

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 6, 2007

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

The Personnel Committee reported that there will be an opening for lead mechanic but the job description will be reviewed prior to asking the board to act on filling the position.

The Finance Committee reported that the Board will be holding its truth in taxation hearing later today.

At this time, a Public Hearing was held in regard to CUP #732 of Kim and Deborah Wilson to display and sell up to ten vehicles from property in Section 18 of Pleasant Valley Township.

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 #732.

Date: December 6, 2007

Res. #89-07

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

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #732 of Kim and Deborah Wilson, 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 18 of Pleasant Valley Township

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Location: W 590 ft. N 370 ft. S 1895 ft. W ½ SW ¼ , Section 18, Pleasant Valley Township, T104N R15W, Mower County, Minnesota

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

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

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At this time, a Public Hearing was held in regard to CUP #733 of Jeff & Colleen Jennings to perform some blasting and quarry operations on a small area on property in Section 35 of LeRoy 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 against CUP #733.

Date: December 6, 2007

Res. #90-07

RESOLUTION

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

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #733 of Jeff & Colleen Jennings, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To perform some blasting and quarry operations on a small area on property in Section 35 of LeRoy Township.

Location: W ½ SW ¼ , Exc. 1 Ac. RR Rtwy. In SW Cor & Exc. .062 Ac. Adj., Section 35, LeRoy Township, T101N R14W, Mower County, Minnesota.

Notice having been duly given and a hearing held December 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 quarry operation including stockpiles of material must remain out of the floodplain of the Upper Iowa River
2. A \$2,000.00 Restoration Bond (\$2,000 Restoration Bond for the first acre based on 1 acre) must be posted with the County Auditor valid through December 31, 2009. The bond does not need to be posted until operations start.
3. A "No Trespassing" sign shall be posted at the entrance.
4. Comply with Article IV Excavation of Earth Products of the Mower County Code.
5. Extraction of materials shall be limited to areas as delineated on the site plan.
6. The quarry operation shall be limited to the site plan. Modifications shall require an amendment to the CUP.
7. Extraction of limestone shall remain at least twenty (20) feet from all adjoining property lines and forty (40) feet from the road right-of-way.
8. Provide dust treatment on state line road west from entrance to CSAH 12 a minimum of 300 feet per dwelling unit as needed only when hauling.
9. Hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday – Saturday.
10. Blasting will be performed by a licensed and bonded operator.
11. Secure DNR Appropriations Permit and submit copy to the Mower County Environmental Services Office, if necessary.

12. Secure MPCA NPDES Permit and submit copies to Mower County Environmental Services Office, if necessary.
13. 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 14-140.2 of the Mower County Zoning Ordinance.

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

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At this time, a Public Hearing was held for the development of a proposed scope of an environmental assessment for a 161 kV substation on the Grand Meadow Wind Farm.

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

Petitioner Steve Edwards for Enxco was present along with Ian Kriskowski and Brent Weiss and spoke on their own behalf.

No one spoke against the proposed scope of an environmental assessment. However, Mr. Jim Hartson voiced a concern with development companies' methods, with projects not being community based, and landowners being vulnerable to the development companies due to a lack of knowledge of the valuable asset of wind.

Date: December 6, 2007

Res. #91-07

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

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, a request for a scope document on the Grand Meadow Wind Farm, issued pursuant to the Mower County Zoning Regulations for:

The development of a proposed scope of an environmental assessment for a 161 kV substation to be located in the NW ¼ of Section 8, Grand Meadow Township and a 161 kV transmission line starting in Section 19 of Pleasant Valley Township and running approximately 6 miles to Section 8 of Grand Meadow Township.

Location: Section 8 of Grand Meadow Township and Section 19 of Pleasant Valley Township

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

NOW, THEREFORE, BE IT RESOLVED, that said petition is hereby approved, as recommended by the Mower County Planning Commission for a proposed scope of an environmental assessment for a 161 kV substation to be located in the NW ¼ of Section 8, Grand Meadow Township and a 161 kV transmission line starting in Section 19 of Pleasant Valley Township and running approximately 6 miles to Section 8 of Grand Meadow Township.

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

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to approve the minutes of November 14 and November 16, 2007. Motion carried.

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

KKE Architects \$13,664.99

Motion carried.

Date: December 6, 2007

Res. # 92-07

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

WHEREAS, on December 6, 2007 the Root River Antique Historical Power Association Inc. presented a request for a Minnesota Lawful Gambling License for gambling

to be conducted at the Root River Antique Historical Power Association Inc. on July 20, 2008.

BE IT RESOLVED THAT, the Mower County Board of Commissioners do hereby approve the issuance of a Minnesota Lawful Gambling License to the Root River Antique Historical Power Association Inc. at the Root River Antique Historical Power Association Inc.

Passed and adopted this 6th day of December, 2007.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to approve the request of the County Auditor-Treasurer to cancel uncashed warrants issued more than one year ago in accordance with the Mower County Check Cancellation Policy. Motion carried. A list of the cancelled warrants is on file in the office of the County Auditor-Treasurer.

The Land Records Committee made a request and recommendation to use some of the land records funding for the purchase of software from Vanguard to convert information from the ACS program to the Mantron system.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to approve the purchase of the Vanguard License for import program totaling \$1,900 (one time fee) and the additional Vanguard database license in the amount of \$3,750 from land records funds and authorize the Assessor to sign the agreement with Vanguard. Motion carried.

The County Assessor informed the Board that a tentative agreement had been reached regarding a tax court petition.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to authorize the chair to sign the tentative tax court settlement agreement for case numbers 50-CV-06-1091 and 50-CV-07-1442. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to declare a dump truck sander attachment as surplus property and donate it to the City of Grand Meadow. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Motion made by Commissioner Tollefson, seconded by Commissioner Cummings to approve the Amendment to Developer's Agreement Plehal Dolan Addition with Wal-Mart Stores, Inc. Motion carried.

Motion made by Commissioner Cummings, seconded by Commissioner Hillier to amend the November 27th motion declaring surplus property to include a 2003 Crown Victoria vehicle from the sheriff's department and two microfile readers from the law library. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Cummings to amend the 2007 Sheriff's budget with an increase of \$2600.00 for line item 01-201-000-0000-6415 from the reserve contingency for surgery for police canine Tazer. Motion carried.

A Subordination Agreement with Horizon Wind Energy was presented to the Board for approval.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to table the Horizon Wind Energy Subordination Agreement pending review and recommendation from the County Attorney. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to approve the bi-monthly bills for immediate payment:

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
178.20	ADAMS DRUG	958.24	AUSTIN MEDICAL CENTER ATTN:CAS
308.83	AUTO VALUE AUSTIN	158.00	BARBER COMPUTER CONSULTANTS
1982.12	CHILDREN'S HOSPITALS AND CLINI	208.28	CREATIVE FORMS & CONCEPTS
587.72	CUMMINS NPOWER, LLC	113.40	DELL MARKETING L.P.
14039.00	DANIEL DONNELLY LAW FIRM	19905.75	EMERGENCY AUTOMOTIVE TECHNOLOG
490.00	ENVIRO-TECH SERVICES OF AUSTIN	916.00	JAMES ERICKSON
870.00	SALLY GARRY	250.00	THE GEO-COMM CORPORATION
165.40	HARTY MECHANICAL INC	193.79	HOLIDAY INN AUSTIN
284.55	J & K WINONA	1160.00	EVAN LARSON
117.33	LEXISNEXIS MATTHEW BENDER	250.49	MAYO CLINIC- LAW
2761.77	MINNESOTA COUNTIES COMPUTER CO	101.23	MINNESOTA SHERIFF ASSOCIATION
175.00	MINNESOTA STATE LAW LIBRARY	221.00	MINNESOTA SUPREME COURT ATTY
190.00	MITCHELL COUNTY REGIONAL HEALT	127.00	AUN MOLINA
211.67	MOLINE AWARDS	151.75	MR SAM COMMUNICATIONS
3221.32	PARAGON PRINTING & MAILING INC	150.00	PYRAMID CONCEPTS INC.
4559.04	RATWIK, ROSZAK & MALONEY, ATTY	383.31	SCHMIDT-GOODMAN OFFICE PROD
795.00	DR. SCHMITT	1075.65	SERVICEMASTER CLEAN
857.44	SMYTH COMPANIES INC	662.01	STAPLES CREDIT PLAN
449.00	THOMPSON PUBLISHING GROUP	155.75	TIGERDIRECT
358.52	TRIPLE J DISPOSAL, INC.	1737.06	UNIFORMS UNLIMITED INC
221.45	PAMELA VAUGHN	950.47	WASTE MANAGEMENT OF SO MINNESO
1056.50	WELCOME CENTER INC	143.77	WELLS FARGO FINANCIAL LEASING
	24 PAYMENTS LESS THAN \$100	988.34	
GENERAL FUND		\$64,841.15	* TOTAL

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
307.20	AUSTIN NEWSPAPERS, INC	352.83	BROCK WHITE CO LLC
8092.00	BUSTAD DOZING AND EXCAVATING	1142.75	DEXTER LP, INC
252.45	DIAMOND MOWERS, INC.	3235.00	ERICKSON ENGINEERING

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

809.40 FRONTIER PRECISION, INC	166.10 GILLUND ENTERPRISES
1635.97 HANSON TIRE OF AUSTIN INC	269.64 HANSON TIRE SERVICE INC.
278.79 MANTEK	625.00 OSMUNDSON BROS. CONTRACTORS, I
344.19 PERSINGER'S EQUIPMENT, INC.	2203.17 PETROBLEND CORP.
202.74 PROLINE DIST., INC	323.35 REED BUSINESS INFORMATION
1861.19 ROCHESTER SAND AND GRAVEL, INC	303.50 MR. SAM COMMUNICATIONS
2732.63 SCHAEFFER MFG CO.	122.35 SCHILLING SUPPLY COMPANY
150.00 SOUTH CENTRAL COLLEGE	191.39 STAPLES CREDIT PLAN
118.25 DAVE SYVERSON FORD	294.21 DAVE SYVERSON FREIGHTLINER
7 PAYMENTS LESS THAN \$100	293.67
ROAD & BRIDGE FUND	\$26,307.77 * TOTAL
SOLID WASTE/RECYCLING FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
375.00 WALLACE BUSTAD	112.50 CEDAR VALLEY SERVICES, INC
626.18 IVERSON HAULING	527.04 WASTE MANAGEMENT OF SO MINNESO
1 PAYMENTS LESS THAN \$100	15.98
SOLID WASTE/RECYCLING FUND	\$1,656.70 * TOTAL
SEWER IMPROVEMENT LOANS/ I.S.T.S	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
20000.00 MN DEPT OF TRADE & ECONOMIC DE	
0 PAYMENTS LESS THAN \$100	.00
SEWER IMPROVEMENT LOANS/ I.S.T.S	\$20,000.00 * TOTAL
DITCH FUND	
AMOUNT VENDOR NAME	AMOUNT VENDOR NAME
1353.50 BUSTAD DOZING AND EXCAVATING	
0 PAYMENTS LESS THAN \$100	.00
DITCH FUND	\$1,353.50 * TOTAL
****	****
FINAL TOTAL.....	\$114,159.12 ****

Motion carried.

Kyle Klaehn shared information with the Board he has acquired concerning tax classifications after his experience with the Board of Equalization.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to adjourn the meeting at 3:12 p.m. until December 6, 2007 at 5:30 p.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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