

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

November 6, 2007

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

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to enter into an agreement for the Minnesota Senior Care Plus program effective January 1, 2008 and authorize staff to reassign one full-time public health nurse from the school nurse program to the Minnesota Senior Care Plus program. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to discontinue the school health nurse program in LeRoy, Lyle, Grand Meadow, and Southland school districts effective December 31, 2007 and authorize the Director of Public Health Nursing to issue discontinuation notices to the school districts. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to recognize an existing contract with BCBS and approve contracts with UCare and MHP and authorize the appropriate signatures on the contracts for the provision of the Minnesota Senior Care Plus program effective January 1, 2008. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to continue the adopted and implemented Post Retirement Health Care Savings Plan for Mower County exempt employees established under Minnesota Statutes, §352.98 (Minn. Supp. 2002) and as outlined in the Minnesota State Retirement System's Trust and Plan Documents. All funds collected by the employer on behalf of the employee will be deposited into the employee's post retirement health care savings plan account. The plan will start November 1, 2007 and run through October 31, 2009. The wages are the wages effective at the beginning of the plan (November 1, 2007.)

Employees with a salary more than \$71,000 will contribute two percent (2%) of pay.
Employees with a salary range of \$68,450 - \$70,000 will contribute one percent (1%) of pay.
Employees with a salary range of \$64,001 - \$68,449 will contribute zero percent (0%) of pay.
Employees with a salary range of \$51,000 - \$64,000 will contribute zero percent (0%) of pay.
Employees with a salary less than \$51,000 will contribute one percent (1%) of pay.

Motion carried.

At this time a Public Hearing was held in regard to CUP #731 of Brian Meyerhofer for an additional dwelling on the property.

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

No one spoke for or against CUP #731.

Date: November 6, 2007

Res. #82-07

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 November 6, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #731 of Brian Meyerhofer, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To move a mobile home or additional dwelling on the site for a relative on property in Section 11 in Pleasant Valley Township

Location: N ½ SE ¼ , Section 11, Pleasant Valley Township, T104N R15W, Mower County, Minnesota

Notice having been duly given and a hearing held November 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. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 11/05/09 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. 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 6th day of November, 2007.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to amending the Mower County Comprehensive Plan/Future Land Use Plan for property in Red Rock Township to allow rezoning of property from agricultural to industrial.

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

Terry Lewis, representative for petitioner RM Enterprises, LLP (Akkerman, Inc.) was present and spoke in favor of the amendment. No one spoke against amending the comprehensive plan.

Date: November 6, 2007

Res. #83-07

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 November 6, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, a proposed amendment to the Mower County Comprehensive Plan/Future Land Use Plan for property in Red Rock Township for Petitioner RM enterprises pursuant to the Mower County Zoning Regulations for:

Amend the future land use plan and rezone property from "Agricultural" to "Industrial" applicable to Section 14-38 of the Mower County Zoning Ordinance

Location: Approximately 27.12 Acres

Parcel #16-009-0153 (Legal Description: W 1596 ft. N 907.5 ft. S ½ NW ¼ Exc. E 200 ft. W 863 ft. N 185 ft. – 26.27 Acres, Section 9, Red Rock Twp.)

And

Parcel #16-009-0155 (Legal Description: E 200 ft. W 863 ft. N 185 ft. SW ¼ NW ¼ - .85 Acres, Section 9, Red Rock Twp.)

Notice having been duly given and a hearing held November 6, 2007, on said petition.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board amend the future land use plan and rezone property from "Agricultural" to "Industrial".

This permit is in accordance with Section 14-38 of the Mower County Zoning Ordinance.

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

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to rezone property in Red Rock Township from agricultural to industrial for petitioner RM Enterprises, LLP.

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

Terry Lewis, representative for petitioner RM Enterprises, LLP (Akkerman, Inc.) was present and spoke in favor of rezoning the property. No one spoke against rezoning.

Date: November 6, 2007

Res. #84-07

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 November 6, 2007 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, a proposed application to rezone property in Red Rock Township for Petitioner RM Enterprises pursuant to the Mower County Zoning Regulations for:

Rezone property from "Agricultural" to "Industrial" applicable to Section 14-38 of the Mower County Zoning Ordinance to allow the expansion of the Akkerman, Inc. business on the property

Location: Approximately 27.12 Acres

Parcel #16-009-0153 (Legal Description: W 1596 ft. N 907.5 ft. S ½ NW ¼ Exc. E 200 ft. W 863 ft. N 185 ft. – 26.27 Acres, Section 9, Red Rock Twp.)

And

Parcel #16-009-0155 (Legal Description: E 200 ft. W 863 ft. N 185 ft. SW ¼ NW ¼ - .85 Acres, Section 9, Red Rock Twp.)

Notice having been duly given and a hearing held November 6, 2007, on said petition.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board hereby approves said application, as recommended by the Mower County Planning Commission with conditions as follows:

1. The rezoning is exclusive for the RM Enterprises, LLP business (Akkerman, Inc.) and any other permitted or conditional uses in the Industrial zone will not be allowed unless the Mower County Board of Commissioners approves a change.
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 14-38 of the Mower County Zoning Ordinance.

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

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to set a fee of \$146 for CUP renewals effective November 6, 2007. Motion carried. Commissioner Tucker abstained.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to approve an amendment to the Jail Food Contract with DARCAN extending the contract three years effective January 1, 2008; modify the termination language allowing Mower County to terminate at any time with a 90 day notice; and to increase the cost per meal \$.25 per meal effective November 1, 2007, increase the cost an additional \$.25 per meal effective January 1, 2009 and no increase for the third year. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to amend the 2007 Sheriff's budget with an increase of \$5,086 for line item 01-201-000-0000-6409 and decrease line item 01-201-000-0000-5611 for the purchase of minor equipment from revenues generated from the sale of seized property. Motion carried.

Craig Oscarson, County Coordinator, provided a brief update of the Downtown Justice Center Committee's report preparation. The report is being finalized and will be presented to the County Board in the near future.

The County Board set the following meeting dates regarding the Downtown Justice Center Committee report:

November 14, 2007 at 1:30 to receive the report; and
November 16, 2007 at 1:30 for discussion and action.

Motion made by Commissioner Cummings, seconded by Commissioner Hillier to approve the minutes of October 23, 2007 as corrected. Motion carried.

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

KKE Architects	\$5,282.87
LarsonAllen	5,000.00
Whitewater Wireless	41,976.12

Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to approve the Purchase of Service Agreement Safe Havens Grant Administration between Mower County and the Parenting Resource Center effective October 1, 2007 to September 30, 2010 subject to County Attorney review and approval. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to approve the Closing of Reconfiguration Agreement between Nextel West Corp. and Mower County. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Tollefson to approve the Deloitte agreement for the engagement for actuarial services for fiscal year ending 2008 and authorized the County Coordinator to sign. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Cummings to approve the Jail Rental Contract with Freeborn County effective until December 31, 2008. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to approve Change Order #092607A for the Elkton Radio Tower project for ice storm repairs in the amount of \$11,179.76. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Tollefson to set the the Truth in Taxation Hearing for December 6, 2007 at 5:30 p.m. in the County Commissioner's Board Room. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Hillier to accept the resignation of Kris Allas from the Mower County Senior Services Advisory Council. Motion carried.

The Board recessed at 2:23 p.m. and reconvened at 2:41 p.m.

Sergeant Jeff Ellis and National Champion Taxer were recognized at the County Board meeting for another outstanding achievement.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to deny the Application for Abatement of Penalties and Interest on payable taxes of Jan Hepker. The basis for denial is consistent with current policy and practice.

Meslissa Koch, Mower County 4-H Program Coordinator, and Amanda Amick, 4-H Ambassador, presented the Mower County Board of Commissioners with a plaque recognizing them as the 2007 Business Friend of 4-H Award.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to approve a Drainage Permit Application of Arnold Felton and authorize the County Engineer to sign the application. Motion carried.

The Commissioner's Road Trip to view 2007 Highway Department projects was set for November 16, 2007 starting at 9:00 a.m.

Motion by Commissioner Hillier, seconded by Commissioner Cummings to adjourn the meeting at 3:15 p.m. until November 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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