

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

August 4, 2009

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session August 4, 2009 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

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

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to approve the minutes of July 28, 2009. Motion carried.

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

Kathy Stutzman	\$ 3,430.45
Kathy Stutzman	465.00

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to accept the awarded Byrne JAG (Justice Assistance Grant) Recovery Grant for the dispatcher position with special conditions and authorize the chair to sign the grant acceptance. Motion carried.

The Board briefly discussed the possibility of opting out of participating in the aggregate preservation program brought to the Board's attention by the County Assessor. The County acted on this last year and the County Attorney would review if additional or renewal action was necessary. (The County Attorney reported later in the session that she did review the Board's previous action in 2008 and no further action is required of the Board.)

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve the Family Planning Special Project Grant agreement between the Minnesota Department of Health and Mower County Community Health Services in the amount of \$57,793 effective July 1, 2009 through June 30, 2011. Motion carried.

A Public Hearing was held before the Mower County Planning Commission on July 28, 2009, in regards to CUP #751 of Cletus G & Peggy Ratigan, to construct an additional single-family dwelling in the (NE) quarter-section, Section 29, Lansing Township.

The Petitioners were present and spoke on their own behalf.

No one spoke for or against CUP #751.

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: August 4, 2009**

**Res. #42-09**

**RESOLUTION**

**In Re: Cletus G. & Peggy Ratigan– Conditional Use Permit Request, #751**

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 August 4, 2009 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #751 of Cletus G. & Peggy Ratigan, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

Construction of an additional single-family dwelling in the NE (1/4) quarter-section on property located within Section 29, Lansing Township, Zoned "Agricultural"

Location: 80 ac. N1/2 NE1/4 Section 29, Lansing Township

Notice having been duly given and a hearing held August 4, 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. 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 4<sup>th</sup> day of August, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #752 of Terald D. Culton to operate a commercial outdoor recreation area encompassing the following activities and services: paintball recreational facility, paintball marker repair, paintball product supply & sales, airsoft products and supply sales, laser tag, laser tag products, supply sales, rental gear, pop and candy sales on a parcel in the NW quarter-section, Section 25, Austin Township.

Angie Knish, Environment Services Director, reviewed the permit and submitted the recommended findings of fact and recommended conditions of the Planning Commission which includes twelve (12) conditions.

The Petitioner was present and spoke on his own behalf.

Four persons spoke in favor of CUP #752. Two persons spoke against CUP #752.

**Date: August 4, 2009**

**Res. #43-09**

**RESOLUTION**

**In Re: Terald D. Culton– Conditional Use Permit Request, #752**

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 August 4, 2009 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #752 of Terald D. Culton, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Operation of a commercial outdoor recreation area encompassing the following activities and services: paintball recreational facility, paintball marker repair,

paintball product supply & sales, airsoft products and supply sales, laser tag, laser tag products, supply sales, rental gear, pop and candy sales.

Location: (2 ac) W 13 ac. SW1/4, NW1/4 Exc S 11 ac, Section 25, Austin Township, T102-R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held August 4, 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

1. Certificate of Liability Insurance shall be kept in effect for the duration of this use and a copy shall be provided to the Mower County Planning and Zoning Office on an annual basis.
2. Rules at the facility for patrons shall include: A) No use of alcohol; B) No use of profanity or swearing C) create an acceptable policy to the Planning Commission for being "a good-neighbor" (I.E. – loud music blaring from patrons cars) and strict consequences for violations of these policies, which may include expulsion from the game or site.

The Phillips and/or successors shall notify the owner/operator of the paintball facility no less than two weeks in advance of special occasions in which they request "quiet time" and expect to have certain activities which could be interrupted by commercial activities on the adjoining property. The owner/operator shall work cooperatively with the Phillips, and/or successors to accommodate this need when given two weeks advance notice and when an event has not already been scheduled for such date. The calendar is available online for review of booked and open dates and is available for all interested parties to see.

3. Days of operation: Days of operation shall be limited to a maximum of 3 days per week with the week being defined as Monday through Sunday. Personal field time shall be excluded from this limitation and personal field time shall be defined as 5 or less individuals.

Hours of operation: Sunday hours or operation are limited from 9:00 a.m. to 5:00 p.m. Other days of week hours of operation are limited from 9:00 a.m. to ½ hour prior to sunset.

Season of operation: Season of operation shall be limited from April 1 to November 30. Operation shall not occur on Thanksgiving Day or Easter Sunday.

4. All parking and backing shall be contained on-site so as not to pose a danger to the traveling public.

5. Illumination of the site for night-time play shall be prohibited. Night-time play is also prohibited. Electronic sirens or noise apparatuses shall be prohibited.
6. The owner/operator shall provide an impermeable, solid 6 foot fence which shall be constructed and maintained between adjoining residential property to protect the use and enjoyment of all property owners involved. The fence shall be constructed and maintained in an aesthetically pleasing manner and made from generally accepted fencing materials. The fence shall be fully constructed and completed by the beginning of the 2010 season. The netting system currently used shall remain and continued to be used in addition to the erected fence.
7. The owner/operator shall not fill or alter the natural stream bed running through the property. Protection measures shall be implemented to protect its natural state.
8. Any advertising sign on this property shall be limited to 12 square feet or less, shall **not** be illuminated and shall follow the applicable sign ordinance of Mower County.
9. Zoning Permits shall be required as according to the Zoning Ordinance for structures; the owner/operator shall contact the zoning office for applicable requirements and obtain permits if necessary.
10. Human waste generated from the porta-pottie shall be pumped and properly disposed of by a licensed contractor. No waste can be deposited into the existing septic system.
11. 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.
12. 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). The Commissioners voted as follows: Commissioner Gabrielson aye, Commissioner Lang aye, Commissioner Hillier nay, Commissioner Tucker aye. Motion carried 3-1.

Passed and approved this 4<sup>th</sup> day of August, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

The Board recessed at 2:28 p.m. and reconvened at 2:42 p.m.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to restructure Human Services by eliminating one (1) child care office support specialist position (Grade 5) and adding one (1) financial worker position (Grade 7) and also by eliminating one (1) office support assistant position (Grade 4) and adding one (1) support enforcement aide position (Grade 6). Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to adopt the PERA Phase Retirement Option program as a retirement option for eligible employees. Details of the phased retirement option available through PERA or the Human Resource Director. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to approve the following 2009 budget amendments to assist in balancing the state reductions and to separately and individually debate the proposed 2009 budget adjustments for the County share of ICF/MR/DTH, application assistance, the Crisis Nursery contract, and the visitation center contract:

TEMPORARY ONE-TIME ADJUSTMENTS		Budget Savings
1	Reduce office equipment in Human Services	\$ 17,300.00
2	Increase in Child Support Revenue	\$ 88,972.00
3	Reduce Adult MH Case Management	\$ 63,000.00
4	Increase in temporary employee hours due to regular employee disability leaves	\$ (29,211.00)
5	Reduce fuel budget	\$ 75,000.00
6	Reduce bituminous materials budget	\$ 50,000.00
7	Medical Reserve Corp Funding	\$ 10,000.00
8	Adoption of Medicare Supplement Policy for Retirees	\$ 78,468.00
9	DD Employment	\$ 36,900.00
TOTAL TEMPORARY		\$ 390,429.00

PERMANENT		Budget Savings
1	County burials utilizing cremation only	\$ 32,500.00
2	Child Support Working Partners	\$ 3,000.00
3	CHIPS Legal Services	\$ 33,700.00
4	Family Based Services	\$ 18,000.00
5	In-Home Support	\$ 7,700.00
6	Move MH Adv. Expense to AMH	\$ 3,400.00
7	Elderly Transportation	\$ 1,000.00
8	Elderly Advisory Board	\$ 1,000.00
9	Eliminate Social Worker through retirement	\$ 36,000.00
10	Eliminate 2 positions in Highway Department	\$ 70,000.00
11	Adoption of fee for eligible veteran's for van transportation program	\$ 7,000.00
12	Reduce county-wide employee training and development budget	\$ 1,000.00
TOTAL PERMANENT		\$214,300.00

Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to direct the Human Services Director to draft a county burial policy whereby the county will provide for burials by cremation with an option for the qualified family to have a traditional service with the county providing funding equivalent to cremation and the family responsible for the difference. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Hillier to approve a reduction in the 2009 Human Service budget in the amount of \$5000 for DTH and to instruct the Human Services Director to begin the process of adjusting client services for ICF/MR/DTH with the goal of a total county budget reduction in 2010 / 2011 of \$30,000.00. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Gabrielson to reduce the 2009 Human Service budget for application assistance by \$700 and direct the Human Services Director to renegotiate the appropriate contracts to meet this budget reduction with an expiration date of December 31, 2009. In addition, these contracted services will be eliminated for the 2010 budget as a permanent budget reduction. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to maintain the 2009 funding for the Parenting Resource Center for the Crisis Nursery and fund from the available balance in the youth portion of the fund balance. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to maintain the 2009 funding for the Visitation Center using the youth fund balance. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Hillier to adjourn the meeting at 3:43 p.m. until August 11, 2009 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

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