

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

May 1, 2007

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session May 1, 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

Ann Reinartz appeared before the Board with a complaint alleging that inaccurate information was given to her by the County Treasurer in 2006 and her property was not classified as homestead for 2007. This only became apparent after receiving her 2007 property tax statement in April. Her claim was that the County Treasurer had informed her that the deadline for homestead application was December 31 but, in fact, it actually was December 1. Ms. Reinartz is seeking satisfaction from the County for the tax consequence she incurred due to the inaccurate information received from the County Treasurer. The matter was referred to the Finance Committee for review and recommendation.

At this time, a Public Hearing was held in regard to CUP #719 of Philip Wagner to construct an additional dwelling in the quarter section of land of Section 6 in Grand Meadow Township.

Daryl Franklin provided a summary of the CUP and informed the Board that the Planning Commission recommends approval of CUP #719.

No one spoke for or against CUP #719.

**Date: May 1, 2007**

**Res. #38-07**

**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 May 1, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #719 of Philip Wagner, 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 property in Section 6 in Grand Meadow Township.

Location: NW ¼ & N ½ SW ¼, Section 6, Grand Meadow Township, T103N R15W, Mower County, Minnesota

Notice having been duly given and a hearing held May 1, 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. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 04/30/09 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.
7. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

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

Passed and approved this 1<sup>st</sup> day of May, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time, a Public Hearing was held in regard to CUP #720 of Roger Jax to move a mobile home on the property for the dairy operation on property in Section 30 of Adams Township.

Daryl Franklin provided a summary of the CUP and informed the Board that the Planning Commission recommends approval of CUP #720.

No one spoke for or against CUP #720.

**Date: May 1, 2007**

**Res. #39-07**

**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 May 1, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #720 of Roger Jax, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To move a mobile home on the property for the dairy operation on property in Section 30 in Adams Township.

Location: W 290.4 ft. N 403.9 ft. S 800.4 ft. SW ¼ NW ¼ , Section 30, Adams Township, T101N R16W, Mower County, Minnesota.

Notice having been duly given and a hearing held May 1, 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. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 04/30/09 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. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

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

Passed and approved this 1<sup>st</sup> day of May, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time, a Public Hearing was held in regard to CUP #721 of Renewable Energy Systems Americas, Inc. to construct a meteorological tower on the property.

Daryl Franklin provided a summary of the CUP and informed the Board that the Planning Commission recommends approval of CUP #721.

Representatives of Renewable Energy Systems Americas, Inc. were present and spoke on behalf of the company for CUP #721.

One person addressed the Board in terms of requiring lighting on the tower for aviation visibility even though the 190' tower is shorter than the 200' tower which the FAA requires lighting.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to approve CUP #721 of Renewable Energy Systems Americas, Inc. and accept the findings of fact with the five conditions established by the Planning Commission and add a sixth condition to require lighting and buoys on the guy wires. After further discussion, the commissioners voted on a motion to table as follows:

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to table the motion for CUP #721 to May 8, 2007 at 10:30 a.m. Motion carried.

At this time, a Public Hearing was held in regard to an amendment to CUP #534 of Dayton Kehret to include a U-Haul Truck & Trailer Rental Business to the existing Storage Business in Section 5 of Austin Township.

Daryl Franklin provided a summary of the amendment to the CUP and informed the Board that the Planning Commission recommends approving the amendment for CUP #534.

No one spoke for or against amending CUP #534. The Petitioner was present to address any questions of the Board.

**Date: May 1, 2007**

**Res. #40-07**

**RESOLUTION**

On motion of Commissioner Hillier, seconded by Commissioner Cummings, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 1, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, amendment to CUP #534 of Dayton Kehret, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To include a U-Haul Truck & Trailer Rental Business to the existing Storage Business on property in Section 5 in Austin Township.

Location: W 12 Ac. SW ¼ N of I-90, Exc. N 375 ft. W 175 ft., Section 5, Austin Township, T102N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held May 1, 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. There may be no more than four (4) units for rent on the north side of the facility.
2. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is in accordance with Section 14-61 of the Mower County Zoning Ordinance.

Passed and approved this 1<sup>st</sup> day of May, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to authorize the Human Resource Director to have the position of Building Maintenance Supervisor re-evaluated and to fill the full-time position of Building Maintenance Supervisor according to personnel policies. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to authorize the Human Resource Director to hire a temporary male jailer position to commence May 5 for the duration of a scheduled military leave of absence of a male jailer contingent on an executed Letter of Understanding between Mower County and LELS Local #81. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to authorize the Human Resource Director to hire two temporary summer employees for data entry in the Assessor's department to a maximum of \$9,000 and to amend the Assessor's 2007 budget for an increase of \$4500 for salaries contingent upon the availability to use monies for this purpose from the Land Record Fund. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Tollefson to hire Zenk, Read, Trygstad & Assoc., Inc. (Tim Reismour, Architect) for full architectural services including schematic design for the proposed 4 seasons dining hall project. The costs for architectural services is 10.5% of construction which includes the cost of \$1,100 for schematic design. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to authorize the Highway Department to order 5 replacement vehicles as budgeted. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to set the following 2007 liquor license fees:

|                          |         |
|--------------------------|---------|
| 3.2 Beer Off Sale        | \$72.00 |
| 3.2 Beer On and Off Sale | \$80.00 |

Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Tollefson to set the 2007 mileage reimbursement rate for specially equipped vehicles at forty-seven cents (\$0.47) per mile and the reimbursement rate for private aircraft at fifty-three cents (\$0.53) per mile. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to set the following fees for 2007:

|  |          |
|--|----------|
| Tobacco Retailer License Fee                 | \$ 75.00 |
| Transient Merchant License Fee               | 150.00   |
| Auditor's Certificate as to Taxes and Values | 200.00   |

Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Tollefson to approve the settlement for the K-Mart tax petition cases for assessment years 2002 – 2006 (File #C5-050562R). Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Tollefson to adjourn the meeting at 2:40 p.m. until May 8, 2007 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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