

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

April 7, 2009

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session April 7, 2009 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

Members present, viz: David Hiller, Chair Pro Temp
 Dick Lang
 Tim Gabrielson
 Craig Oscarson, County Coordinator
Members absent: Dave Tollefson
 Raymond Tucker

Kathy Lientz, Office Support Specialist, Sr. in Corrections, was recognized as Employee of the Month.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to authorize up to ten hours per week of comp time for sixty days effective April 17, 2009 for an Office Support Specialist, Sr. in Corrections due to the medical leave of another staff member. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve the request dated April 2, 2009 of an Office Support Specialist, Sr. for an extension of his/her medical leave of absence effective April 10, 2009 to June 1, 2009. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to approve the request of an employee dated April 2, 2009 to receive up to 160 hours of time from the medical leave bank.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to authorize the Human Resource Director to fill the full-time position of Financial Worker in Human Services according to union contract and personnel policies and the personnel committee will analyze the department for a possible staff reduction via attrition in the social services unit. Motion carried.

A Public Hearing was held in regard to CUP #745 of Robert Baarsch to expand a finishing building from 1920 to 2100 animal units.

Craig Oscarson, County Coordinator, read the recommendation from the permit and Planning Commission which recommended approval with four conditions. The Petitioner was present and spoke on his own behalf.

No one spoke for or against CUP #745.

Date: April 7, 2009

Res. #23-09

RESOLUTION

In Re: Baarsch Farms, LLC – Conditional Use Permit Request, #745

On motion of Commissioner Gabrielson, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 7, 2009 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #745 of Robert Baarsch, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To remodel the interior of existing buildings and expand from 1,920 animal units to 2,100 animal units of finishing swine on property located in Section 25 in Lodi Township.

Location: E 430 ft. N 545 ft. NE ¼ NW ¼ , Section 25, Lodi Township, T101N R15W, Mower County, Minnesota.

Notice having been duly given and a hearing held April 7, 2009, on said petition.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board has reviewed, accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas, which is hereby adopted by reference and kept on file in the office of Environmental Services; and

BE IT FURTHER RESOLVED, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. Comply with MPCA Feedlot Rules and Regulation for this type of facility;
2. Comply with Mower County Zoning Ordinance;
3. Follow the Good Neighbor Plan and update as necessary or as facility changes;
4. 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 (v) of the Mower County Zoning Ordinance.

ADOPTED by the Mower County Board of Commissioners this 7th day of April, 2009.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve the Application for Abatement of penalty and interest appeal of MEM Properties in regard to parcel identification number R27.006.0231 for taxes payable in 2008. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to deny the Application for Abatement of penalty and interest appeal of MEM Properties in regard to parcel identification number R27.006.0231 for taxes payable in 2005, 2006 and 2007. Motion carried.

Date: April 7, 2009

Res. #24-09

RESOLUTION

On motion of Commissioner Lang, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 7, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, on April 7, 2009 the Kingsland Athletic Booster Club presented a request for a Minnesota Lawful Gambling License for gambling to be conducted Deer Creek Speedway; and

WHEREAS, the Mower County Board of Commissioners is required to approve the license application by resolution;

BE IT RESOLVED THAT, the Mower County Board of Commissioners do hereby approve and hereby recommend approval by the State Gambling Commission the application for the issuance of a Minnesota Lawful Gambling License to Kingsland Athletic Booster Club for gambling at Deer Creek Speedway and hereby waives the 30 day waiting period.

Passed and adopted this 7th day of April, 2009.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve the minutes of March 16 and March 24, 2009. Motion carried.

Jim Hartson addressed the Board regarding the citizen's petition for a vote on the justice center bonding and his opinion that the board has received inaccurate legal counsel on the matter.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to approve the following additional Commissioners' warrants for immediate payment:

KKE Architects	\$ 117,073.92
Nelson Auto Center	20,441.78
Omni Environmental	4,812.00

Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to amend the 2009 Veteran budget for the purchase of a new van in the amount of \$23,328.81 from the van replacement fund. Motion carried.

Date: April 7, 2009

Res. #25-09

RESOLUTION
Support for an Informed Statewide Rail Plan

On motion of Commissioner Lang, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 7, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, high-speed, passenger rail service that connects major metropolitan areas and regional economic centers continues to gain support federally and regionally as an efficient mode of transportation;

WHEREAS, a Chicago to Twin Cities connection is already under strong consideration at state, regional, and federal levels;

WHEREAS, any rail investment of this magnitude will have a multi-generational impact and therefore needs to take a long-term view of how best to serve the most people, maximize benefits for users of the service and the entire region, and have the best chance for financial viability;

WHEREAS, Rochester is the recognized economic hub of southeast Minnesota, is the third largest city in the state, and is the largest economic center between Madison, Wisconsin and the Twin Cities;

WHEREAS, the growth the Rochester area has experienced over the last decade (growing by 15,000 since 2000) is expected to continue over the next decade;

WHEREAS, Rochester is home to Mayo Clinic, a global health care destination that attracts over 500,000 patients and visitors each year, many from out of state/country;

WHEREAS, a high-speed rail connection hub in Rochester would enhance the entire southeast Minnesota region;

NOW, THEREFORE be it resolved that Mower County Board of Commissioners strongly encourages Mn/DOT to include an objective analysis of all potential routes for a high-speed rail line connecting Chicago to the Twin Cities in its statewide rail planning process to ensure that a route is selected that offers the greatest public benefit to the citizens and economy of Minnesota.

Passed and approved this 7th day of April, 2009.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to approve the temporary summer extension secretary position for up to 310 hours at \$10.70 per hour effective April 9, 2009. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve the garbage hauler permit application of Y Waste Removal effective immediately until June 30, 2009. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve Amendment No. 1 to I-169 Sentencing to Service Program contract with the State of Minnesota. Motion carried.

The Board recessed at 2:23 p.m. and reconvened at 2:31 p.m.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to set the project letting dates to May 11, 2009 at 1:00 p.m. at the office of the County Highway Department and awarded at the County Board of Commissioner's meeting for County projects SAP 050-613-009 and SAP 050-605-014. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to set the project letting dates to May 22, 2009 at 1:00 p.m. at the office of the County Highway Department and awarded at the County Board of Commissioner's meeting for County bridge

projects 50K03, 50K04, 50K05, 50K06, 50K07, 50K08, 50K09, 50K10, 50K11. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve the drainage permit of Jerry Ramson in Nevada Township. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to reject all the bids received for weed spraying due to bid irregularities and County Attorney recommendation and instruct the County Engineer to receive quotes for weed spraying. Motion carried.

John Pristash, Knutson Construction, reviewed an updated overall project cost summary after receiving the latest bids. There has been a reduction from the projected estimated project cost of \$35.4 million to \$28.8 million as a result of the bids received and awarded.

John Pristash, Knutson Construction, reviewed the bids received March 25, 2009 for the justice center project package 11C, Kitchen Equipment and recommends award to the low bidder.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to award the bid for the Justice Center project package 11C to the low bidder Grand Restaurant Equipment & Design with a low bid of \$282,873 and have the project commence and authorize the County Coordinator to sign the construction contract on behalf of Mower County. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer.

John Pristash, Knutson Construction, reviewed the bids received on March 27, 2009 for the justice center project package 11A, Laundry Equipment.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to reject all the bids received for justice center project package 11A Laundry Equipment due to bid irregularities and County Attorney recommendation and instruct the Architect and/or the Construction Manager to receive quotes for laundry equipment. Motion carried.

Craig Oscarson informed the Board that a letter had been received from the local legislators indicating that they had rejected the Mower County Board of Commissioners request for legislation to give the Board authority to appoint the positions of County Recorder and County Auditor-Treasurer.

Jim Hartson, reaffirmed that he believes that the County is acting on inaccurate legal advice by not holding a public hearing on the justice center bonding and this constitutes malfeasance of office.

Motion by Commissioner Lang, seconded by Commissioner Gabrielson to adjourn the meeting at 3:02 p.m. until April 14, 2009 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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