

**SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS**

January 8, 2008

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session January 8, 2008 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

All members present, viz: Richard Cummings, Chair
 Raymond Tucker
 David Hillier
 Dave Tollefson
 Dick Lang
 Craig Oscarson, County Coordinator

Craig Oscarson, Clerk of the County Board, took nominations for Chairperson for 2008.

Motion by Commissioner Hillier, seconded by Commissioner Lang to nominate Richard Cummings as 2008 Chairperson.

The Clerk asked for further nominations and hearing none, Commissioner Tucker moved (seconded by Commissioner Tollefson) to cease nominations and cast a unanimous ballot for Commissioner Cummings for Chair. Motion carried.

The Chair took nominations for Vice-Chairperson.

Motion by Commissioner Lang, seconded by Commissioner Hillier to nominate Commissioner Tollefson as 2008 Vice-Chairperson.

The Chair asked for further nominations three times and hearing none, Commissioner Tucker moved (seconded by Commissioner Lang) to cease nominations and cast a unanimous ballot for Commissioner Tollefson for Vice-Chair. Motion carried.

The Chair led the assembly in the Pledge of Allegiance.

The Chair made the following 2008 Committee appointments:

Committee	Commissioner(s)
*SEMCAC	Tollefson/Lang
**Finance & Purchasing	Tucker/Lang
***Personnel	Hillier/Cummings
Buildings & Grounds	Tollefson/Tucker
Solid Waste	Hillier/Lang

Planning	Cummings/Hillier(alternate)
County Extension	Cummings/Tollefson
Court System	Hillier/Lang
Law Library	Tucker
Water Quality Joint Powers Board	Cummings/Tollefson
Interstate Trail Committee	Hillier/Tucker
Community Health Services	Tollefson/Tucker(alternate)
EMS Joint Powers Board	Tucker
JT. PA Board (PIC)	Tucker
RC & D	Cummings
Austin Development Corporation	Hillier
County Board of Health	All Commissioners
Road & Bridge Committee	All Commissioners
LEC Advisory Committee	Tollefson/Cummings
Ordinance Committee	Tucker/Lang
Family Connections	Hillier/Lang
Regional Housing	Lang/Hillier
SEMREX Joint Powers Board	Cummings
Austin Library Board (no vote)	Lang
SCHSAC	M. Gunderson/Tollefson (alternate)
City/County Joint Issues (monthly meeting)	Lang/Cummings
Transit Board (AMCAT)	Hillier/Tollefson
SWCD Board (no vote)	Tucker
Rural Energy Task Force	Tucker
Justice Center Building Committee	All Commissioners
Stedfast Joint Powers Board	Tucker/Tollefson (alternate)

In addition, the Chair appointed Commissioner Hillier to serve on Joint Ditch #17 and Commissioner Hillier, Commissioner Tollefson, Commissioner Tucker and Commissioner Cummings to serve on Joint Ditch #26 and #5.

Norm Hagstrom, Building Maintenance Supervisor, was recognized as Employee of the Month.

Date: January 8, 2008

Res. #01-08

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 8, 2008 at the Courthouse, Austin, Minnesota.

BE IT RESOLVED, that the County Auditor-Treasurer be authorized to make the following expenditures from the County General Revenue Funds. Payment in full to be

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

made for all appropriations under \$5,000.00. All appropriations over \$5,000.00 to be disbursed quarterly.

CATEGORY:

HUMAN SERVICES

SEMCAC	\$2,000.00
Lyle Senior Citizens.....	\$600.00
LeRoy Senior Citizens	\$600.00
Grand Meadow Senior Citizens	\$600.00
Brownsdale Seniors	\$600.00
Sargeant Seniors.....	\$600.00
Mower County Senior Citizens.....	\$10,000.00
Mower County Senior Citizens -- Chore	\$36,000.00

ENVIRONMENT & HOUSING

Mower County Soil & Water	\$151,930.00
Agricultural Society	\$20,000.00
Historical Society.....	\$35,000.00
SEMN Water Resource Board	\$4,000.00

ECONOMIC DEVELOPMENT

Development Corp. of Austin	\$23,400.00
Development Corp. of Grand Meadow.....	\$3,000.00
Development Corp. of LeRoy.....	\$3,000.00
Development Corp. of Lyle	\$600.00
Development Corp. of Adams	\$1,200.00
Development Corp. of Brownsdale.....	\$600.00
SEMN Initiative Fund.....	\$1,000.00

CULTURE & RECREATION

Southern Minnesota Tourism.....	\$500.00
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Passed and approved this 8th day of January, 2008.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to allocate \$25,414.00 for minor repairs to the Mower County Agricultural Society, Historical Society and 4H payable in two installments in January and July. Motion carried.

Date: January 8, 2008

Res. #02-08

RESOLUTION

On motion of Commissioner Hillier, seconded by Commissioner Lang, the following Resolution was unanimously passed and adopted at a meeting held January 8, 2008 at the Courthouse in Austin, Minnesota.

BE IT RESOLVED, by the Board of County Commissioners of Mower County, Minnesota to appoint the following persons as Mower County Delegates to the Association of Minnesota Counties for 2008: Commissioner David Hillier, Commissioner Ray Tucker, Commissioner Richard Cummings, Commissioner Dick Lang, Commissioner Dave Tollefson and County Coordinator Craig Oscarson. There are two vacancies for AMC Delegates, which will be filled at a later date.

Passed and approved this 8th day of January, 2008.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Tucker, seconded by Commissioner Lang, the following fees were set for 2008 liquor license fees:

- | | | |
|----|-------------------|------------|
| 1. | On Sale | \$2,160.00 |
| 2. | Sunday On Sale | 240.00 |
| 3. | Wine | 240.00 |
| 4. | Bottle Club (C&D) | 240.00 |
| 5. | Beer On Sale | 75.00 |

Motion carried.

Date: January 8, 2008

Res. #03-08

RESOLUTION

On motion of Commissioner Tollefson, seconded by Commissioner Lang, the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners January 8, 2008 at a meeting at the Courthouse, Austin, Minnesota.

BE IT RESOLVED That the County Auditor-Treasurer be allowed to pay various incidental expenses including: utilities, telephone, juror and witness fees approved by the

Court, request by a Judge for immediate payment, postage, license fees, jail food contract payments, payments for travel advances, costs associated with travel and conferences when pre-payment is required, credit card payments when necessary to avoid late penalties and charges, payments from the Canteen Fund not to exceed \$2,000 and only from the capital outlay line item, except in cases where the Auditor-Treasurer considers the sum to be excessive, in which case he shall file the bill for action by the County Board at its regular monthly meeting. All claims for reimbursement must be submitted to the County Auditor-Treasurer within 6 months of occurrence in order to qualify for payment.

BE IT FURTHER RESOLVED, that the County Auditor-Treasurer be allowed to pay partial contract payments provided a signed legal contract is on file, the department head supervising the contract has approved the payment for work completed and that the payment is not a final payment on a contract.

Passed and approved this 8th day of January, 2008.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Tucker, seconded by Commissioner Hillier to set the dangerous dog certificate fee for 2008 at \$150.00 per certificate. Motion carried.

Motion by Commissioner Tollefson, seconded by Commissioner Lang, to set the 2008 fireworks display permit fee at \$50.00. Motion carried.

The Board received the following quotes for 2008 legal newspaper:

Austin Daily Herald	\$2.65 per column inch
LeRoy Independent	\$3.25 per column inch
Austin Post Bulletin	\$2.70 per column inch

Date: January 8, 2008

Res. #04-08

RESOLUTION

On motion of Commissioner Tollefson, seconded by Commissioner Tucker the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held January 8, 2008 at the Courthouse, Austin, Minnesota.

BE IT RESOLVED, based on circulation differential and circulation base area as the factors for the award being in the best interest of the public, that the Austin Daily Herald, a daily newspaper printed and published in the City of Austin in Mower County, Minnesota, with general circulation in Mower County, as the newspaper in which the notice and list of

real estate remaining delinquent on the first business day in January 2008, the Financial Statement of the year 2007 and the proceedings of the County Board of said County for the year 2008 shall be published and the same is hereby accepted as per quote.

BE IT FURTHER RESOLVED, that the LeRoy Independent be awarded as the secondary county newspaper in which the proceedings of the annual meeting, the County Board of Equalization and 2007 Financial Statement shall be published.

Passed and approved this 8th day of January, 2008.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At this time a Public Hearing was held in regard to the renewal of CUP #679 of Preston and Kelly Walsh to construct an additional dwelling on the property.

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

No one spoke for or against renewal of CUP #679.

Date: January 8, 2008

Res. #05-08

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 January 8, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, renewal of CUP #679 of Preston and Kelly Walsh, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct an additional dwelling on property located in Section 22 of Waltham Township.

Location: S 704 ft. N 2034 ft. W 1323 ft. SW ¼ NW ¼ Exc. S 234 ft. E 1142 ft.,
Section 22, Red Rock Township, T103N R17W, Mower County,
Minnesota.

Notice having been duly given and a hearing held January 8, 2008, 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 new dwelling is to retain a separate lot.
2. The lot shall contain 150 feet along the publicly dedicated road.
3. A Zoning Permit and ISTS Permit must be obtained prior to construction.
4. The CUP shall become void on 12/31/09 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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 8th day of January, 2008.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Lang, seconded by Commissioner Hillier to approve reimbursing Red Rock Township \$125 for financial assistance for the Nicolville septic soil sampling. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to appoint Jim Risius to a second term on the Planning Commission and the Board of Adjustment for a three-year term effective January 1, 2008 to December 31, 2010. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to approve the transition of the Planning Commission and Board of Adjustment to a unified membership. The same members will serve on the separate boards. All current members of the Board of Adjustment and Planning Commission will be allowed to finish their unexpired terms. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to appoint Jane Thome to the Planning Commission for a one-year term to coincide with her current term on the Board of Adjustment effective January 1, 2008 through December 31, 2008. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Tollefson to reappoint Daryl Franklin and Gerald Meier and alternate Charles Anderson to the SMART Committee for a one-year term effective January 1, 2008. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to enter closed session at 1:47 p.m. due to client/attorney privilege to discuss tax court petitions with County Assessor Richard Peterson and Larry Harris, legal counsel. Motion carried.

Motion by Commissioner Tollefson, seconded by Commissioner Lang to reconvene the Special Session at 2:33 p.m. with no action taken. Motion carried

The Building Committee provided an update on the Developer's Agreement with the City of Austin. The City will be meeting on the agreement.

Commissioner Tucker left at 2:35 p.m.

The Building Committee reported that they had met with KKE Architect representatives Mike Clark and Randy Lindemann regarding a proposed contract.

The Board recessed at 2:37 p.m. and reconvened at 2:47 p.m.

County Coordinator, Craig Oscarson, reported that the Building Committee reviewed the proposed contract between KKE Architect and Mower County. Randy Lindemann indicated that it was a percentage fee contract for design, blue prints and construction and that the County pays for only those items approved. The contract is broken down into three phases of jail/court, law enforcement and human services.

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to approve the contract with KKE Architects for the Fee / Scope of Services for the Mower County Justice Center and to proceed with Phase I. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to set the project letting date to February 11, 2008 at 1:00 p.m. at the office of the County Highway Department and awarded at the County Board of Commissioner's meeting for the paving of CSAH 2 between TH 218 and CSAH 20 excluding the Cities of Lansing and Brownsdale. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to approve final payment to Rochester Sand and Gravel, Inc. in the amount of \$42,404.08 for SAP 50-602-027. Motion carried.

County Engineer informed the Board that John Felton had made a request for a tile outlet to the road ditch. Discussion followed. Mr. Felton had also made a separate request concerning elevations. The District Commissioner will meet with the County Engineer and tentatively set January 29, 2008 for a Board recommendation on the two issues.

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to approve the final plat of the right of way on County Road 46 and authorize the chair to sign. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to set the 2008 mileage reimbursement rate at forty-five cents (\$0.45) per mile effective January 1, 2008. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to set the 2008 burning permit fee at \$15.00. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Tucker to set the 2008 tobacco license fee at \$75.00. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to set June 16, 2008 at 10:00 a.m. for County Board of Equalization. Motion carried.

Date: January 8, 2008

Res. #06-08

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Tollefson, the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held January 8, 2008 at the Courthouse, Austin, Minnesota 55912.

BE IT RESOLVED that pursuant to M.S. Chapter 375.34 & 375.35, the sum of up to \$100.00 be paid and the same is hereby appropriated out of the General Revenue Fund of Mower County to each of the recognized Military Persons' Organizations or Societies filing bills showing expenses in this amount, for the purpose of Memorial Day Exercises and the County Auditor/Treasurer is expected to draw his warrant for the amount shown on the itemized bill not to exceed \$100.00.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Lang to authorize the Human Resource Director to fill the new 2008 budget full-time positions as follows:

Deputy	Sheriff's Department
Social Worker	Human Services
Support Enforcement Aide	Human Services
Probation Officer	Corrections Department--effective 7-1-08

according to union contract and personnel policies as applicable. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to approve the use of unpaid leaves in 2008 for Court Administration state employees (being paid through Mower County per an agreement with the State) to assist with State staffing concerns. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to approve, for training purposes for new positions in Human Services, a maximum of 70 hours of comp time accumulated over two months but to be used within six months and banked at the rate of time and one-half. Motion carried.

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

KKE Architects	\$ 8,155.56
NaCO	810.00
Association of Minnesota Counties	15,525.00
Rural Minnesota Energy	3,000.00
Whitewater Wireless	70,703.84

Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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
3853.31	AMERICAN SOLUTIONS FOR BUSINES	674.50	AUSTIN MEDICAL CENTER ATTN:CAS
5750.00	WALLACE BUSTAD	14015.84	CDW GOVERNMENT, INC.
115.50	CHANNING L BETE CO, INC	258.59	DALCO
300.57	DE LAGE LANDEN FINANCIAL SERVI	133.60	DOUBLE K SPECIALTY, INC.
190.00	CARLTON FRANK	246.14	HARTY MECHANICAL INC
718.88	HD SUPPLY FACILITIES MAINTENAN	116.45	AMANDA HOLMEN
634.00	IDEACOM MID-AMERICA	273.00	IDVILLE
725.36	IKON OFFICE SOLUTIONS	477.57	INTOXIMETERS, INC
1126.88	J & K WINONA	456.84	LINDA JOHNSON
453.58	LASER PRODUCT TECHNOLOGIES INC	290.25	MARSHALL MEDICAL SYSTEMS & EQU
3987.77	MINNESOTA COUNTIES COMPUTER CO	17903.00	MN DEPT OF CORRECTIONS STS
4700.00	MOWER COUNTY SOIL & WATER CONS	331.42	NORTHLAND BUSINESS SYSTEMS
200.00	GARY NYQUIST	259.41	M.J. O'CONNOR, INC.
1823.45	RS EDEN INC	6000.00	S. E. M. N. T. F
120.00	CAROLINA SALAZAR	589.85	SCHILLING SUPPLY COMPANY
1075.65	SERVICEMASTER CLEAN	110.00	SEVEN COUNTY PROCESS SERVERS L
443.17	SHOPKO PHARMACY	4000.00	SOUTHEAST MN WATER RESOURCES
121.05	UNIFORMS UNLIMITED INC	1137.92	US DEPT. OF JUSTICE
102.37	VIKING GLASS & LOCK, INC	168.93	PAUL WAHLSTROM
427.50	WELCOME CENTER INC		
	19 PAYMENTS LESS THAN \$100	995.60	
GENERAL FUND		\$75,307.95	* TOTAL

SOCIAL SERVICE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
481.76	M.J. O'CONNOR, INC.		
	0 PAYMENTS LESS THAN \$100	.00	
SOCIAL SERVICE FUND		\$481.76	* TOTAL

MOWER COUNTY TRANSIT-PUBLIC TRANSP.

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
136.63	VIKING GLASS & LOCK, INC	100.00	VIKING OVERHEAD DOOR
	0 PAYMENTS LESS THAN \$100	.00	
MOWER COUNTY TRANSIT-PUBLIC TRANSP.		\$236.63	* TOTAL

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
778.52	EARL ANDERSEN, INC.	10750.00	BUSTAD DOZING AND EXCAVATING
18457.07	CARGILL INC	319.07	EMERGENCY AUTOMOTIVE TECHNOLOG
6460.00	ERICKSON ENGINEERING	625.00	FRONTIER PRECISION, INC
1310.76	HANSON TIRE SERVICE INC.	4788.96	MIDWEST DOOR INC
625.00	OSMUNDSON BROS. CONTRACTORS, I	705.54	PROLINE DIST., INC
101.12	SHOPKO EYECARE CENTER	733.08	STROUP DISTRIBUTING, INC.
203.75	DAVE SYVERSON FREIGHTLINER	119.98	ULVEN'S ACE HARDWARE
1287.80	ZARNOTH BRUSH WORKS, INC.	1376.71	ZIEGLER, INC
	6 PAYMENTS LESS THAN \$100	326.37	
ROAD & BRIDGE FUND		\$48,968.73	* TOTAL

SOLID WASTE/RECYCLING FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
375.00	WALLACE BUSTAD		
	0 PAYMENTS LESS THAN \$100	.00	
SOLID WASTE/RECYCLING FUND		\$375.00	* TOTAL
****	FINAL TOTAL.....	\$125,370.07	****

Motion carried.

Motion made by Commissioner Tollefson, seconded by Commissioner Tucker to approve the minutes of November 27, 2007 and December 6, 2007 truth in taxation. Motion carried.

Motion made by Commissioner Tollefson, seconded by Commissioner Hillier to appoint Cheryl Corey as the Mower County representative on SMTA (Southern Minnesota Tourism Association). Motion carried.

The County Board lowered the price of the 2003 plat books from \$25.00 to \$5.00 to reduce the supply.

Motion by Commissioner Hillier, seconded by Commissioner Lang to adjourn the meeting at 4:03 p.m. until January 15, 2008 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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