

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

March 6, 2007

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 6, 2007 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

All members present, viz: Dick Lang, Chair
 Richard Cummings
 Raymond Tucker
 David Hillier
 Dave Tollefson
 Craig Oscarson, County Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to amend Mower County Personnel Policy D110 Vacation Policy and D115 Paid Time Off to add a cash-out option for each by amending the each policy as follows:

Amend Policy D110 – Vacation Policy by inserting the following language in the section entitled “Accrual”:

“An employee may cash-out not less than 10 hours but no more than 25 hours of vacation hours with the following stipulations:

- a) **the Employee must maintain a minimum of 152 hours in their vacation bank;**
- b) **the employee must make written application for the cash-out option to Payroll during the first week of November. The requested cash-out amount will be paid with the first December payroll. The cash-out rate will be paid at the hourly rate the employee was earning at the time of the payout.”**

and providing a vacation cash-out request form at the end of the policy.

Amend Policy D115 – Paid Time Off (PTO) by inserting the following language in the section entitled “Accrual”:

“An employee may cash-out not less than 10 hours but no more than 25 hours of PTO hours with the following stipulations:

- a) **the Employee must maintain a minimum of 152 hours in their PTO bank;**
- b) **the employee must make written application for the cash-out option to Payroll during the first week of November. The requested cash-out amount will be paid with the first December payroll. The cash-out rate will be paid at the hourly rate the employee was earning at the time of the payout.”**

and providing a PTO cash-out request form at the end of the policy. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to approve the request of the Veteran’s Service/Emergency Management Director to accumulate

PTO hours beyond the maximum allowed due to a heavy training schedule until May 1, 2007. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to approve a tentative labor agreement between Mower County and The American Federation of State, County and Municipal Employees, AFL-CIO, Minnesota Council No. 65 and The Mower County Human Services Chapter, Local No. 2566 ("AFSCME") effective January 1, 2007 through December 31, 2009 subject to the County receiving written documentation from AFSCME that the union members voted to accept the conditions of the tentative agreement. Motion carried.

The Finance Committee reported that the committee was reviewing the possibility of advertising surplus property through the Mower County website.

At this time, a Public Hearing was held in regard to CUP #715 of Janalea and Terry Huebbe for a dog kennel.

Summary of the CUP provided by Daryl Franklin concluding that the Planning Commissions recommends CUP #715.

The Petitioner was present. No one spoke for or against CUP #715.

Date: March 6, 2007

Res. #18-07

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Tollefson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 6, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #715 of Janalea and Terry Huebbe, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To allow a dog kennel (4 or more dogs over the age of four months) on the property

Location: E 580 ft. W 955 ft. S 305 ft. SE ¼ , Section 20, Dexter Township,
T103N R16W, Mower County, Minnesota

Notice having been duly given and a hearing held March 6, 2007, 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. The kennel would be limited to 25 dogs.
2. Comply with Minnesota Statute 325F.791, 346.39, 343.40 and any applicable MN Statute and amendments thereof.
3. The Mower County Sheriff's Department, Mower County Environmental Services Department or Minnesota Federated Humane Society agent has the right to make periodic inspections of the facility and of required record keeping.

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

Passed and approved this 6th day of March, 2007.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At this time, a Public Hearing was held in regard to CUP #716 of EnXco to install a 50-meter guyed meteorological tower on the property.

Daryl Franklin reviewed the Planning Commission's recommendations.

Steve Edwards/EnXco, petitioner, was present and answered questions presented by the Board.

No one spoke for or against CUP #716.

Date: March 6, 2007

Res. #19-07

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 6, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #716 of EnXco, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To install a 50-meter guyed meteorological tower on the property

Location: W ½ & SE ¼ & SW ¼ NE ¼ , Section 17, Grand Meadow Township, T103N R15W, Mower County, Minnesota

Notice having been duly given and a hearing held March 6, 2007, 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 the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
4. Petitioner 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. Supply latitude and longitude for the tower location to the FAA, Mayo One and area airports.
6. This conditional use permit will expire March 1, 2012.

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

Passed and approved this 6th day of March, 2007 with a vote of 4-1. The Commissioners voted as follows: Commissioner Tucker aye, Commissioner Cummings aye, Commissioner Tollefson aye, Commissioner Hillier nay and Commissioner Lang aye.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Mower County Board of Commissioners will hold a work session on Tuesday, March 20, 2007 at 1:00 p.m. in the County Board Room regarding the Judicial Justice Center and Facility Needs of the County.

The Board recessed at 1:50 p.m. and reconvened at 2:20 p.m.

Jim Gebhardt, Chair, and Bev Nordby, District Manger, of the Soil and Water Conservation District presented to the County Board a review of the 2006 Soil and Water Conservation District projects.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to amend the 2007 Environmental Services budget with an increase of a maximum of \$10,000 with funding from the 2007 reserve contingency budget for the purchase of an autoclave, steam sterilizer equipment in the lab. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to approve the minutes of February 13, 2007. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to approve the Memorandum of Agreement pursuant to Section 106 of the National Historic Preservation Act Between the Federal Highway Administration (FHWA) and the Minnesota State Historic Preservation Office (SHPO) Regarding the Replacement of the Oakland Avenue Underpass (SP 104-139-05) City of Austin, Mower County. The Commissioners voted as follows: Commissioner Tucker aye, Commissioner Cummings nay, Commissioner Tollefson aye, Commissioner Hillier aye and Commissioner Lang aye. Motion carried 4-1.

Date: March 6, 2007

Res. #20-07

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 6, 2007 at the Courthouse, Austin, Minnesota.

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, has been authorized to undertake a program to provide funds for Family Homeless Prevention & Assistance Projects; and

WHEREAS, the Southeastern Minnesota Housing Network, working through: 1) Olmsted Community Action, 2) SEMCAC, and 3) Three Rivers Community Action, has developed a renewal application for the Minnesota Housing Finance Agency Family Homeless Prevention & Assistance Program; and

WHEREAS, the Southeastern Minnesota Housing Network through Olmsted Community Action, SEMCAC, and Three Rivers Community Action has demonstrated the ability to perform the required activities of the Minnesota Housing Finance Agency Family Homeless Prevention & Assistance Program;

NOW, THEREFORE BE IT RESOLVED, that the Southeastern Minnesota Housing Network is hereby authorized as an entity to be charged with the administration of funds made available through the Minnesota Housing Finance Agency Family Homeless Prevention & Assistance Program in the County of Mower, in Minnesota.

Passed and approved this 6th day of March, 2007.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Cummings, seconded by Commissioner Tollefson to authorize the County Attorney to sign an agreement to retain Melchert, Hubert, Sjodin, Attorneys at Law, for legal services for two tax court petitions. Motion carried.

Date: March 6, 2007

Res. #21-07

RESOLUTION

On motion of Commissioner Cummings, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 6, 2007 at the Courthouse, Austin, Minnesota.

WHEREAS, Minnesota Statutes 244.19 subdivision 6 outlines a process for State reimbursement to participating counties for 50% of the cost of their probation officer salaries; and

WHEREAS, 28 County Probation Officer counties and 27 Department of Corrections contract counties participate in this process; and

WHEREAS, appropriations from the State have steadily decreased from 50% in 1996 to as low as 38% in 2004; and

WHEREAS, the 55 counties participating in this process have been forced to make up the deficit in the reimbursement funding for their probation officers; and

WHEREAS, the 2007 Legislative Session will be settling and passing the FY 08 and FY 09 appropriation for probation officer salary reimbursement for these 55 counties; and
WHEREAS, the Minnesota Association of County Probation Officers has been working with the Department of Corrections and legislative staff to ensure that an accurate FY 08 and FY 09 appropriation amount is determined; and

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board of Commissioners strongly requests the 2007 Legislature to appropriate sufficient funds to reimburse the 55 participating counties for the full 50% of the cost of their probation officer salaries.

Passed and approved this 6th day of March, 2007.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Cummings, seconded by Commissioner Tollefson to approve and authorize the County Coordinator to sign a change order to deduct \$980.63 from the Watson Furniture bid for the radio project. The project now contains two full dispatch consoles instead of 1½ console. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to authorize the County Attorney to sign the Waiver & Privilege & Confidentiality agreement with SCC Transition Administrators for frequency changes for the radio project. Motion carried.

Motion made by Commissioner Tollefson, seconded by Commissioner Cummings to appoint Brent Gunderson, Social Services Supervisor, and Michal Hanson, County Engineer, as delegates for the Association of Minnesota Counties and to amend the Human Service and Highway budgets for the cost to attend the legislative and annual AMC conferences. Motion carried.

Craig Oscarson reported that the Minnesota Pollution Control Agency has released the site the County plans to purchase for a transit facility from contamination.

Motion by Commissioner Tollefson, seconded by Commissioner Tucker to adjourn the meeting at 3:09 p.m. until March 13, 2007 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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