

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

September 4, 2007

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session September 4, 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

Daryl Franklin, Director of Environmental Services, was recognized as Employee of the Month.

At this time, a Public Hearing was held in regard to CUP #727 of Don and Laura Tolner to construct an additional dwelling on the property.

Daryl Franklin provided a summary of the application and informed the Board that the Planning Commission recommends approval of CUP #727.

No one spoke for or against CUP #727.

**Date: September 4, 2007**

**Res. #64-07**

**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 September 4, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #727 of Don and Laura Tolner, 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 Exc. S 661 ft. & Exc. 33.3 Ac., Section 6, Marshall Township,  
  T102N R16W, Mower County, Minnesota

Notice having been duly given and a hearing held September 4, 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. 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.
4. 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 4<sup>th</sup> day of September, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time, a Public Hearing was held in regard to CUP #728 of Horizon Wind Energy for a permanent 80-meter freestanding meteorological tower on the property.

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

Doug Jones (Horizon Wind Energy), petitioner, was present and spoke on his own behalf. No one spoke for or against CUP #729.

**Date: September 4, 2007**

**Res. #65-07**

**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 September 4, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #728 of Horizon Wind Energy, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct a permanent 80 meter freestanding meteorological tower on the property

Location: SW ¼ , Section 24, Marshall Township, T102N R16W, Mower County, Minnesota

Notice having been duly given and a hearing held September 4, 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. The tower will have the required FAA synchronized flashing red lights at night, as well as being painted red and white.
6. The 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 14-51(t) of the Mower County Zoning Ordinance.

Passed and approved this 4<sup>th</sup> day of September, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time, a Public Hearing was held in regard to CUP #729 of Horizon Wind Energy for a permanent 80-meter freestanding meteorological tower on the property.

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

Doug Jones (Horizon Wind Energy), petitioner, was present and spoke on his own behalf. No one spoke for or against CUP #729.

**Date: September 4, 2007**

**Res. #66-07**

**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 September 4, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #729 of Horizon Wind Energy, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct a permanent 80 meter freestanding meteorological tower on the property

Location: NW ¼ Exc. W 650 ft. S 460 ft. N 1055 ft., Section 4, Bennington Township, T102N R14W, Mower County, Minnesota

Notice having been duly given and a hearing held September 4, 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. The tower will have the required FAA synchronized flashing red lights at night, as well as being painted red and white.
6. The 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 14-51(t) of the Mower County Zoning Ordinance.

Passed and approved this 4<sup>th</sup> day of September, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time, a Public Hearing was held in regard to CUP #730 of Jay Gaskill to display and sell up to ten vehicles from property in Section 19 of Adams Township.

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

The Petitioner was present and spoke on his own behalf.

No one spoke for or against CUP #730.

**Date: September 4, 2007**

**Res. #67-07**

**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 September 4, 2007 at the Courthouse, Austin, Minnesota.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #730 of Jay Gaskell, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To display and sell up to ten vehicles from property in Section 19 of Adams Township

Location: E 404.49 ft. S 2063 ft. SW ¼ Exc. 33 ft., Section 19, Adams Township, T101N R16W, Mower County, Minnesota

Notice having been duly given and a hearing held September 4, 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. No more than ten vehicles may be displayed on the property.
2. No inoperable vehicles will be allowed on the site.
3. No vehicles will be allowed in the right-of-way of the township road.
4. 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 14-51(y) of the Mower County Zoning Ordinance.

Passed and approved this 4<sup>th</sup> day of September, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time, a Public Hearing was held in regard to CUP #726 of Tung V. Tran to display and sell up to ten vehicles from property in Section 10 of Lansing Township.

Daryl Franklin provided a summary of the application and informed the Board that the Planning Commission recommends denial of the permit due to concerns of high volume traffic on Hwy 218 and the small size of the lot.

No one spoke in favor of CUP #726. One person representing himself and other neighbors spoke against CUP #726.

**Date: September 4, 2007**

**Res. #68-07**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Tollefson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 4, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #726 of Tung V. Tran, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To display and sell up to ten vehicles from property in Section 10 of Lansing Township

Location: N ½ S ½ N ½ SW ¼ SW ¼ - 5 Acres , Section 10, Lansing Township, T103N R18W, Mower County, Minnesota

Notice having been duly given and a hearing held September 4, 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 denied, as recommended by the Mower County Planning Commission.

Passed and approved this 4<sup>th</sup> day of September, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to amend the 2007 building maintenance budget with an increase of \$4666.00 for equipment and materials. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Cummings to amend Section G100, Reimbursement of Travel Expenses of the Mower County Personnel Policies as follows:

**Compensation while traveling (for an hourly employee):**

When hourly employees travel overnight on business (i.e. for more than one day) they must be paid for time spent in traveling (except for meal periods) during their normal working hours on their non-working days, such as Saturday, Sunday or holidays, as well as on their regular working days. Travel time as a PASSENGER on an airplane, train, boat, bus or automobile outside of regular working hours is NOT considered work time by Wage & Hour Division law.

Example 1: An Hourly Employee whose normal workday is 8 a.m. – 5 p.m. travels to a meeting Monday morning. The employee leaves at 6:00 a.m. as a passenger with another employee. The conference is from Monday at 12:00 noon until Wednesday at 3:00 p.m. The employee would be paid as follows, assuming a six (6) hour travel time:

Monday travel: 6:00 a.m. – 8 a.m. – unpaid  
8:00 a.m. – 12:00 noon – paid

Wednesday travel: 3:00 p.m. – 5:00 p.m. – Paid  
5:00 p.m. – 9:00 p.m. – Unpaid

~~Example 2: An Hourly Employee whose normal workday is 8 a.m. – 5 p.m. drives to a seminar, training session, or work assignment and leaves the day before the seminar or work begins and leaves at 4 p.m. and arrives at 9 p.m. The employee would be paid as follows:~~

~~Travel day: \_\_\_\_\_ 4:00 p.m. – 5:00 p.m. – paid  
\_\_\_\_\_ 5:00 p.m. – 9:00 p.m. – unpaid~~

Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to authorize the Human Resource Director to offer the successful communication's clerk candidate a wage at Grade 7, Step 5. Motion carried.

At this time, an Abatement Hearing was held in regard to a public health nuisance complaint on the Bill Benson property in Belleman's Addition, Austin Township.

Aaron Jones, Assistant County Attorney, provided a summary of the abatement process and the series of events to date regarding the nuisance complaint. Daryl Franklin, Director of Environmental Services showed pictures of the property.

Three persons spoke in favor of the abatement process to proceed. No one spoke against the abatement. Mr. Benson was not present.

**Date: September 4, 2007**

**Res. #69-07**

**RESOLUTION and ORDER**

On motion of Commissioner Hillier, seconded by Commissioner Tollefson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 4, 2007 at the Courthouse, Austin, Minnesota.

WHEREAS, on September 4, 2007 the Mower County Board of Commissioners was addressed in regard to Bellemans Subdivision, Block 2, Lots 3&4 & N 67' Lot 5, PIN #02-042-0180 in Mower County.

WHEREAS, information was provided and reviewed that

- 1) The above referenced property is being used as a junkyard as defined by the Ordinances of Mower County and the Statutes of Minnesota;
- 2) The use as a junkyard is not conforming to the Mower County Zoning Ordinance, specifically junkyards are not allowed in an urban expansion zone;
- 3) The conditions of the above referenced property are a physical hazard to the public;
- 4) The conditions of the above referenced property are an environmental hazard to the public;
- 5) The conditions of the above referenced property are a distraction hazard to motorists, as described in Minnesota Statutes §161.242.

Therefore be it is Resolved and Ordered that:

- 1) The Board will issue its Order of Abatement for the property as described in Minnesota Statutes §463.17; and
- 2) Mower County Environmental Services is directed to proceed against the owner of the property in regard to the zoning violation.

Passed and approved this 4<sup>th</sup> day of September, 2007.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to approve the minutes of August 7, 2007 as corrected. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to change the appointment process for members serving on the Airport Zoning Board from elected to non-elected persons. Mower County Board of Commissioners, being elected officials, will not serve on the Airport Zoning Board. Motion carried.

Commissioner Tollefson left at 2:33 p.m.

Motion made by Commissioner Tucker, seconded by Commissioner Cummings to approve a Jail Rental Contract with Freeborn County specifying a 10 bed/day guarantee. Motion carried.

Commissioner Cummings left the meeting at 2:35 p.m. and returned at 2:36 p.m.

Motion made by Commissioner Cummings, seconded by Commissioner Hillier to approve agreements with Freeborn and Steele County for Feedlot Services subject to appropriate insurance coverage. Motion carried.

The Board recessed at 2:40 p.m. and reconvened at 2:47 p.m.

Kathy Stutsman, Parenting Resource Center, presented a grant funding request to the County Board for \$200,000 to assist in a Visitation Center project. Members of the public present at the meeting spoke in favor of the Parenting Resource Center's request and the community's need for the visitation center. The Finance Committee will review the request and present a recommendation to the Board at a later date.

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to approve a grant amendment to the Public Health Preparedness Grant extending the grant term from August 31, 2007 to August 9, 2008. Motion carried.

The County Board reviewed the response received from the Department of Revenue on the actions of the County Board of Equalization. Richard Peterson, County Assessor, summarized the response stating that the State Board will not act on the appeal this year. The actions of the County Board of Equalization will stand as acted upon for one year. Mike Adams and Kyle Klaehn were both present and addressed the Board regarding their individual concerns. The parties have the option to appeal to the courts.

Motion by Commissioner Cummings, seconded by Commissioner Hillier to adjourn the meeting at 3:33 p.m. until September 11, 2007 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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