

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

September 30, 2008

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session September 30, 2008 at 9:30 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

Paul Reuvers, attorney, provided a review and as a recommendation provided a proposed Resolution for the Board's approval to proceed with the Environmental Assessment Worksheet for the Robbin's Block acquisition and demolition project as a response to the Citizen's Petition for an EAW. Mr. Reuvers indicated that it was in the best interests of the County to proceed with the EAW. A discussion followed the attorney's recommendation.

Date: September 30, 2008

Res. #52-08

**A RESOLUTION GRANTING THE PETITION FOR AN ENVIRONMENTAL
ASSESSMENT WORKSHEET FOR THE "ROBBINS BLOCK" PROJECT**

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 30, 2008 at the Courthouse, Austin, Minnesota.

WHEREAS, Mower County ("County") is proposing to acquire and demolish all of the structures on the "Robbins block" as a part of the Mower County Justice Center Project. The County is considering the "Robbins block" for parking, construction staging, future expansion and/or a geothermal system; and

WHEREAS, on August 22, 2008, the County received a notification letter and citizen petition from the Environmental Quality Board ("EQB"), stating that Mower County, as the responsible governmental unit ("RGU"), must determine the need for an Environmental Assessment Worksheet ("EAW") based, in part, on *Minnesota Rules, Chapter 4410.1100, subpart 6*; and

WHEREAS, the citizen petition asserts the structures located on the "Robbins block" have "significant value to the community," but acknowledges none of the structures have Historic Register designations. Moreover, the City of Austin has advised it "does not have a historical preservation district nor are any of the structures registered with the Historical Society;" and

WHEREAS, the citizen petition also asserts “[c]oncerns over contaminated soil are also evident due to automotive businesses operating on that block in the past,” but does not provide any material evidence to support this assertion;

WHEREAS, the Mower County Board of Commissioners has carefully considered these assertions; and

THEREFORE, BE IT RESOLVED, the following findings of fact are adopted:

1. Minnesota Statute § 116D.04, subd. 2a(c) provides:

An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects.

2. Minnesota Courts have defined material evidence as evidence which is admissible, relevant, and consequential to determine whether the project may have the potential for significant environmental effects; and

3. Minnesota Rules, Chapter 4410.1100, subpart 6 states:

The RGU shall order the preparation of an EAW if the evidence presented by the petitioners, proposers, and other persons or otherwise known to the RGU demonstrates that, because of the nature or location of the proposed project, the project may have the potential for significant environmental effects. The RGU shall deny the petition if the evidence presented fails to demonstrate the project may have the potential for significant environmental effects. The RGU shall maintain, either as a separate document or contained within the records of the RGU, a record, including specific findings of fact, of its decision on the need for an EAW.

4. Minnesota Rules, Chapter 4410.1100, subpart 7 states:

In determining whether a project has the potential for significant environmental effects, the following factors shall be considered:

- A. type, extent, and reversibility of environmental effects;
 - B. cumulative potential effects of related or anticipated future projects;
 - C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
 - D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.
5. There is a complete lack of material evidence related to any contamination of soils on the site.
 6. The material evidence related to the historic value of the structures located within the

“Robbins block” is arguably insufficient to meet the minimal standard required to justify the need for an EAW. Nonetheless, the Board finds it is in the best interests of the public to look at this issue more closely.

THEREFORE, BE IT FURTHER RESOLVED, THAT The Mower County Board of Commissioners hereby grants the petition, and orders the preparation of an EAW for the “Robbins block” project.

Passed and approved this 30th day of September, 2008.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

At this time the Board reviewed an Option to Purchase Agreement for the Robbins' Furniture property. The County has an option to purchase the property until 5:00 p.m. on October 14, 2008 at a price of \$427,000. During this time the County can conduct an environmental assessment of the property.

Motion made by Commissioner Tollefson, seconded by Commissioner Hillier to approve the Option to Purchase Agreement between Mower County and the Donna J. Robbins Revocable Trust for the real estate commonly referred to as the “Robbins Block”. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve Amendment No. 1 to Subrecipient Agreement between the Southeast Minnesota Water Resources Board and Mower County to extend the project period and increase the amount of reimbursement. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Tollefson to adjourn the meeting at 10:27 a.m. until October 7, 2008 at 1:00 p.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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