

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

August 7, 2007

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session August 7, 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 authorize the Human Resource Director to fill the full-time position of Communications Clerk in the Sheriff's department according to union contract and personnel policies. Motion carried.

Commissioner Tucker reported that the 2008 budget process has commenced and the finance committee has been meeting with departments and outside agencies.

Motion made by Commissioner Tucker, seconded by Commissioner Cummings for Mower County to participate in a Memorandum of Understanding with Olmsted County for a research study for county based medical expenses at \$36,000 per year effective August 1, 2007 through July 31, 2008. Motion carried.

At this time a Public Hearing was held in regard to CUP #725 of Rick Loucks to construct an additional dwelling in a wooded area of the property.

Daryl Franklin, Environmental Services, provided a summary and the Planning Commissions recommends approval.

No one spoke for or against CUP #725.

Date: August 7, 2007

Res. #59-07

RESOLUTION

On motion of Commissioner Tollefson, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 7, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #725 of Rick Loucks, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct an additional dwelling in the quarter section of land in a wooded area on property in Section 10 in Windom Township.

Location: SW ¼ Exc. S 144 ft. W 540 ft. & Exc. 2 Ac., Section 19, Windom Township, T102N R17W, Mower County, Minnesota.

Notice having been duly given and a hearing held August 7, 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 7th day of August, 2007.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Mary Huntley, Taopi City Clerk, on behalf of the City, made a request that the Mower County Board of Commissioners review the fee structure for the 22 system sewer project being developed in Taopi.

Motion made by Commissioner Tucker, seconded by Commissioner Cummings to charge the City of Taopi a \$100 per system sewer fee. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to approve the minutes of July 10, 2007 and July 24, 2007 with a clerical correction on page KK167 of the July 10 minutes. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to approve the following miscellaneous bills for immediate payment:

Wallace Bustad	\$ 225.00
KKE Architects	24,430.70
Dick Pedersen	23,890.00
LarsonAllen	31,300.00
Whitewater Wireless	126,533.91
Watson Furniture	25,821.51

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to approve the following list of surplus property for auction:

Quantity	Item	Department
1	1953 2-wheel pole trailer	Highway
1	1992 International 4600-LP dump truck	Highway
1	1992 International 2654 6x4 tandem dump truck	Highway
1	1992 Graco Line Lazer 5000 paint striper	Highway
1	1996 Chevrolet 4x4 Suburban	Highway
1	1996 Chevrolet C-1500 Pickup	Fairgrounds
1	1996 Chevrolet C-1500 Pickup	Fairgrounds
1	1998 Crafc0 200D Melter	Highway
1	Pile Driving Leads, Cap & Hammer	Highway
	Miscellaneous snow plow parts	Highway
1	2003 Ford Crown Victoria	Sheriff
1	2000 Mitsubishi	Sheriff

Quantity	Item	Department
1	1986 Buick Century 4dr	Sheriff
	Miscellaneous golf clubs and golf bag	Sheriff
1	1994 Ford Aerostar	Maintenance
1	10" Table Saw	Maintenance
1	6" Joiner Planer	Maintenance

Motion carried.

Date: August 7, 2007

Res. #60-07

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 August 7, 2007 at the Courthouse, Austin, Minnesota.

WHEREAS, on August 7, 2007 the Elks Lodge 414 presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the Windrift Lounge.

BE IT RESOLVED THAT, the Mower County Board of Commissioners do hereby approve the issuance of a Minnesota Lawful Gambling License to the Elks Lodge 414 for gambling at the Windrift Lounge.

Passed and adopted this 7th day of August, 2007.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to approve a grant amendment with the State of Minnesota for additional funds for the Mower County Correctional Services for remote electronic monitoring and caseload reduction in the amount of \$26,794.00. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Tollefson to approve a Contract with the SE MN Water Resources Board for feedlot runoff control to impaired waters from October 1, 2005 through August 31, 2010. Motion carried.

The Board was informed that the City of Adams was requesting curbside recycling for its community.

Motion made by Commissioner Tucker, seconded by Commissioner Cummings to refer the City of Adam's request for curbside recycling to the Solid Waste Committee for recommendation. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to accept the Veterans Service Officer Operational Improvement Grant in the amount of \$4200 to replace outdated office equipment. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Hillier to approve the Emergency Performance Grant contract with the State of Minnesota to develop, maintain and improve local emergency management programs, effective October 1, 2006 through September 30, 2007. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Tucker to refer the request of the City of Austin for a reduction in assessing costs to Finance Committee for review and recommendation. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to approve the \$420,000 Release from FPL Energy to Mower County for the restoration of any County Roads and County State Aid Highways impacted by the wind tower project. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Tollefson to appoint a subcommittee (Land Records Committee) of the Finance Committee to advise the finance committee concerning the fees collected in the land records fund. The advisory subcommittee is to consist of the County Coordinator, Assessor, Recorder, Environmental Services Director, Auditor/Treasurer, Highway Engineer and Finance Director. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Cummings to approve the request of the County Engineer to purchase a new melter for \$51,613.95. The melter is included in the 2007 approved budget. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to approve payment to Dietz Brothers, Inc. in the amount of \$28,291.15 for the Elkton Radio Tower project. The project is complete but, subject to review and recommendation for payment from the County Attorney, the county is retaining \$3200 for warranty work to be completed one year from the project completion date. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to approve the annual renewal of the internet agreement with Vanguard for website subscriptions in the amount of \$5500. Motion carried.

The Board recessed at 2:09 p.m. and reconvened at 3:00 p.m.

The Board discussed the proposed Jail / Justice Center and Health and Human Services building projects in terms of the project scope and budget.

Date: August 7, 2007

Res. #61-07

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 August 7, 2007 at the Courthouse, Austin, Minnesota.

WHEREAS, existing and new funds have been identified that could be used towards capital projects including a Jail/Justice Center and Health and Human Services facilities; and

WHEREAS, the county will need to bond for additional funds to complete the proposed projects.

NOW, THEREFORE, BE IT RESOLVED that the county set \$25 million as the level of funds needed from bonding to complete its' proposed projects.

NO VOTE as proposed.

Motion made by Commissioner Cummings, seconded by Commissioner Hillier to amend the proposed resolution to set the bond limit for the Justice Center project up to \$27 million. The Commissioners voted as follows: Commissioner Tollefson nay, Commissioner Cummings aye, Commissioner Tucker aye, Commissioner Hillier aye, and Commissioner Lang nay. Motion carried 3-2.

Date: August 7, 2007

Res. #61-07

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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 August 7, 2007 at the Courthouse, Austin, Minnesota.

WHEREAS, existing and new funds have been identified that could be used towards capital projects including a Jail/Justice Center and Health and Human Services facilities; and

WHEREAS, the county will need to bond for additional funds to complete the proposed projects.

NOW, THEREFORE, BE IT RESOLVED that the county set up to \$27 million as the level of funds needed from bonding to complete its' proposed projects.

The Commissioners voted as follows on the amended resolution: Commissioner Tollefson nay, Commissioner Cummings aye, Commissioner Tucker aye, Commissioner Hillier aye,

and Commissioner Lang nay. Passed and adopted this 7th day of August, 2007 with a vote of 3-2.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The Board discussed the need to set the project scope and the possibility of using reserve funds for the project. In addition, the Board discussed the possibility of setting a project cap.

Motion made by Commissioner Tollefson to set the jail / justice center project cap at \$27 million. The Chair, Commissioner Lang, turned the meeting over to the Vice Chair, Commissioner Cummings, and seconded Commissioner Tollefson motion. The Commissioners voted as follows: Commissioner Tollefson aye, Commissioner Tucker nay, Commissioner Lang aye, Commissioner Hillier nay, and Commissioner Cummings nay. Motion failed 2-3.

Commissioner Lang resumed being chair of the meeting.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to set the scope of the jail / justice center project in the range of \$27 million to \$30 million. The Commissioners voted as follows: Commissioner Tollefson nay, Commissioner Cummings aye, Commissioner Tucker aye, Commissioner Hillier aye, and Commissioner Lang nay. Motion carried 3-2.

County Coordinator, Craig Oscarson, recommended that the Board discuss the City of Austin's possible participation in the project for the police department and identify the use of reserves for the project or refer to finance.

Austin Mayor Stiehm addressed the Board concerning the possible location of the facility outside of downtown Austin. The City supports the project if the County locates the facility in downtown Austin but not outside of downtown Austin. The City offered to have another architect propose an urban jail facility for downtown Austin.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to reaffirm Resolution #36-07 dated April 24, 2007 that the County continues to establish the south airport site as the preferred site for the proposed jail / justice center. The Commissioners voted as follows: Commissioner Tollefson nay, Commissioner Cummings aye, Commissioner Tucker nay, Commissioner Hillier aye, and Commissioner Lang aye. Motion carried 3-2.

Motion made by Commissioner Cummings, seconded by Commissioner Hillier to contact the City of Austin requesting a response within 60 days of the City's level of participation and contribution in the Jail / Justice Center project. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to adjourn the meeting at 4:40 p.m. until August 14, 2007 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____ **Chairperson**

Attest:

By: _____
Clerk/Coordinator

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