

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

July 7, 2009

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

All members present, viz: Dave Tollefson, Chair
 Raymond Tucker
 David Hillier
 Dick Lang
 Tim Gabrielson
 Craig Oscarson, County Coordinator

Fourteen employees who comprise the Health Insurance Advisory Committee were honored as employees of the month for their work in researching and recommending a Medicare supplement plan to be offered in place of the current base plan. Upon implementation, the plan will result in a county budget cost savings and health care cost savings to eligible county retirees. The employees on the committee recognized are Penra Grimley, Doris Hoy, Dennis Zwiener, James Blomgren, Tom Dunlap, Lori Reed, John Bachman, Mike Feuerhak, Kathy Lientz, Carol Mostrom, Jane Knutson, Jeff Kasak, Val Kruger and Allan Cordes.

A Public Hearing was held before the Mower County Commissioners in regards to CUP #749 of David A. Wiste, to construct an additional single-family dwelling in the (SW) quarter-section, Section 27, Marshall Township.

The Petitioner was present and spoke on his own behalf.

No one spoke for or against CUP #749.

Angie Knish, County Environmental Services Director, has submitted the recommended findings of fact and recommended conditions of the Planning Commission which includes six (6) conditions.

Date: July 7, 2009

Res. #38-09

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 July 7, 2009 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #749 of David A. Wiste, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Construction of an additional single-family dwelling in the (SE) quarter-section
On property located within Section 27, Marshall Township, Zoned "Agricultural"

Location: 80 ac. E1/2 SE1/4 Section 27, Marshall Township

Notice having been duly given and a public hearing held July 7, 2009, 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. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. An ISTS shall be designed, installed and maintained according to MN Rules 7080 & Mower County's ISTS Ordinance.
3. 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.
4. 911 addressing is required to be obtained through the Mower County Highway Dept. before occupancy of the dwelling.
5. 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.
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 (effective date 01/01/2003).

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

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to approve the application for the Community Rating System review and renewal and to authorize the Chair to sign the application. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve the minutes of June 23, 2009 and the County Board of Equalization minutes of June 15 and June 23, 2009. Motion carried.

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

Verzieg Consulting & Management Services, LLC	\$ 1,479.90
Omni Environmental, Inc.	4,255.00
Omni Environmental, Inc.	2,154.00
Bergerson-Caswell, Inc.	2,959.00
MAVO Systems	2,952.00
Summit Envirosolutions, Inc.	1,011.25
KKE Architects	29,773.09

Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to approve the solid waste management collection/disposal permit applications of Waste Management of Clarks Grove, MN, Y-Waste of Austin, MN and Triple JJJ of Brownsdale, MN for the period July 1, 2009 through June 30, 2010. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the solid waste facility permit applications of SKB Environmental of St. Paul, MN, Vonco IV Austin Demo Facility of Rogers, MN, Waste Management(ATS) of Clarks Grove, MN Triple JJJ of Brownsdale, MN and Bustad Crane Service of Austin, MN for the period July 1, 2009 through June 30, 2010. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve the solid waste facility permit application of Hillier Composting of Austin, MN for the period July 1, 2009 through June 30, 2010. Commissioner Hillier abstained from the vote. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to approve the letters of understanding with LELS Local 74, Local 9 and United Auto Workers to amend the current collective bargaining agreements by modifying the retiree's insurance provisions to include a Medicare supplement provision clause. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Tucker to approve a letter of understanding with Local 9 to provide an exception for one current employee for retiree's insurance as it applies to the Medicare supplement provision in the collective bargaining agreement. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to approve closing a portion of CSAH #7 in Johnsburg, MN for their sesquicentennial celebration on July 12, 2009. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Gabrielson to approve a settlement agreement between enXco Development Corporation, a Delaware corporation ("enXco Development"), enXco, Inc. ("enXco, Inc."), a Delaware corporation, Wapsipinicon Power Partners, LLC, a Delaware limited liability company ("Wapsipinicon"), Wapsipinicon Wind Project, LLC, a Delaware limited liability company ("Wapsi"), Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy ("NSP" and, together with enXco Development, enXco, Inc., Wapsipinicon and Wapsi, each, a "Released Party" and together, the Released Parties") and Mower County for road damages incurred during the construction of their wind energy project and to accept \$125,000 as the financial settlement. Said agreement approval is subject to the agreement revisions recommended by the County Attorney. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Gabrielson to approve participation in Project No. SP 88-070-09 (Rumble Strips) for a nine county region as the lead county and to authorize the County Engineer to set a bid date for said project. Motion carried.

At this point Lynn Loots, a citizen of Rose Creek, MN, addressed the Board with concerns on a proposed route for the Shooting Star Trail through Rose Creek, MN. Mr. Loots is opposed to the trail crossing his property and requested the Board reject that route. The Board and county staff informed Mr. Loots that the county is in the planning stage of the trail extension and that no final decisions have been made as to the final route. The Board will take his concerns into consideration when finalizing a route but will not guarantee at this time Mr. Loots' request.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to approve an out of state travel request of Greg Hartquist, Assistant Medical Examiner, to attend a conference in Atlanta, GA. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to approve out of state travel requests of Nitaya Jandragholica, Interpreter, Steve King, Correctional Services Director, and Kristen Nelson, County Attorney, to attend a national conference on Supervised Visitation and Safe Exchange in San Diego, CA on September 2-4 noting that all conference costs except staff time will be paid by the Seibel Visitation Center. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to authorize the Human Service department to hire a temporary employee at 20 to 32 hours per week for up to twelve weeks to replace a current employee who will be on a leave of absence. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Lang to authorize the County Attorney to hire a consultant to apply for an Edward Byrne Memorial Justice Grant to administer, oversee, select cases and conduct a diversion program. The grant, if awarded, will be to hire additional staff for up to two years and for associated costs for the program. The grant request is estimated to be in the amount of \$350,000 to \$400,000. The consultant's cost is estimated at \$3,000 with up to \$1,500 from the reserve contingency budget and up to \$1,500 from the attorney forfeiture fund. This approval includes amending the 2009 County Attorney's budget in the amount of \$3,000 for the consultant and authorization for Chair, County Attorney, Finance Director and County Coordinator to sign the grant application on behalf of the county. Motion carried.

Date: July 7, 2009

Res. #39-09

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 July 7, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, the State of Minnesota agencies and financial or audit firms generally refer to data requests as directed to the county auditor or the county treasurer; and

WHEREAS, the County of Mower describes financial function responsibilities, such as financial statements, audit completion, budget preparation, property tax calculation, and investments in the administration department; and

WHEREAS, the Finance Director is listed as an administration employee and is required to complete various audit, state and financial reports that generally list auditor or treasurer title signatory; then

NOW, THEREFORE, BE IT RESOLVED, the financial, audit, budget, tax or investment reports that are completed by the Finance Director shall also be approved for the Finance Director's signatory and title.

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

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Lang to write off \$242.00 in uncollectible accounts receivable in the Public Health Nursing Department. Full account detail on file in the Finance Director's office. Motion carried.

The Finance Committee discussed the amount of budget adjustments necessary to balance the 2009 budget due to the governor's unallotment. The board set July 22, 2009 at 6:30 pm to hold a public input session on the budget changes.

Motion by Commissioner Tucker, seconded by Commissioner Hillier to adjourn the meeting at 2:30 p.m. until July 14, 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
county attorney
hire consultant for grant, 167

A

adjourn, 168

B

budget public input session
7-22-09, 168

C

Community Rating System application, 165
CSAH #7 in Johnsburg
temporary road closure
celebration, 166

H

hire a consultant
Edward Byrne Memorial Justice Grant, 167
hire social worker
temporary, 166

L

Letter of Understanding--Medicare Supplement
employee exception
Local 9, 165
Letters of Understanding--Medicare Supplement
LELS Local 74, 165
LELS Local 81, 165
UAW, 165
letting date
SP 88-070-09 (Rumble Strips):, 166

M

minutes
6-23-09, 165

O

out of state travel

assistant medical examiner, 166
Correctional Services Director, 166
County Attorney, 166
Interpreter, 166

P

Public Hearing
CUP #749
Wiste, 163

R

Res. #38-09
CUP #749
Wiste, 163
Res. #39-09
Finance Director signatory on financial documents,
167

S

Settlement Agreement
enXco
road damages, 166
solid waste facility permits
Bustad Crane Service, Austin, 165
Hillier Composting, Austin, 165
SKB Environmental, St. Paul, 165
Triple JJJ, Brownsdale, 165
Vonco IV Austin Demo Facility of Rogers, 165
Waste Management (ATS), Clarks Grove, 165
solid waste management collection/disposal permits
Triple JJJ, Brownsdale, 165
Waste Management, Clarks Grove, 165
Y Waste, Austin, 165

U

uncollectible accounts write off
Public Health, 168

W

warrants
Commissioner additional, 165