

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

September 2, 2008

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session September 2, 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

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to authorize the Human Resource Director to offer the top candidate for mechanic Step 5 on the pay scale in accordance to union contract and personnel policies and approve 40 hours of PTO as a beginning balance. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve out of state travel for Deputy Ellis and canine Tazer to attend the USPCA K-9 National Trials in North Carolina. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tollefson to approve 20 hours of comp time work in Human Services to work on the State Master Index project. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Tucker to approve two additional Human Service's positions, a Social Worker and a Child Support Worker, as telecommuting positions. Motion carried.

A Public Hearing was held in regard to CUP #742 of D. Sean & Kerri Waugh to move in a mobile home for a relative to live in temporarily on property in Section 25 in Dexter Township.

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendations.

The Petitioners were present. One person spoke in favor and no one spoke against CUP #742.

**Date: September 2, 2008**

**Res. #43-08**

**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 September 2, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #742 of D. Sean & Kerri Waugh, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To move in a mobile home for a relative to live in temporarily on property in Section 25 in Dexter Township

Location: W 545 ft. S 390 ft. N 1065 ft. NW ¼ NW ¼ SW ¼ Exc. S 115 ft. N 790 ft., Section 25, Dexter Township, T103N R16W, Mower County, Minnesota

Notice having been duly given and a hearing held September 2, 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. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on September 2, 2010 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. An ISTS shall be designed, installed and maintained according to MN Rules 7080 & Mower County's ISTS Ordinance.
4. 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.
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. 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 2<sup>nd</sup> day of September, 2008.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #738 of Renewable Energy Systems Americas, Inc. to construct a meteorological tower on the Shirley & Delmar Tapp property.

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendations.

Representatives of the Petitioner were present. Two persons spoke in favor and no one spoke against CUP #738.

**Date: September 2, 2008**

**Res. #44-08**

**RESOLUTION**

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 2, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #738 of Renewable Energy Systems Americas, Inc., Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct a meteorological tower on the property

Location: SW ¼ Exc. W 400 ft. E 1400 ft. S 623 ft. & 91 Ac. NW ¼ S of RR ,  
Section 17, Dexter Township, T103N R16W, Mower County,  
Minnesota

Notice having been duly given and a hearing held September 2, 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. 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. To provide visibility to aircraft, the Petitioner shall be required to paint the top half of the tower alternating red and white in ten foot segments, fit each outside guy wire with a 20 foot long red and white plastic sleeve centered at 164 feet, and equip the top of the tower with a night-time flashing red light.
6. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.
7. 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 (d) & (t) of the Mower County Zoning Ordinance.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing held in regard to CUP #739 of Renewable Energy Systems Americas, Inc. to construct a meteorological tower on the Keith Gillette property.

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendations.

Representatives of the Petitioner were present. One person spoke in favor and no one spoke against CUP #739.

**Date: September 2, 2008**

**Res. #45-08**

**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 September 2, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #739 of Renewable Energy Systems Americas, Inc., Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct a meteorological tower on the property

Location: E ½ SW ¼ & SE ¼ NW ¼ , Section 26, Waltham Township, T104N R17W, Mower County, Minnesota

Notice having been duly given and a hearing held September 2, 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. 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. To provide visibility to aircraft, the Petitioner shall be required to paint the top half of the tower alternating red and white in ten foot segments, fit each outside guy wire with a 20 foot long red and white plastic sleeve centered at 164 feet, and equip the top of the tower with a night-time flashing red light.
6. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.

7. 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 (d) & (t) of the Mower County Zoning Ordinance.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #740 of Renewable Energy Systems Americas, Inc. to construct a meteorological tower on the Michael, Robert & Jim Gebhardt property.

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendations.

Representatives of the Petitioner were present. One person spoke in favor and no one spoke against CUP #740.

**Date: September 2, 2008**

**Res. #46-08**

**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 September 2, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #740 of Renewable Energy Systems Americas, Inc., Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct a meteorological tower on the property

Location: SE ¼ Exc. W 473 ft. S 653 ft. , Section 11, Waltham Township,  
T104N R17W, Mower County, Minnesota

Notice having been duly given and a hearing held September 2, 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. 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. To provide visibility to aircraft, the Petitioner shall be required to paint the top half of the tower alternating red and white in ten foot segments, fit each outside guy wire with a 20 foot long red and white plastic sleeve centered at 164 feet, and equip the top of the tower with a night-time flashing red light.
6. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.
7. The petitioner is to decommission the tower by September 2, 2013.
8. 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 (d) & (t) of the Mower County Zoning Ordinance.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Tucker, seconded by Commissioner Lang to amend Resolutions #44-08 and #45-08 for CUP #738 and CUP #739 respectively to add the following additional condition:

“8. The petitioner is to decommission the tower by September 2, 2013.”

Motion carried.

A Public Hearing was held in regard to CUP #741 of Renewable Energy Systems Americas, Inc. to construct a meteorological tower on the LaVaine Linbo property.

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendations.

Representatives of the Petitioner were present. Two persons spoke in favor and no one spoke against CUP #741.

**Date: September 2, 2008**

**Res. #47-08**

**RESOLUTION**

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 2, 2008 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #741 of Renewable Energy Systems Americas, Inc., Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct a meteorological tower on the property

Location: E ½ of Sec. S & E of Creek, Section 10, Sargeant Township, T104N R16W, Mower County, Minnesota

Notice having been duly given and a hearing held September 2, 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. 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. To provide visibility to aircraft, the Petitioner shall be required to paint the top half of the tower alternating red and white in ten foot segments, fit each outside guy wire with a 20 foot long red and white plastic sleeve centered at 164 feet, and equip the top of the tower with a night-time flashing red light.
6. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.
7. The petitioner is to decommission the tower by September 2, 2013.
8. 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 (d) & (t) of the Mower County Zoning Ordinance.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Waltham Township representative noted that Planning Commission site visit schedule needs to be accurate in order that interested persons can be present. The suggestion was noted and future site visits will be in accordance with the schedule.

Commissioner Hillier, chair of the Personnel Committee, brought two matters up for the Board's future consideration.

1. Plan a Board work session to review county services and prioritize them before the final budget needs to be set.
2. Winona County is studying the viability of having a 4-day work week to offset energy costs and to give extended hours on four days per week in which working individuals can attend to County business outside the "normal" work day of 8 am to 5 pm. Would Mower County also be interested in pursuing the possibility of a 4-day work week?

Commissioner Tucker, chair of the Finance Committee, reported the Committee would have a recommendation for the preliminary 2009 budget for Board action at the next meeting.

**Date: September 2, 2008**

**Res. #48-08**

**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 September 2, 2008 at the Courthouse, Austin, Minnesota.

**WHEREAS**, Mower County is considering construction of a new justice center facility; and

**WHEREAS**, the majority of the project costs will require bonding; and

**WHEREAS**, it is in the best interest of the public to utilize any available funding reserves to reduce the tax impact to the public; and

**WHEREAS**, Mower County, a wind energy county, is currently receiving wind energy revenues in excess of the current budget amount; and

**WHEREAS**, said excess non-budgeted wind energy funds have the potential to significantly reduce the annual tax impact of the project bond payments,

**NOW THEREFORE, BE IT RESOLVED**, that the amount of wind energy funds received over the 2008 budgeted amount be dedicated towards the bond payments for the new justice center; and

**BE IT FURTHER RESOLVED**, that after the project bond payments expire, that the additional wind energy funds be a dedicated source of funding for capital improvement projects.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

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

MCIT	\$ 137.00
KKE Architects	101,668.00

Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve the Letter of Understanding between Mower County and Austin Mower County Area Transit for administrative duties effective September 8, 2008 until terminated by either party with 30 days advanced written notice for 10 hours per week, in which Austin Mower County Area Transit agrees to reimburse Mower County the employee's actual hourly rate times the Mower County overhead multiplier. Motion carried.

The Board recessed at 2:09 p.m. and reconvened at 2:32 p.m..

Motion made by Commissioner Tucker, seconded by Commissioner Tollefson to approve the Family Planning Special Project agreement between the Minnesota Department of Health and Mower County Community Health Services from July 1, 2008 to June 30, 2009 in the amount of \$114,169. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Lang to approve the 2008-2009 Public Health Emergency Preparedness Grant agreement between the Minnesota Department of Health and Mower County Community Health Services from August 10, 2008 to August 9, 2009 in the amount of \$32,625. Motion carried.

Margene Gunderson, Director of Public Health Nursing, briefly discussed the availability of a prescription drug discount card program through National Association of Counties. Ms. Gunderson was instructed to collect additional information.

Motion by Commissioner Tucker, seconded by Commissioner Tollefson to adjourn the meeting at 2:49 p.m. until September 4, 2008 at 7:00 p.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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