

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

June 2, 2009

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 2, 2009 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

All members present, viz:     Dave Tollefson, Chair  
  Raymond Tucker (1:04 p.m.)  
  David Hillier  
  Dick Lang  
  Tim Gabrielson  
  Craig Oscarson, County Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to amend Personnel Policy B225 by decreasing the public health department's number of check out phones from 4 to 3 and adding the director's position as eligible for a phone allowance. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve the minutes of May 12 and May 26, 2009. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to approve the 3.2 on sale beer license for Cedar River Country Club effective July 1, 2009 through June 30, 2010. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Gabrielson to amend Mower County Board of Commissioners Resolution #05-09 dated January 6, 2009 to increase the reimbursement rate from \$100 to \$300 in accordance with the change in State Statute. The Commissioners voted as follows: Commissioner Gabrielson aye, Commissioner Lang nay, Commissioner Tucker aye, Commissioner Hillier aye, Commissioner Tollefson aye. Motion carried 4-1.

A Public Hearing was held in regard to CUP #746 of James Yerhart d/b/a Y Waste Removal, Inc. to operate a waste handling facility in Section 15 in Lyle Township.

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

No one spoke for or against CUP #746.

Date: June 2, 2009

Res. #32-09

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 2, 2009 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #746 of James Yerhart, d/b/a Y Waste Removal, Inc. & David Yerhardt, landowner, as Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

To operate a waste handling facility in Section 15 in Lyle Township.

Location: E924ft. N 660ft NE1/4, SW1/4, Section 15, Lyle Township, T101N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held April 27, 2009 and a continuation hearing on May 26, 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. Applicant shall follow all state and federal regulations regarding the proposed use; and
2. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
3. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
4. The Owner/Applicant shall work cooperatively with Mower County to mitigate any issues brought to the attention of the County that are found to be legitimate and valid that may create a nuisance to adjoining landowners from the proposed use, and
5. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around or etc so as to not create a nuisance or hazard to the traveling public. The trucks can not be parked or backed onto the premises from the road or its right-of-way; and
6. The Owner/Applicant shall be required to provide dust control (not to utilize used oil (illegal)) so as not to create a nuisance to neighboring property from the additional traffic; and
7. Waste shall not be contained, stored or kept on the property for more than 24 hours. The waste may be contained overnight in some circumstances when it can not be immediately disposed of at a licensed waste facility; and

8. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
9. The Owner/Applicant shall abide by all road and bridge weight restrictions or postings that apply to roads used as an ingress/egress to the property; and
10. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
11. Any vermin, flies, or other pests shall be controlled; and
12. No burying of waste material is allowed and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
13. 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 (j) of the Mower County Zoning Ordinance.

Passed and approved this 2<sup>nd</sup> day of June, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held before the Mower County Planning Commission on May 26, 2008, in regards to CUP #748 of Wallace Bustad, d/b/a Wallace Bustad Crane Service, to a) store and crush concrete and bituminous material, b) operate a demolition debris grinding facility and c) operate a transfer station up to 200 cubic yards; on property located in Section 27, Lansing Township.

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

The Petitioner was present and spoke on his own behalf.

No one spoke for or against CUP #748.

**Date: June 2, 2009**

**Res. #33-09**

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Tucker, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 2, 2009 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #748 of Wallace Bustad, d/b/a Wallace Bustad Crane Service, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

- a) Storage and crushing of concrete and bituminous material;
  - b) Operation of a demolition debris grinding facility and
  - c) Operation of a transfer station up to 200 cubic yards;
- On property located within Section 27, Lansing Township.

Location: W330ft NW1/4, NW1/4, N or RR exc. N65.9ft exc. E30ft, Section 27, Lansing Township, T103N-R18W, Mower County, Minnesota

Notice having been duly given and a public hearing held May 26, 2009, 7:00 p.m. Mower County Courthouse, Commissioner's Room, 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. CUP No. 748 shall replace all preceding CUPs for the property including CUP No 471 and amendments dated November 12, 1996 & March 2, 1999.
2. Petitioner/Applicant/Owner shall maintain a low water mist during crushing operation.
3. Any runoff that would be present from this low water mist during the crushing must be contained and disposed of by Petitioner/Applicant/Owner.
4. Demolition material shall be limited to material as specified in the Minnesota Pollution Control Agency (MPCA) Rules.
5. No disposal or transfer of municipal solid waste allowed on this site. Demolition material can be stored for no longer than 72 hours at the site. For the purposes of this condition demolition material does not include the concrete and bituminous material stored for crushing or metal stored for recycling.
6. Tipping (sorting) must be on an impervious concrete pad with bunkers on at least three (3) sides.
7. No more than 200 cubic yards of demolition material can be at this site at any one time. For the purposes of this condition demolition material does not include the concrete and bituminous material stored for crushing or metal stored for recycling.
8. A certified operator must be present at site when facility is open. Wallace Bustad shall provide a list of certified operators to Mower County Planning and Zoning and update this list as new operators are added or deleted.
9. Final disposal site for demolition material transferred at this site must be Federal/State licensed and approved demolition landfill.

10. Petitioner/Owner must secure and annually maintain a Mower County Waste Permit.
11. Petitioner must secure or make application for all applicable MPCA permits by prior to operation under this CUP.
12. Staff shall be allowed access to the site during normal business hours to determine if the operation is in compliance with this permit and Mower County Zoning Ordinance. Mower County reserves the right to request MPCA staff to accompany their staff at any given time to assist in this determination.
13. Hours of operation shall be from 7:00 am to 7:00 p.m. daily – Monday – Saturday.
14. Comply with EPA and MPCA Rules and Regulations for this type of facility.
15. Comply with Mower County Zoning Ordinance(s).
16. 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.
17. The use of the site for crushing of asphalt and bituminous material is ongoing and intermittent and does not expire unless the CUP lapses as determined below in the following condition.
18. A Conditional Use Permit shall become void one (1) year after being granted by the County Board unless used or if discontinued for a period of three-hundred and sixty-five (365) days
19. Failure to comply with any and all listed conditions may result in penalties, fines or revocation of this conditional use permit thereby resulting in closure of the demolition transfer site and crushing of concrete and asphalt materials.
20. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable Statute, Rule or Ordinance.

This permit is in accordance with Section 14-83 (k), (m), (n) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2<sup>nd</sup> day of June, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Craig Oscarson, County Coordinator, updated the Board with information from the District IX meeting which indicated that the anticipated State budget cuts may be worse than originally projected. Some of the cuts may be permanent affecting future budgets.

In addition, Mr. Oscarson, provided an update on the geothermal well-drilling. The air drilling technique will be replaced with a mud drilling technique which is a quieter

method. In addition, the company is planning on bringing in more well drillers which will bring geothermal well the project to completion sooner.

The Board recessed at 1:35 p.m. and reconvened at 1:56 p.m.

George Eilertson, Northland Securities, presented to the Board a Finance Plan Summary. The Board has two options for jail bonding: 1) tax exempt bond or 2) a taxable Build America Bond (BAB's) recently made available through the stimulus package. Both bonds are General Obligation Jail Bond. The Federal Government will pay 35% of the interest costs on the funds appropriated with the BABs. In addition, the County can receive a AAA bond rating lowering the bond interest rate through the State of MN County Credit Enhancement Program. Mr. Eilertson offered a proposed resolution which would have the County may application for the County Credit Enhancement Program and to engage Northland Securities in purchasing bonds before June 23, 2009 not to exceed \$17,000,000.

Questions from the audience were taken and addressed by Mr. Eilertson.

**Date: June 2, 2009**

**Res. #34-09**

**RESOLUTION SETTING THE SALE  
OF APPROXIMATELY \$17,000,000  
GENERAL OBLIGATION TAXABLE JAIL BONDS, SERIES 2009A  
(BUILD AMERICA BONDS)**

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 June 2, 2009 at the Courthouse, Austin, Minnesota.

BE IT RESOLVED By the Board of Commissioners of Mower County, Minnesota (County) as follows:

1. The County has heretofore determined to undertake a project consisting of the acquisition, construction and equipping of a justice center, to include court, jail and related facilities (Project).
2. Pursuant to authority granted by Minnesota Statutes, Section 641.23 and Chapter 475, the County is authorized to issue its general obligation bonds to provide necessary funds for the purpose of paying the costs of acquisition, construction and equipping of a county jail, including related costs.
3. It is necessary and desirable for the sound financial management of the County that the County issue and sell its general obligation jail bonds (Bonds) in the approximate principal amount of \$17,000,000 to finance the portion of the costs of the Project allocable to the jail facilities.
4. The issuance of the Bonds in the amount herein authorized will not exceed any applicable limitations on the amount of indebtedness which the County may incur,

including, without limitation, the limit in Section 641.23 on the amount of annual debt service on bonds which may be issued without election.

5. The County is authorized to submit an application to participate in the Credit Enhancement Program of the State of Minnesota in accordance with the requirements of Minnesota Statutes, Section 446A.086. The Chair and Clerk/Coordinator are authorized and directed to enter into the related Credit Enhancement Program Agreement with the Minnesota Public Facilities Authority. The County shall comply with the requirements of Minnesota Statutes, Section 446A.086.

6. The County hereby determines, on the advice of bond counsel, that interest on the Bonds cannot be represented to be excluded from gross income for purposes of federal income taxation, and therefore, it is appropriate to proceed with the sale of the Bonds by direct negotiation to Northland Securities, Inc. ("NSI"), as contemplated by Minnesota Statutes, Section 475.60, Subdivision 2(6).

7. Upon presentation by NSI of an offer to purchase the Bonds in an aggregate principal amount not to exceed \$17,000,000 with a True Interest Cost not greater than 6.00%, and underwriter's compensation not greater than 1.0% of the principal amount of the Bonds, the Chair and Clerk/Coordinator are hereby authorized to accept such offer on behalf of the County and to execute a bond purchase agreement with NSI, and this Board will take action at its next regularly scheduled meeting thereafter to adopt the necessary ratifying and approving resolutions as prepared by the County's bond counsel.

Passed and approved this 2<sup>nd</sup> day of June, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Tucker, seconded by Commissioner Gabrielson to adopt Scenario 2 – Maintain Levy (13 year term) from the Northland Securities Finance Plan Summary dated June 2, 2009 as the bond payment term for the General Obligation Taxable Jail Bonds, Series 2009A (Build America Bonds). Motion carried.

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

KKE Architects	\$ 28,310.39
MN Public Facilities Authority	500.00

Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Gabrielson to adjourn the meeting at 2:50 p.m. until June 9, 2009 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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