

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

December 29, 2009

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session December 29, 2009 at 8:30 a.m. at the Courthouse in Austin, Minnesota.

Members present, viz:            Raymond Tucker  
   David Hillier  
   Dick Lang  
   Tim Gabrielson  
   Craig Oscarson, County Coordinator  
   District 5 Seat Vacant

**GENERAL:**

Linda Unzerzagt, Financial Worker, was recognized for retirement with 24 years of service with Mower County.

Introduction of new employee: Nicole Srock – Financial Worker

Overview of director's report.

Update on out of home placements.

Commissioner Gabrielson moved and Commissioner Lang seconded to authorize the Chair and the Director to sign the following Purchase of Service Agreements:

- a. Austin Medical Center – renew contract for Chemical Use Assessment Services, effective January 1, 2010 to December 31, 2010.
- b. Austin Medical Center – renew contract for Consolidated Chemical Dependency Treatment Fund Services, effective January 1, 2010 to December 31, 2010.
- c. Sherry Bibus – renew contract for Day Care Licensing Services, effective January 1, 2010 to December 31, 2010.
- d. Lee Chang (Cultural Behavior Health Services, LLC) – renew contract for Mental Health Services, effective January 1, 2010 to December 31, 2010.
- e. Gary Corcoran – renew contract for Adult Mental Health Outreach Services, effective January 1, 2010 to December 31, 2010.
- f. Kingsley House – approve amendment to contract for Home & Community Based Waiver Services, effective January 1, 2010 to June 30, 2011.
- g. Todd Moran – renew contract for Mental Health Services, effective January 1, 2010 to December 31, 2010.

- h. Parenting Resource Center – renew contract for Administrative Services, effective January 1, 2010 to December 31, 2010.
- i. Parenting Resource Center – renew contract for Crisis Nursery & Parenting Services, effective January 1, 2010 to December 31, 2010.
- j. Parenting Resource Center – renew contract for the Visitation Center, effective January 1, 2010 to December 31, 2010.
- k. Primrose – approve amendment to contract for Home & Community Based Waiver Services, effective January 1, 2010 to June 30, 2011.
- l. Quality Case Management – renew contract for Mental Health Services, effective January 1, 2010 to December 31, 2010.
- m. Sue Stegenga – renew contract for Mental Health Case Management Services, effective January 1, 2010 to December 31, 2010.
- n. Wapiti Meadows CT&S – renew contract for Mental Health Services, effective January 1, 2010 to December 31, 2010.
- o. Wapiti Meadows CT&S – renew contract for Mental Health CTSS Services, effective January 1, 2010 to December 31, 2010.
- p. Susan Rockers-Wittkopp – renew contract for Mental Health & General Case Management Services, effective January 1, 2010 to December 31, 2010.
- q. Zumbro Valley Mental Health Center – renew contract for Intensive Community Rehabilitative Services (ICRS), effective January 1, 2010 to June 30, 2010.

Motion carried.

Commissioner Hillier moved and Commissioner Gabrielson seconded to approve the destruction of designated Agency files in accordance with DHS Rules and Regulations. All previously approved files have been destroyed. Motion carried.

**Date: December 29, 2009**

**Res. #66-09**

**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 December 29, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, the Director of Human Services for Mower County had advised that all Social Service case actions are in conformance with State, Federal and County laws, rules, regulations and policies,

BE IT RESOLVED, That all Social Service case openings, closings, placements, and licensing actions, as documented in the Mower County Human Services Office, on office listings for licensing action, case records, social service case plans, purchase of services abstract, payment authorizations, and payment records for the period December 1, 2009 through December 31, 2009 are hereby approved.

WHEREAS, the Director of Human Services for Mower County had advised that all Personnel Actions are in conformance with State and Federal law, Minnesota Merit System Rules, existing labor agreements, and Personnel Policies and Practices,

BE IT RESOLVED, That all Personnel Actions for the month of December 2009 for employees of the Department of Human Services as documented in the Department on proposed Personnel Action Listings, personnel abstracts, payroll reports, and Personnel Action Forms, are hereby approved.

WHEREAS the Director of Human Services for Mower County has been advised that all Social Service and Income Claims against Mower County submitted for payment in the month of December 2009 have been reviewed and are eligible for payment pursuant to all applicable rules, regulations, laws, and policies,

BE IT RESOLVED, That all bills, as listed on the listing of bills and claims against Social Services and Income Maintenance Funds and Warrant Registers, shall be approved as valid claims against the County of Mower and are hereby approved for payments.

The Commissioners voted as follows: David Hillier aye, Ray Tucker aye, Tim Gabrielson aye, and Richard Lang aye . Passed and approved this 29<sup>th</sup> day of December, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

**Date: December 29, 2009**

**Res. #67-09**

**RESOLUTION**

On motion of Commissioner Lang, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 29, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, the Director of Human Services for Mower County had advised that all Income Maintenance case actions are in conformance with State, Federal and County laws, rules, regulations and policies,

BE IT RESOLVED, That all Income Maintenance case actions or approval, denial, suspension, reinstatement, closing, increased and decreased maintenance and denial as

documented on the Maxis State computer system for the period December 1, 2009 through December 31, 2009 are hereby approved.

BE IT FURTHER RESOLVED, That all assistance payments issued during the month of December 2009 are hereby approved.

BE IT FURTHER RESOLVED, That all bills and claims against the Income Maintenance Programs, as cited in the Abstract of Payment Records in the Mower County Human Services Department, are hereby approved for payment.

BE IT FURTHER RESOLVED, That all personnel actions for the month of December 2009 for employees of the Department of Human Services as documented in the Department Payroll Reports and Personnel Action Reports, are hereby approved.

BE IT RESOLVED, That all refunds received during the month of December 2009 as listed on the Report of Refunds and Cancellation, are hereby acknowledged as received.

The Commissioners voted as follows: David Hillier aye, Ray Tucker aye, Tim Gabrielson aye, and Richard Lang aye. Passed and approved this 29<sup>th</sup> day of December, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve the minutes of December 10, 2009 for the 2010 annual budget and levy public hearing . Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Gabrielson to approve the following bi-monthly bills for payment:

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
1084.39	ADAMS DRUG	128.25	ADVANCED FIRE PROTECTION SERVI
255.00	ALL SEASONS OUTDOOR MAINTENANC	12136.65	AMI IMAGING SYSTEMS INC
5494.87	AUSTIN MEDICAL CENTER ATTN:CAS	189.98	AUTO VALUE AUSTIN
359.97	BIG K 3578	200.00	KARLA BOE
614.88	DALCO	4675.00	KEN DAVIS CONSTRUCTION
977.89	DELL MARKETING L P	385.00	DILIGENT SERVICE NETWORK
2056.15	DANIEL DONNELLY LAW FIRM	117.46	FASTENAL COMPANY
145.95	GFOA	255.00	GOLD CROSS AMBULANCE TRAINING
201.15	GRAINGER	255.00	HARTY MECHANICAL INC
359.10	HEMOCUE INC	134.00	BARBARA HOVDE
175.85	HYVEE ACCOUNTS RECEIVABLE	1898.91	IKON OFFICE SOLUTIONS

**COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA**

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194.95 J & K OFFICE PRODUCTS	650.00 JONES, HAUGH & SMITH, INC.
125.00 MARGARET KIRCHNER	410.00 EVAN LARSON
329.47 LASER PRODUCT TECHNOLOGIES	344.61 LEXISNEXIS MATTHEW BENDER
250.00 MAYER FUNERAL HOME	2000.00 MAYO CLINIC MRL
278.10 MEDTOX LABORATORIES INC	3152.81 MID AMERICA BUSINESS SYSTEMS
1662.72 MINNESOTA COUNTIES COMPUTER CO	200.49 MINNESOTA HUMAN SERVICES
2069.37 MN OFFICE OF ENTERPRISE TECHN	817.18 PHYSIO-CONTROL INC
115.00 BARRY REBURN	200.00 RICHARDSON LAW OFFICE
680.00 RIVERSIDE PSYCHOLOGICAL SERVIC	4894.55 RS EDEN INC
120.00 CAROLINA SALAZAR	217.28 SCHWAAB, INC
297.01 STAPLES CREDIT PLAN	370.82 STREICHER'S
13652.46 UNIFORMS UNLIMITED INC	1500.00 VANGUARD APPRAISALS, INC
3570.19 WEST GROUP	2021.16 WHITEWATER WIRELESS, INC ROCHES
30 PAYMENTS LESS THAN \$100	1,668.46
GENERAL FUND	\$73,892.08 * TOTAL

SOCIAL SERVICE FUND		AMOUNT VENDOR NAME	
AMOUNT VENDOR NAME			
122.94 VIKING GLASS & LOCK, INC		107.00	
2 PAYMENTS LESS THAN \$100		\$229.94	* TOTAL
SOCIAL SERVICE FUND			

ROAD & BRIDGE FUND		AMOUNT VENDOR NAME	
AMOUNT VENDOR NAME			
506.15 ABM EQUIPMENT & SUPPLY, LLC.		115.00	ANDERSON RADIATOR SERVICE
892.74 AUTO VALUE AUSTIN		17450.00	BUSTAD DOZING AND EXCAVATING I
656.85 CATCO PARTS AND SERVICE		220.95	CHEMSEARCH
943.87 CONTINENTAL RESEARCH CORP.		1333.33	DEXTER LP, INC
1370.00 ERICKSON ENGINEERING		589.32	FORCE AMERICA DISTRIBUTING, LL
387.50 FOX ELECTRIC COMPANY, INC		181.65	G & K SERVICES
282.43 HOLIDAY FORD, LINC, MERC		2908.50	JONES, HAUGH & SMITH, INC.
139.02 LAWSON PRODUCTS, INC		480.85	M-R SIGN COMPANY, INC.
5260.68 MANTEK		195.94	MARADYNE CORPORATION
998.47 NAPA AUTO PARTS		1062.77	PETROBLEND CORP.
224.55 PROLINE DIST., INC		252.52	ROAD MACHINERY & SUPPLIES CO.
312.34 ROCHESTER PETROLEUM EQUIPMENT		36140.96	ROCHESTER SAND AND GRAVEL, INC
297.97 RONCO ENGINEERING SALES, INC.		143.16	SCHILLING SUPPLY COMPANY
180.00 SOUTH CENTRAL COLLEGE		160.23	STAPLES CREDIT PLAN
3639.63 DAVE SYVERSON FREIGHTLINER		20010.53	ZIEGLER, INC
227.64 3M MAG2409		399.01	
7 PAYMENTS LESS THAN \$100		\$97,964.56	* TOTAL
ROAD & BRIDGE FUND			

SOLID WASTE/RECYCLING FUND		AMOUNT VENDOR NAME	
AMOUNT VENDOR NAME			
27244.06 CEDAR VALLEY SERVICES, INC		145.70	MINNESOTA SUPPLY COMPANY
0 PAYMENTS LESS THAN \$100		.00	
SOLID WASTE/RECYCLING FUND		\$27,389.76	* TOTAL

BUILDING FUND		AMOUNT VENDOR NAME	
AMOUNT VENDOR NAME			
8441.02 ROCHESTER SAND AND GRAVEL, INC		.00	
0 PAYMENTS LESS THAN \$100		\$8,441.02	* TOTAL
BUILDING FUND			

DITCH FUND		AMOUNT VENDOR NAME	
AMOUNT VENDOR NAME			
3207.50 BOLTON & MENK INC.		1912.99	FREEBORN CONSTRUCTION, INC.
455.00 RINKE-NOONAN		50.77	
1 PAYMENTS LESS THAN \$100		\$5,626.26	* TOTAL
DITCH FUND			

TAX COLLECTIONS FUND

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
	1 PAYMENTS LESS THAN \$100	27.68	
TAX COLLECTIONS FUND		\$27.68	* TOTAL
****	FINAL TOTAL.....	\$213,571.30	****

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

KKE Architects, Inc. \$ 28,328.79

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to authorize the County Assessor to sign the following agreements for the Income Module for Vanguard Appraisal Systems:

Annual License Agreement  
Service Contract Income Approach  
Vanguard Computer Systems Service Plus Contract

Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to reappoint Jen Ulwelling to the County HRA Board for a four-year term effective January 1, 2010.

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to approve the Amendment to the Development Agreement with the City of Austin for the Justice Center Project and authorize the Chair to sign the amendment. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Hillier to authorize the transfer of funds from the Recorder's Technology Fund to the general fund in the amount of \$23,645 for the County's share of the Lidar Project funding. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Hillier to deny the Application for Abatement of penalty of Rodney Kinney in regard to parcel identification numbers 02.008.0010, 34,135.0020, 34.295.0330 for taxes payable in 2009. The basis for denial is consistency with current policy and practice. Motion carried.

Motion made by Commissioner Lang to deny the application for duplicate warrant of the Brownsdale Development Corp. The motion failed due to a lack of a second.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to approve the County Auditor-Treasurer's request for duplicate warrant for original warrant #59245 dated January 14, 2008 to Brownsdale Development Corp. in the amount of \$600.00. The Commissioners voted as follows: Commissioner Gabrielson aye, Commissioner Lang nay, Commissioner Hillier aye, Commissioner Tucker aye. Motion carried 3-1.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to authorize the Chair and the Coordinator to sign the Affidavit of Landowner pertaining to the transfer of 33.41 acres in Mower County formerly known as the Skjeveland tract to the Minnesota Department of Natural Resources. Motion carried.

Date: December 29, 2009

Res. #68-09

**RESOLUTION**

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 December 29, 2009 at the Courthouse, Austin, Minnesota.

**BE IT RESOLVED THAT;** the minimum salaries for elected officials for Mower County be set as follows for 2011:

- 1) County Commissioner .....\$24,200.00
- 2) County Attorney.....\$69,243.82
- 3) County Auditor-Treasurer.....\$52,626.91
- 4) County Recorder .....\$49,303.49
- 5) County Sheriff.....\$62,596.77

**BE IT FURTHER RESOLVED,** that said salaries are set in a manner to be consistent with other Mower County employees and their pay equity evaluation system.

Passed and approved this 29<sup>th</sup> day of December, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve funding for one City of Austin flower basket to be paid out of the building and maintenance fund due to the fact that one flower basket is placed near the courthouse front door. Motion carried.

A Public Hearing was held in regard to adopting a Mini Truck Ordinance.

Sheriff Amazi reviewed the new laws that have prompted a need for an ordinance regarding the licensing and operation of mini trucks on county roads.

No one spoke for or against the Mini Truck Ordinance.

**Date: December 29, 2009**

**Ord. #03-09**

**Ordinance  
Mini-Truck**

On motion of Commissioner Gabrielson, seconded by Commissioner Lang, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held December 29, 2009 at the Courthouse, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider adopting Chapter 19, Mini Truck Ordinance, of the Mower County Ordinance was published in the LeRoy Independent and the Grand Meadow News on December 16 and 17, 2009; and

**WHEREAS**, the County Board held a public hearing on said Ordinance on December 29, 2009; and

**WHEREAS**, the Mower County Planning Commission recommended by a majority the adoption of the Mower County Ordinance;

**BE IT ORDAINED** that Chapter 19, Mini Truck Ordinance, of the Mower County Ordinance is adopted.

CHAPTER 19 MINI TRUCK ORDINANCE

ARTICLE I – PURPOSE

SECTION 19.100 The purpose of this ordinance is to establish standards for the use of more fuel efficient and cost effective vehicles to support more sustainable operations within Mower County.

ARTICLE II – SCOPE

SECTION 19.200 This ordinance shall provide for the authorization of the operation of mini- trucks on designated roadways within Mower County.

ARTICLE III – AUTHORITY

SECTION 19.300 This ordinance is enacted pursuant to Minnesota Statute §169.045 which establishes the authority for the County to authorize by ordinance the operation of mini-trucks on designated roadways within Mower County. If the State of Minnesota reestablishes their authority to license these vehicles, their licensing authority shall supersede this County ordinance.

ARTICLE IV – DEFINITIONS

SECTION 19.400 For the purpose of this ordinance, the following definitions will apply:

SECTION 19.410 Mini-truck means a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2200 pounds, contains an enclosed cabin and a seat for the vehicle operator, commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404 and successor requirements.

SECTION 19.420 A mini-truck does not include:

- a) A neighborhood electric vehicle or a medium speed electric vehicle; or
- b) A motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

SECTION 19.430 Designated Roadway means all township roads, all county roads and county state-aid highways in Mower County and not under the jurisdiction of any city.

#### ARTICLE V – PERMIT NEEDED

SECTION 19.500 It shall be unlawful for any person to operate a mini-truck on roadways within Mower County, except on designated roadways and in compliance with the permit requirements of this ordinance.

#### ARTICLE VI – APPLICATION FOR A PERMIT

SECTION 19.600 Any person desiring to operate a mini-truck on designated roadways within Mower County shall make written application for a permit on forms provided by the Mower County Sheriff's Office. Such application shall include the full name and address of the applicant, proof of insurance in compliance with Minnesota Statute § 65B.48 Subd.5, evidence of a valid driver's license, and other such conditions as deemed appropriate by the Mower County Sheriff's Office.

SECTION 19.610 Applicant shall also submit a permit fee in an amount determined by the Mower County Board of Commissioners via resolution.

SECTION 19.620 Permits may be granted for a duration not to exceed one year and shall be renewed annually beginning the first business day in January.

SECTION 19.630 An applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a mini-truck on designated roadways.

SECTION 19.640 If persons operating a mini-truck cannot obtain liability insurance in the private market, that person may purchase automobile insurance including no-fault coverage, from the Minnesota Automobile Insurance Plan under Minn. Stat. §65B.01 to §65B.12, at a rate to be determined by the commissioner of commerce.

ARTICLE VII – PERMIT CONDITIONS

SECTION 19.700 The operator, under a permit, of a mini-truck may cross any street or highway intersecting a designated roadway.

SECTION 19.710 Every person operating a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. §169, except when those provisions cannot be reasonably applied to mini-trucks and except as otherwise provided within Section 7.3 below.

SECTION 19.720 The provisions of Minn. Stat. §171 are applicable to persons operating mini-trucks under permit on designated roadways.

SECTION 19.730 Notwithstanding any other law, a mini-truck may be operated on designated roadways under permit only if it is equipped with:

- a) at least two headlamps,
- b) at least two taillamps,
- c) front and rear turn-signal lamps,
- d) an exterior mirror mounted on the passenger's side of the vehicle and either
  - (i) an exterior mirror mounted on the passenger's side of the vehicle; or
  - (ii) an interior mirror
- e) a windshield,
- f) a seatbelt for the driver and front passenger, and
- g) a parking brake.

ARTICLE VIII – REVOCATION

SECTION 19.800 A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the mini-truck on designated roadways.

SECTION 19.810 Said revocation shall be effective three days after the date of mailing, via certified mail, notice of revocation of the permit to the permittee at the address listed on permittee's application.

SECTION 19.820 Permittee may challenge the revocation of the permit by submitting notice in writing to the Mower County Coordinator at the Mower County Courthouse, 201 First Street NE, Austin, MN 55912 within 14 days of the date of the Notice of Revocation. Said notice shall specify the basis of the appeal.

SECTION 19.830 Upon receipt of an appeal of a permit revocation, the Mower County Coordinator shall set the appeal on for a hearing before the Mower County Board of Commissioners within 30 days of the receipt of the Notice of Appeal. The County Coordinator shall cause at least 10 days written notice of the hearing to be given to the permittee by certified mail to permittee's address as listed on the permit application.

SECTION 19.840 At the hearing before the Mower County Board of Commissioners, the permittee shall be given an opportunity to be heard and to show cause why the notice of revocation issued should be modified, withdrawn, or rescinded.

SECTION 19.850 The Mower County Board of Commissioners shall issue detailed, written findings, following the hearing of the appeal.

SECTION 19.860 Any notice of revocation served pursuant to the provisions of this ordinance shall automatically become final if written notice of appeal is not filed with the County Coordinator within 14 days after the notice of revocation is served.

#### ARTICLE IX – SEVERABILITY

SECTION 19.900 The provisions of this ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this regulation be declared invalid for any reason, the remainder of said regulation shall not be affected and the remainder of the provisions shall remain in full force and effect.

#### ARTICLE X – PENALTIES

SECTION 19.1000 Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof or who shall make any false statements in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) and/or by imprisonment of not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

SECTION 19.1010 In the event of a violation, or a threat of a violation, of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in Court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

#### ARTICLE XI – EFFECTIVE DATE

SECTION 19.1100 This regulation shall be in full force and effect upon publication and adoption pursuant to law.

**BE IT FURTHER ORDAINED** that this ordinance is effective upon publication.

A copy of the entire Mower County Ordinance and related maps, if any, are on file in the Mower County Auditor-Treasurer's office.

Passed and approved this 29<sup>th</sup> day of December, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve 2009 year-end budget amendments as presented by the Finance Director:

Attorney Diversion Budget	JAG Revenue	49249		
Attorney Diversion Budget	Personnel lines	35949		
Attorney Diversion Budget	Operating lines	13300		
Attorney Budget	Forfeiture Revenue	978		
Attorney Budget	01-091-6409	978		
Justice Center Non-Capital Costs	01-116-various lines	23665		From Contingency
Veteran Van	01-121-6621	23322		From Reserves
LIDAR	01-106-6262	56020		From Reserves
Sheriff Radio System Revenue	01-201-5830	384212		
Sheriff Radio System Exp	01-201-6621	230194		From Reserves
E-9-1-1 Radio System Exp	01-225-6621	40562		From Reserves
Dispatch JAG Revenue	JAG Revenue	26798		
Dispatch JAG Exp	Personnel lines	23666		
Dispatch JAG Exp	Operating lines	3132		
Coroner Autopsies & Deputy Examiner	01-249-6273 & 6283	7765		From Contingency
Transit Fund - Final Lot Construction	12-440-6621	3093.86	***	From Contingency
Feedlot-Arcview	01-391-607-6409	1500		Carryover to 2010
Environmental Serv - Copier	01-391-397-6409	8000		Carryover to 2010
Sewer Loans	22-611-6274	50584		
Ditch #1	Revenue	38255		
	Expenses	44886		Repairs
Ditch # 79	Expenses	24432		Repairs

\*\*\* Denotes fund transfer approval

Construction Projects	13-320-000-0000-5212	\$ (1,030,000)
Construction Projects	13-320-000-0000-5407	\$ 280,000
Construction Projects	13-320-000-0000-5531	\$ 109,256
Construction Projects	13-320-000-0000-5532	\$ (40,828)
Construction Projects	13-320-000-0000-6296	\$ (1,208,396)
Trail Project	13-329-000-0000-6296	\$ (484,634)
Trail Project	13-329-000-0000-5313	\$ (559,000)
<b>TO ADJUST HIGHWAY CONSTRUCTION</b>		

Motion carried.

**Date: December 29, 2009**

**Res. #69-09**

**RESOLUTION**

On motion of Commissioner Hillier, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 29, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, on July 23, 1996, the Mower County Board of Commissioners passed and adopted Ordinance #3-96, which authorizes and establishes the Mower County ISTS Loan Program, and

WHEREAS, on July 23, 1996, the Mower County Board of Commissioners by motion adopted the Individual Sewage Treatment Systems (ISTS) Loan Procedural Guide, and

WHEREAS, Mower County has received monies to fund the Mower County ISTS Loan Program, and

WHEREAS, affected property owners who sign the ISTS Loan and Assessment Agreement have agreed that their ten year loan repayment, plus interest, at the per annum rate of 3%, shall be added in equal annual installments to the real estate tax levied on the affected property, and

WHEREAS, said property owners have the right to pay off the remaining balance of the loan before November 15th of any year thereafter, and

WHEREAS, the County Auditor-Treasurer has submitted a list of affected properties, owners and amounts. Said list is identified as ISTS Loan 2008/09.

NOW THEREFORE BE IT RESOLVED, there is now levied against the properties listed in the Auditor's ISTS Loan 2008/09 list, an amount, plus interest, necessary to repay the monies loaned by Mower County for upgrade or repair of individual sewage treatment systems.

BE IF FURTHER RESOLVED, that the amount each tract and property shall be liable for and must pay is contained in the County Auditor-Treasurer's ISTS Loan 2008/09 list. which is on file in the office of the Mower County Auditor-Treasurer and shall be levied over a ten year period, commencing with real estate taxes payable in the year 2009.

BE IT FURTHER RESOLVED, that the principal loan shall bear interest at the rate of 3% per annum, per signed loan and assessment agreements.

Passed and approved this 29<sup>th</sup> day of December, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

**Date: December 29, 2009**

**Res. #70-09**

**RESOLUTION**

On motion of Commissioner Lang, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 29, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, on July 23, 1996, the Mower County Board of Commissioners passed and adopted Ordinance #3-96, which authorizes and establishes the Mower County ISTS Loan Program, and

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WHEREAS, Mower County has received monies to fund the Mower County ISTS Loan Program, and

WHEREAS, affected property owners who sign the ISTS Loan and Assessment Agreement have agreed that their ten year loan repayment, plus interest, at the per annum rate of 3%, shall be added in equal annual installments to the real estate tax levied on the affected property, and

WHEREAS, said property owners have the right to pay off the remaining balance of the loan before November 15th of any year thereafter, and

WHEREAS, the County Auditor-Treasurer has submitted a list of affected properties, owners and amounts. Said list is identified as ISTS Loan 2009/10.

NOW THEREFORE BE IT RESOLVED, there is now levied against the properties listed in the Auditor's ISTS Loan 2009/10 list, an amount, plus interest, necessary to repay the monies loaned by Mower County for upgrade or repair of individual sewage treatment systems.

BE IF FURTHER RESOLVED, that the amount each tract and property shall be liable for and must pay is contained in the County Auditor-Treasurer's ISTS Loan 2009/10 list. which is on file in the office of the Mower County Auditor-Treasurer and shall be levied over a ten year period, commencing with real estate taxes payable in the year 2010.

BE IT FURTHER RESOLVED, that the principal loan shall bear interest at the rate of 3% per annum, per signed loan and assessment agreements.

Passed and approved this 29<sup>th</sup> day of December, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Hillier, seconded by Commissioner Lang to approve the following final payment

Rochester Sand & Gravel \$8,441.02 for 2009 fairground street improvements  
Rochester Sand & Gravel \$36,140.96 for SP 050-090-003 Shooting Star Trail  
Taopi to Adams

Motion carried.

A Public Hearing was held in regard to adopting a Social Host Ordinance.

Kristen Nelsen, County Attorney, reviewed the proposed ordinance that would provide law enforcement a tool for enforcement.

Two persons spoke for and no one spoke against the Social Host Ordinance.

**Date: December 29, 2009**

**Ord. #04-09**

**Ordinance  
Social Host**

On motion of Commissioner Gabrielson, seconded by Commissioner Lang, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held December 29, 2009 at the Courthouse, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider adopting Chapter 20, Social Host Ordinance, of the Mower County Ordinance was published in the LeRoy Independent and the Grand Meadow News on December 16 and 17, 2009; and

**WHEREAS**, the County Board held a public hearing on said Ordinance on December 29, 2009; and

**WHEREAS**, the Mower County Planning Commission recommended by a majority the adoption of the Mower County Ordinance;

**BE IT ORDAINED** that Chapter 20, Social Host Ordinance, of the Mower County Ordinance is adopted. The ordinance is as follows:

CHAPTER 20  
AN ORDINANCE TO PROHIBIT ANY PERSON FROM HOSTING AN EVENT OR  
GATHERING WHERE ALCOHOL IS PRESENT AND BEING POSSESSED AND  
CONSUMED BY PERSONS UNDER TWENTY-ONE YEARS OF AGE.

**ARTICLE I. TITLE AND AUTHORITY**

Section 20.100 This Section shall be known as the Mower County Social Host Ordinance.

Section 20.110 This ordinance is enacted pursuant to Minn. Stat. §145A.05, Subdivision 1.

**ARTICLE II. PURPOSE**

Section 20.200 The Mower County Board intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

**ARTICLE III . DEFINITIONS**

Section 20.300 “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Section 20.310 “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Section 20.320 “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

Section 20.330 “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

Section 20.340 “Parent” means any person having legal custody of a juvenile.

- (1) As natural, adoptive parent, or step-parent;
- (2) As a legal guardian; or
- (3) As a person to whom legal custody has been given by order of the court.

Section 20.350 “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

Section 20.360 "Residence" or "premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

Section 20.370 "Underage person" is any individual under twenty-one (21) years of age.

#### **ARTICLE IV: PROHIBITED ACTS**

Section 20.400 It is unlawful for any person(s) to:

- (1) host or allow an event or gathering;
- (2) at any residence, premises, or any other private or public property;
- (3) where alcohol or alcoholic beverages are present;
- (4) when the person knows or reasonably should know that an underage person will or does;
  - a. consume any alcohol or alcoholic beverage; or
  - b. possess any alcohol or alcoholic beverage with the intent to consume it; and
- (5) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

Section 20.410 A person is criminally responsible for violating Section --.500 above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

Section 20.420 A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

#### **ARTICLE V: EXCEPTIONS**

Section 20.500 This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

Section 20.510 This ordinance does not apply to legally protected religious observances.

Section 20.520 This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503 Subd. 1(a)(1).

Section 20.530 This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

**ARTICLE VI: ENFORCEMENT**

Section 20.600 This ordinance can be enforced by any law enforcement officer.

**BE IT FURTHER ORDAINED** that this ordinance is effective upon publication.

A copy of the entire Mower County Ordinance and related maps, if any, are on file in the Mower County Auditor-Treasurer's office.

Passed and approved this 29<sup>th</sup> day of December, 2009.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Lang, seconded by Commissioner Gabrielson to adjourn the meeting at 11:12 until January 5, 2010 at 1:00 p.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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