

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 5, 2009

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session May 5, 2009 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

All members present, viz: Dave Tollefson, Chair
 Raymond Tucker (1:06 p.m.)
 David Hillier
 Dick Lang
 Tim Gabrielson
 Craig Oscarson, County Coordinator

Laura Hickman, Public Health Nurse, was recognized as Employee of the Month.

Margene Gunderson, Director of Community Health Services, provided a brief update on H1N1 .

A Public Hearing was held in regard to CUP #747 of Ulland Brothers, Inc. for the purpose of mineral extraction, crushing and wash plant and temporary placement of asphalt or ready mix plant at the south expansion of the Grand Meadow Quarry. On an 80-acre parcel of land located in the NW ¼ SE ¼ & NE ¼ SW ¼, Section 9, Frankford Township.

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

No one spoke for or against CUP #747.

Date: May 5, 2009

Res. #28-09

RESOLUTION

In Re: Ulland Brothers, Inc., – Conditional Use Permit Request, #747

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 May 5, 2009 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #747 of Ulland Brothers, Inc. as Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

The purpose of mineral extraction, crushing and wash plant and temporary placement of asphalt or ready mix plant at the south expansion of the Grand Meadow Quarry. On an 80-acre parcel of land located in the NW ¼ SE ¼ & NE ¼ SW ¼, Section 9, Frankford Township.

Location: 80-acres - NW ¼ SE ¼ & NE ¼ SW ¼, Section 9, Frankford Township, T103N R14W, Mower County, Minnesota.

Notice having been duly given and a hearing held April 28, 2009, on said petition.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board has received, 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. A Restoration Bond in the amount calculated as \$2000 for the first acre plus \$750 for each additional acre must be posted with the County Auditor/Treasurer and shall be valid as long as the operation is active and the restoration has not been completed. Said bond shall be applicable to the area in use or non-restored area and shall be adjusted accordingly; and
2. A "No trespassing sign shall be posted at the entrance. A gate shall be placed at the entrance; and
3. Comply with Mower County Ordinance; and
4. Extraction of materials shall be limited to the areas as delineated in the site plan; and
5. Extraction of gravel/sand/limestone or other materials shall remain at least thirty (30) feet from all adjoining property lines and thirty (30) feet from the road right-of-way (as required by Ordinance); and
6. Blasting will be performed by a licensed and bonded operator. Property owners at parcel #06.002.0080 and #06.003.0020 shall be notified of blasting one day in advance; and
7. A system called "two strikes and out" is established. If damages occur in which blasts are found to exceed the permitted limit two times all future blasting is prohibited.
8. The Minnesota Department of Natural Resources (DNR) be involved in the restoration of the area when the quarry is completed.
9. No pumping of water into County Road ditches; and
10. No refueling storage tanks in the lower levels of the exaction site (quarry); and
11. Secure DNR Water Appropriations permit and submit copy to Mower County Planning Department; and
12. Secure MPCA NPDES Permit and submit copy to Mower County Planning Department; and
13. A Wetland Inventory shall be performed by the Mower County Soil and Water Conservation District; and

14. All quarry material processing shall remain at least 500 (in Ordinance) feet from any residence; and
15. Prior to starting the operation the petitioner shall submit a detailed Restoration Plan; and
16. Access/Driveway to be cost of Petitioner; and
17. A berm the length of the open pit area shall be established on the north side of the pit in accordance with the County Engineer's specifications; and
18. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable Statutes; and
19. The Conditional Use Permit allows the Owner/Operator to utilize the pit 24 hours per day, seven days per week; and
20. The use of the site for temporary placement of an asphalt or ready-mix plant is periodic and does not expire unless the CUP lapses as determined below; and
21. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
22. 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(h) & 14-140.1 of the Mower County Zoning Ordinance.

ADOPTED by the Mower County Board of Commissioners this 5th day of May, 2009.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Hillier, seconded by Commissioner Gabrielson to approve out-of-state travel for Nitaya Jandragholica, Interpreter, to attend the National Association of Judiciary Interpreters, in Scottsdale, Arizona, on May 15-17, 2009 to meet continued education requirements. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to approve a Memorandum of Understanding to include any or all of the five bargaining units to negotiate changes to the current collective bargaining agreement (CBA's) on retiree health insurance benefits in regard to a Medicare supplement policy. Any changes to said CBA's shall be subject to ratification by participating unions and the County Board. Motion carried.

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

KKE Architects	\$ 15,436.92
Meadowbrook Insurance Group	35,931.00

Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve the agreement with Government Management Group for cost allocation services for 2008, 2009 and 2010 and authorize the Finance Director to sign the agreement. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Gabrielson to approve the following tobacco licenses effective July 1, 2009 through June 30, 2010:

Lake GEO Travel Plaza, LLC

Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve the Interoperability Agreement between Mower County, the South East Regional Radio Board and the State of Minnesota through its Commissioner of Transportation for the operation of subscriber radios. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Hillier to amend the 2009 Emergency Management budget for medical supplies for H1N1 in the amount of \$1500 from reserve contingency. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to approve the following documents in reference to the Byrne JAG (Justice Assistance Grant) Recovery Grant for the dispatcher position:

1. Interlocal Agreement between the City of Austin and Mower County;
2. Certification as to Recover Act Reporting Requirements;
3. General Certification as to Requirements for Receipt of Funds for Infrastructure Investments

Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to approve retaining Kathy Stutzman as grant consultant in regard to the JAG Grant at a rate of \$65.00 and up to 25 hours. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the request of the Highway department to authorize a former employee to do a ride-a-long with a current employee for the purpose of inspecting road striping. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to adjourn the meeting at 2:08 p.m. until May 12, 2009 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

2

2009 budget amendment
emergency mgmt, 101

A

adjourn, 102

B

Byrne JAG (Justice Assistance Grant)
agreement, 101
grant consultant, 101

C

cost allocation services
Government Management Group, 101

E

Employee of the Month
Laura Hickman, 98

G

Government Management Group
cost allocation agreement, 101

H

H1N1
update, 98

I

Interoperability Agreement
SE Regional Radio Board, 101

M

Memorandum of Understanding
with all 5 unions for negotiating retiree health
insurance, 100

O

out-of-state travel, 100

P

Public Hearing
CUP #747
Ulland Bros., 98

R

Res. #28-09
CUP #747
Ulland Bros., 98
road striping inspection
ride-along, 101

T

tobacco licenses
Lake GEO Travel Plaza, 101

W

warrants
Commissioner additional, 101