

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

March 11, 2008

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 11, 2008 at 8:30 a.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

Commissioner Tucker moved and Commissioner Lang seconded to approve the proposed expenditure of state mental health grant funds for 2008. Motion carried.

Commissioner Hiller moved and Commissioner Tollefson seconded to authorize the Chair and the Director to sign the following Purchase of Service Agreements:

- a.     Good Samaritan Society-Home Care – approve contract for Home and Community Based Waiver Services, effective March 1, 2008 to June 30, 2009.
- b.     Mower County Seniors, Inc. – renew contract for Home and Community Based Waiver Services, effective October 1, 2007 to June 30, 2009.

Motion carried.

Commissioner Tollefson moved and Commissioner Lang seconded to approve the destruction of designated Agency files in accordance with DHS Rules and Regulations. All previously approved files have been destroyed. Motion carried.

**SOCIAL SERVICE ACTIONS:**

Commissioner Hillier moved and Commissioner Lang seconded to approve the Social Service Actions. Motion carried.

**INCOME MAINTENANCE ACTIONS:**

Commissioner Tucker moved and Commissioner Tollefson seconded to approve the Income Maintenance Actions. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to reclassify the Office Support Assistant (Grade 4) position in the County Assessor's and County Records Office to Office Support Specialist Sr. (Grade 7) and authorize filling the vacancy in this position. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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Motion by Commissioner Hillier, seconded by Commissioner Tucker to authorize 30 hours of additional duty time to be banked at a total of 45 hours for one employee in Human Services for work related to the waiver billings with the comp time bank to be used within three months of date of earning. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to amend the 2008 County Attorney's budget in the amount of \$2,400 for equipment from the forfeiture fund. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to approve the following bi-monthly bills for payment:

GENERAL FUND			
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
205.00	A+ PRINTING	477.68	ADAMS DRUG
30.67	ALLIANT ENERGY	43.69	ALLTEL
	AMERICAN SOLUTION FOR		
767.52	BUSINESS	45.00	MARK APPLEN
9.74	AUSTIN DIGITAL IMAGING	89.59	AUSTIN DRUG, INC.
181.75	AUSTIN NEWSPAPERS INC.	84.55	AUTO VALUE AUSTIN
240.00	BCA TRAINING & DEVELOPMENT	69.44	BEST WESTERN KELLY INN
137.17	BIG K 3578	428.36	BOB BARKER COMPANY INC.
11.40	BROADWING	331.00	BUDGET OIL CO.
713.67	CARDINAL HEALTH	89.32	CARE EXPRESS PRODUCTS
3377.24	CDW GOVERNMENT INC.	1624.90	CEDAR VALLEY SERVICES
30.00	CHIEF SUPPLY	282.23	DE LAGE LANDEN FINANCIAL
5087.72	DELL MARKETING L.P.	48.65	DELTA CLEANERS
8.63	DEX MEDIA EAST	286.91	DIAMOND RIDGE PRINTING
20.06	DOMINO'S PIZZA	1414.00	DONNELLY LAW FIRM
47.91	DOUBLE K SPECIALTY INC.	600.00	EVERGREEN MECHANICAL
373.22	FOX ELECTRIC COMPANY INC.	11718.00	FREEBORN COUNTY ADULT DETENTION
120.00	GLOBAL PROTECTION CORP	81.22	GODFATHER'S PIZZA
184.67	GRAINGER	434.97	HACH COMPANY
1288.61	HARTY MECHANICAL INC	147.67	HD SUPPLY FACILITIES MAINT
329.96	HOLIDAY INN AUSTIN	76.95	HOPKINS MEDICAL PRODUCTS
329.78	IDEACOM MID-AMERICA	959.38	IKON OFFICE SOLUTIONS
94.17	INTOXIMETERS	518.32	J & K WINONA
270.00	KAUS RADIO	196.74	KIKER BROS., INC.
189.42	LASER PRODUCT TECHNOLOGIES	33.07	LEEF BROS., INC.
102.35	LEXISNEXIS MATTHEW BENDER	1995.00	DR. ROSEMARY LINDERMAN
159.75	LYMAN'S AUTO CENTER INC.	4898.95	MANTRONICS MAILING MACHINES
41.20	MEDTOX LABORATORIES INC.	1108.67	MEDTRONIC EMERGENCY RESPONSE
919.00	MID AMERICA BUSINESS SYSTEMS	285.77	MIDTOWN AUTO CLINIC
5598.24	MINNESOTA COUNTIES COMPUTER	11.00	MITCHELL COUNTY CLERK OF COURT
	MITCHELL COUNTY REGIONAL		
444.50	HEALTH	965.00	MN OFFICE OF ENTERPRISE TECH
10.65	MOLINE AWARDS	61.87	NAPA AUTO PARTS
100.00	HELMS, BOBBI J.	652.34	NORTHLAND BUSINESS SYSTEMS
200.00	NYQUIST, GARY	385.52	PAMIDA DRUG

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3373.89	PARAGON PRINTING & MAILING	96.00	POWER 96 KQPR
900.00	PYRAMID CONCEPTS INC.	29.81	QWEST
3168.23	RATWIK, ROSZAK & MALONEY, ATTY	678.75	RICHARDSON LAW OFFICE
	RIVERSIDE PSYCHOLOGICAL		
2525.00	SERVICE	18.17	RUSKELL HARDWARE
22.50	SALAZAR, CAROLINA	702.12	SCHILLING SUPPLY COMPANY
147.69	SCHWAAB, INC.	1075.65	SERVICEMASTER CLEAN
24012.00	SHERIFF MITCHELL COUNTY	150.00	SHERIFF STEELE COUNTY
281.05	SHERWIN WILLIAMS COMPANY	24.38	SHOPKO PHARMACY
665.53	SHOPKO STORE #141	46.59	SMYTH COMPANIES INC.
154.53	STAPLES CREDIT PLAN	68.63	STREICHER GUNS/DON
279.99	SUNDAL INSTANT PRINTING	423.82	SYNERGY GRAPHICS INC.
75.00	TAPES PLUS ADVERTISING	380.20	TRIPLE J DISPOSAL INC.
471.77	UNIFORMS UNLIMITED	10.12	UNIV. OF MINN EXTENSION
78.28	WAHLSTROM/PAUL	21.90	WAHLSTROM/SALLY
990.00	THE WELCOME CENTER INC.	137.20	WELLS FARGO FINANCIAL LEASING
	WHITEWATER WIRELESS INC.		
162.40	ROCHESTER		
	GENERAL FUND	93250.96	TOTAL
SOCIAL SERVICE FUND			
193.31	CEDAR VALLEY SERVICES INC.	467.49	FOX ELECTRIC COMPANY INC.
40.28	TRIPLE J DISPOSAL		
11 FUND		701.08	TOTAL
MOWER COUNTY TRANSIT-PUBLIC TRANSP.			
248.17	GLOBAL EQUIPMENT COMPANY, INC.	1196.10	J & K WINONA
578.81	SEARS - AUSTIN	117.13	VIKING GLASS & LOCK INC.
12 FUND		2140.21	TOTAL
ROAD AND BRIDGE FUND			
143.03	A.E.S. INC.	939.33	ABOVE ALL CLEANING INC.
24.48	ADAMS BUILDERS SUPPLY INC.	339.03	ASPEL EQUIPMENT COMPANY
23.18	AUSTIN BUILDERS SUPPLY INC.	155.00	AUSTIN MEDICAL CENTER ATTN:
485.67	AUSTIN NEWSPAPERS INC.	8101.69	CARGILL INC.
339.16	CATCO PARATS AND SERVICE	10818.70	CDW GOVERNMENT INC.
199.39	CINTAS FIRST AID & SAFETY	762.97	DEXTER LP, INC.
7600.00	ERICKSON ENGINEERING	250.09	ETTERMAN ENTERPRISES
100.69	FASTENAL COMPANY	158.25	FORCE AMERICA, INC.
5275.19	HANSON TIRE SERVICE INC.	416.54	HIGHWAY TECHNOLOGIES INC.
4363.76	ISTATE TRUCK CENTER	10707.50	JONES, HAUGH & SMITH INC.
595.62	KELLER & ASSOCIATES INC.	108.00	KESTNER ELECTRIC INC.
119.90	LEEF BROS., INC.	71.29	LITTLE FALLS MACHINE INC.
2144.75	MACQUEEN EQUIPMENT INC.	470.37	MENARDS - ROCHESTER MN
230.50	MIDWEST DOOR INC.	80.89	MISSISSIPPI WELDERS SUPPLY CO.
14.00	MOLINE AWARDS	12.49	NAPA AUTO PARTS
100.00	OSI ENVIROMENTAL INC.	30.21	PARAGON PRINTING & MAILING
312.28	PROLINE DIST., INC.	519.48	REED BUSINESS INFORMATION
82.36	RUSKELL HARDWARE	309.70	SCHLLING SUPPLY COMPANY
19.16	SCHWAAB, INC.	8845.92	SEMA EQUIPMENT INC.
176.63	SHOPKO ENECARE CENTER	200.45	SYVERSON FREIGHTLINER

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COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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930.33	TERMINAL SUPPLY CO.	3402.71	ZIEGLER INC.
ROAD AND BRIDGE FUND		70000.69	TOTAL
SOLID WASTE/RECYCLING FUND			
235.00	AUSTIN BUILDERS SUPPLY, INC.	299.00	AUSTIN NEWSPAPERS INC.
375.00	BUSTAD/WALLACE INC.	37.91	CEDAR VALLEY SERVICES INC.
488.05	IVERSON HAULING	2303.30	MINNESOTA SUPPLY COMPANY
15.25	WELLS FARGO FINANCIAL LEASING		
17 FUND		3753.51	TOTAL
BUILDING FUND			
2600.00	HODENFIELD/MIKE		
30 FUND TOTAL		2600.00	
FAMILY CONNECTIONS COLLABORATIVE			
200.00	AUSTIN MEDICAL CENTER ATTN	1271.93	DELL MARKETING L.P.
70 FUND		1471.93	TOTAL
FINAL TOTAL		173918.38	

Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to approve miscellaneous bill for immediate payment to LarsonAllen in the amount of \$1,100.00. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to request earmark funding for the state line road through Senator Klobuchar's office with no county funding of the project. Motion carried.

The Board was presented a with a resignation from Lowell Franzen, Feedlot Officer, contingent on the County entering a Settlement Agreement with Mr. Franzen. Attorney Scott Anderson previously conducted an investigation in regard to complaints made against Mr. Franzen and answered questions from the Board and staff in regard to the investigation and the proposed settlement agreement.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to willingly accept the resignation of Lowell Franzen, effective immediately and to reluctantly approve the terms of the settlement agreement and authorize the Chair to sign the agreement. Motion carried.

The Board recessed at 10:50 a.m. and reconvened at 11:05 a.m.

Motion by Commissioner Hillier, seconded by Commissioner Tucker to approve the minutes of February 12, 2008 and February 26, 2008. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to authorize the transfer of property commonly known as the "Skeveland property" to the Minnesota Department of Natural Resources if it is necessary as a resolution to an issue with the

Minnesota Pollution Control Agency in regard to Judicial Ditch #1. A full legal description of the property is on file in the Mower County Auditor-Treasurer's Office. Motion carried.

Motion by Commissioner Tollefson, seconded by Commissioner Tucker to enter closed session at 11:10 a.m. for discussion on a tax court petition. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to reconvene to open session at 11:20 a.m. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Tollefson to accept the settlement agreement with Torgreson Properties (Holiday Inn) in regard to tax court petition CV 06-1080 and CV-07-1342 and to authorize the Chair and Coordinator to sign the agreement. The Commissioners voted as follows: Tollefson aye, Lang aye, Tucker nay, Hillier aye, and Cummings aye. Motion carried 4 to 1.

Motion by Commissioner Tollefson, seconded by Commissioner Tucker to refer the vacant Feedlot Officer position to the Personnel Committee for recommendation. Motion carried.

A Public Hearing was held in regard to the amendment of CUP #528 of Tim and Linda Koch to expand the area from three acres to 35 acres for the operation of a quarry and grave pit operation to include bituminous and concrete storage and crushing on the property.

Daryl Franklin, Environment Services Director, reviewed the permit and Planning Commission recommendations. No one spoke for or against the amendment of CUP #528.

**Date: March 11, 2008**

**Res. #17-08**

**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 March 11, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, amendment of CUP #528 of Tim and Linda Koch, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Expand the area from the current 3 acres to 35 acres for the operation of a quarry and gravel pit operation to include bituminous and concrete storage and crushing on property in Section 22 of LeRoy Township.

Location: S ½ SW ¼ Exc. W 758 ft. S 1159 ft. , Section 22, LeRoy Township

Notice having been duly given and a hearing held March 11, 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 quarry operation must remain at least 200 yards from the residential property.
2. An \$8,750 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on 10 acres) must be posted with the county Auditor valid until six months after the quarry ceases to operate. The bond for the Koch gravel pit/quarry will be based upon ten acre increments. The idea will be that they will be doing the operation in five acre parcels. They will work on a five acre parcel and then proceed to the next five acre parcel. When they are moving to the second one, they will then close out the first one and do the proper close-out procedures. So, the bond will be based on the ten acres and not the total project size.
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. Extraction of gravel/sand/limestone shall remain at least twenty (20) feet from all adjoining property lines and forty (40) feet from the road right-of-way and out of areas that would have lateral draining effects on wetlands.
7. Blasting will be performed by a licensed and bonded operator and the blasting log (seismograph report) will be provided to Mower County Environmental Services Department within one month of the blasting.
8. Secure DNR Appropriations permit if required.
9. Secure MPCA NPDES permit if required and submit to Mower County Environmental Services Department.
10. Burying of concrete or bituminous material will not be allowed on the property.
11. Hours of crushing operation shall be from 7:00 a.m. to 7:00 p.m. daily Monday – Saturday.
12. 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 (i) of the Mower County Zoning Ordinance.

Passed and approved this 11<sup>th</sup> day of March, 2008.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to the amendment of CUP #554 of Tim and Linda Koch to expand the area from three acres to 35 acres for the operation of a quarry and grave pit operation to include crushing on the property.

Daryl Franklin, Environment Services Director, reviewed the permit and Planning Commission recommendations. The Petitioner provided information on dust control plans on State Line Road. No one spoke for or against the amendment of CUP #554.

**Date: March 11, 2008**

**Res. #18-08**

**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 March 11, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, amendment of CUP #554 of Tim and Linda Koch, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Expand the area from the current 3 acres to 31 acres for the operation of a quarry and gravel pit operation to include crushing on property in Section 35 of LeRoy Township.

Location: SE ¼ SW ¼ , Section 35, LeRoy Township

Notice having been duly given and a hearing held March 11, 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 quarry and gravel pit operation including stockpiles of material must remain out of the floodplain of the Upper Iowa River.
2. An \$8,750.00 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre of part of an acre based on 10 acres) must be posted with the County Auditor valid until six months after the quarry ceases to operate. The bond for the Koch gravel pit/quarry will be based upon ten acre increments. The idea will be that they will be doing the operation in five acre parcels. They will work on a five acre parcel and then proceed to the next five acre parcel. When they are moving to the second one, they will then close out the first one and

- do the proper close-out procedures. So, the bond will be based on the ten acres and not the total project size.
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 and gravel pit operation shall be limited to the site plan. Modifications shall require an amendment to this CUP.
  7. Extraction of gravel/sand/limestone shall remain at least twenty (20) feet from all adjoining property lines and forty (40) feet from the road right-of-way.
  8. A five foot berm on the south side of the pit within the forty foot setback and a three foot berm on the other side of the pit will be installed.
  9. Provide dust treatment on state line road west from entrance to CSAH 12 a minimum of 200 feet per dwelling unit as needed only when hauling and provide the same dust treatment for Iowa residents on the state line road one time per year or as needed.
  10. Hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday – Saturday.
  11. Blasting will be performed by a licensed and bonded operator and the blasting log (seismograph report) will be provided to Mower County Environmental Services Department within one month of the blasting.
  12. Secure DNR Appropriations Permit.
  13. Secure MPCA NPDES Permit.
  14. 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 (i) of the Mower County Zoning Ordinance.

Passed and approved this 11<sup>th</sup> day of March, 2008.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to the amendment of CUP #737 of EnXco to construct, operate, maintain and own a new 161kV substation in Section 7 of Grand Meadow Township.

Daryl Franklin, Environment Services Director, reviewed the permit and Planning Commission recommendations. An email from Dave Morrison was read in regard to concerns with lighting, sky glow and noise pollution. Ian Krygowski, Petitioner's representative, indicated EnXco would provide downcast lights and conform to MPCA noise standards. He also indicated that the purchase of the property has not been finalized. There was no further speaking for or against CUP #737.

**Date: March 11, 2008**

**Res. #19-08**

**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 March 11, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #737 of EnXco, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

EnXco proposes to construct, operate, maintain and own a new 161kV substation in Section 7 of Grand Meadow Township.

Location: Part of the NW ¼ , Section 7, Grand Meadow Township

Notice having been duly given and a hearing held March 11, 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. Prior to construction, a Zoning Permit must be obtained.
2. 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.
3. Secure and submit MPCA (NPDES) General Stormwater Permit for Construction Activities.
4. Comply with all State and Federal rules and regulations.
5. Contact the Mower County Engineer to secure and install a "911" rural address and sign for the substation. Petitioner is responsible for all costs associated.

6. 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.
7. Limit site to 5 acres and require petitioner to furnish a legal description which shall be attached to the permit.
8. Owners of facility shall provide an updated contact list for this site to the Environmental Services office.

This permit is in accordance with Section 14-51 (q) of the Mower County Zoning Ordinance.

Passed and approved this 11<sup>th</sup> day of March, 2008. Commissioner Cummings abstained from voting.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to table the Public Hearings on CUP #734 and #735 until April 8, 2008 at 11:00 a.m. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to accept the quote of Bergerson-Caswell, Inc. in the amount of \$10,950.00 for Geothermal Formation Conductivity test. Motion carried.

Motion by Commissioner Tollefson, seconded by Commissioner Hillier to adjourn the meeting at 12:30 p.m. until March 18, 2008 at 7:00 p.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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