

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

August 3, 2010

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session August 3, 2010 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

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

Gayle Loverink, Social Worker, was recognized as Employee of the Month.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to authorize the Human Resource Director to extend an employment offer to Jennifer Simpson as the new Human Resource Director at Grade 14, Step 6 and Step 7 after successful completion of a six month probation. Future step increases shall be based on the initial start date and county policy. Motion carried.

A Public Hearing was held in regard to CUP #762 of William and Sheryl Hertle for a doggie day care and dog wash.

Angie Knish, Environment 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 #762.

Date: August 3, 2010

Res. #44-10

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 August 3, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #762 of William and Sheryl Hertle, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

A doggie day care and dog wash for up to 15 dogs and a self-serve, vending dog wash.

Location: 10 acres SE ¼, NW ¼, Section 5, Windom Township

Notice having been duly given and a public hearing was held on July 27, 2010 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Courthouse, Commissioner's room, on said petition.

Notice having been duly given and a public hearing was held on August 3, 2010 before the Mower County Board of Commissioners, 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, including but not limited to, handicap accessibility requirements, animal welfare; and
- 2 The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
- 3 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
- 4 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.
- 5 Hours of operation shall be limited to 6:30am – 8:00 pm weekly, Monday through Sunday; and
- 6 This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
- 7 Dogs must be confined or under direct control of the kennel operator or staff at all times. Outdoor commercial kennel areas shall be fenced. Fencing shall consist of durable materials, with a minimum height of six (6) feet, and shall deter dogs from escaping over, under, or through the fence; and
- 8 All-weather kennels or shelters and dog runs or enclosed exercise areas shall be provided for all dogs and shall be adequately sized for the particular breed; and
- 9 The owner and/or operator of the Private or Commercial Kennel shall operate the kennel so as to not unreasonably disturb the peace and quiet of any person. Complaints of barking dogs stemming from this operation shall be addressed by the owner/operator in a written plan if it should be determined to become a nuisance to adjoining landowners. If an acceptable plan or nuisance elimination is not found by the applicant, review of the conditional use by the planning commission and board of commissioners may become necessary and subject to possible revocation of this permit; and

- 10 Failure to comply with any of the above-listed conditions may be grounds for suspension or revocation of the Conditional Use Permit;
- 11 This permit is based upon representation given by the applicant during the hearing process; any misrepresentations presented in this process may be grounds for revocation of this permit.

This permit is in accordance with Section 14-49 of the Mower County Zoning Ordinance.

Passed and approved this 3rd day of August, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to authorize the Environmental Services Director to submit a work plan for a MPCA grant in the amount of \$34,125 for an Imminent Health Threat Inventory for ISTS systems for the remainder of the four (4) westerly townships in Mower County. Motion carried.

Kris Eide and Mark Marcy of the State Homeland Security gave the Board a presentation on the County role of emergency management.

Pam Kellogg and Jane Barnett of the Mower County Public Health department gave the Board a presentation on National Breastfeeding Month.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to award the bid for SP 50-645-006 to the low bidder Rochester Sand & Gravel, Inc. with a low bid of \$ 2,638,462.40 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and County Engineer.

Date: August 3, 2010

Res. #45-10

**RESOLUTION
For Agreement to State Transportation Fund (Bridge Bonds)
Grant Terms and Conditions
SAP 050-625-012**

On motion of Commissioner Hillier, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 3, 2010 at the Courthouse, Austin, Minnesota.

WHEREAS, Mower County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 50590; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$223,331.57 by reason of the lowest responsible bid;

NOW THEREFORE, BE IT RESOLVED that Mower County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, Section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Passed and approved this 3rd day of August, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to authorize four (4) employees in Human Services who are in training as Financial Workers to accrue up to forty-five (45) hours of comp time each based on thirty (30) hours of training or overtime hours. Motion carried.

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

KKE Architects	\$ 23,531.18
Dick Pedersen & Son Electric	2,000.00

Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to authorize the Chair to send a letter to the Farm Service Agency requesting consideration to change Section 1619 to restore public access to information. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to authorize the County Coordinator to approve purchase for furnishings and equipment for the Justice Center on the condition that the purchases cannot exceed the approved budget. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Gabrielson to adjourn the meeting at 3:53 p.m. until August 10, 2010 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

A

adjourn, 174
award bid
 SP 50-645-006, 172

C

comp time
 Human Services
 Financial Workers, 173

E

Employee of the Month, 170
employment offer
 Human Resource Director, 170

F

Farm Service Agency letter
 change Section 1619, 174

J

Justice Center furniture & equipment
 Coordinator to approve budgeted purchases, 174

M

MPCA grant work plan
 Imminent Health Threat Inventor for ISTS, 172

P

Public Hearing
 CUP #762
 Hertle, 170

R

Res. #44-10
 CUP #762
 Hertle, 170
Res. #45-10
 Bridge Bonds Bridge No. 50590
 SAP 50-625-012, 172

W

warrants
 Commissioner additional, 173