carried.

**Date: September 5, 2006**

**Res. #60-06**

**RESOLUTION**

On motion of Commissioner Ellingson, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 5, 2006 at the Courthouse, Austin, Minnesota.

BE IT RESOLVED, that the Mower County Sheriff's Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE & SOBER COMMUNITIES during the period from October 1, 2006 through September 30, 2007.

The Sheriff of Mower County is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Mower County Sheriff's Department.

BE IT FURTHER RESOLVED, the Chief of the Austin Police Department is hereby authorized to be the fiscal agent and administer of this grant on behalf of the Mower County Sheriff's Department.

Passed and approved this 5<sup>th</sup> day of September, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Tucker, seconded by Commissioner Cummings to approve the Minnesota Counties Information Systems Joint and Cooperative Agreement & By-Law Changes. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Ellingson to adopt the department specific policy for the Sheriff's Department entitled Towing/Storage/Impound Fees as on file in the office of the County Sheriff and Mower County Coordinator. Motion carried.

Motion made by Commissioner Ellingson, seconded by Commissioner Cummings to approve the three year Maintenance Agreement between Independent Emergency Services and Mower County effective September 5, 2006. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Tucker to adjourn the meeting at 3:25 p.m. until September 12, 2006 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

**INDEX**

<b>F</b>	CUP #706 & CUP #709 TABLED 9-12 at 11 am, 209 CUP #707 Lohuis, 209 CUP #708 Reese, 214 rezoning request Reese, 212
final payments SAP 50-599-096, 216 SAP 50-599-097, 216 SAP 50-607-032, 216	
Financial Worker fill vacancy, 215	
<b>I</b>	<b>R</b>
Independent Emergency Services Maintenance Agreement, 217	Res. #56-06 CUP #707 Lohuis add'l dwelling, 210
<b>J</b>	Res. #57-06 CUP #699 amended Dolan, 211
Jailer fill vacancy, 215	Res. #58-06 rezone property from R1 to Industrial Reese, 213
<b>M</b>	Res. #59-06 CUP #708 Reese sale of trailers, etc., 214
MCIS Joint & Cooperative Agreement & By-Laws, 217	Res. #60-06 Safe & Sober Communities grant agreement, 217
minutes 8-15 and 8-22-06, 216	resignation accepted County Attorney, 216
miscellaneous bills, 216	
<b>O</b>	<b>T</b>
Office Support Assistant fill vacancy, 215	Towing/Storage/Impound Fees Policy Sheriff Dept., 217
Office Support Specialist .5 FTE fill vacancy, 215	training office support specialist, sr. auditor's office, 215
<b>P</b>	
Policy B130 amended, 216	
Public Hearing CUP #699 Dolan, 211 CUP #706 FPL Energy, 209	