

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

October 5, 2010

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session October 5, 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

Denise Barthels, Administrative Assistant, was recognized as Employee of the Month.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve justice center change order PCO #21 for Harty Mechanical in the amount of \$7920 for work on the geothermal field to remove old foundation footings. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to approve justice center change order PCO #206 for additional voice and data cabling in the amount of \$7009. Motion carried.

A Public Hearing was held in regard to CUP #765 of Jeff and Tracy Kappers for one single-family dwelling on a wooded parcel in Section 14, Frankford Township.

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 against CUP #765.

Date: October 5, 2010

Res. #57-10

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 October 5, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #765 of Jeff and Tracy Kappers, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

One single-family dwelling on a wooded parcel in addition to the density allowance standard that is typical to the Agricultural District of one per 160 acres on property Zoned "Agricultural"

Location: 40.0 acres located in the SE ¼ NE ¼ Section 14, Frankford Township T103N-R14W, Mower County, Minnesota

Notice having been duly given and a public hearing was held on September 28, 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 October 5, 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. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 12/31/2012 if no construction has begun or the use has not been established.
3. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
4. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. A "Wetland Replacement Plan" approval.
5. Owner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.

This permit is in accordance with Section 14-18.4 of the Mower County Zoning Ordinance.

Passed and approved this 5th day of October, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #766 of Tri County Aggregate c/o Joe White and Wallace Bustad for temporary storage, crushing, recycling of asphalt and concrete for 4th Street road project.

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

No one spoke for or against CUP #766.

Date: October 5, 2010

Res. #58-10

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held October 5, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #766 of Tri County Aggregate, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Temporary storage, crushing, recycling of asphalt and concrete for 4th Street road project on property Zoned "R-1, Rural Residential District"

Location: 8.02 acres, (unplatted in S1/2 SW1/4 between Hwy, Railroad Right-of-way and St. Michaels Addition, Book 418-294 Section 22, Lansing Township

Notice having been duly given and a public hearing was held on September 28, 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 October 5, 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; 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 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
5. This Conditional Use Permit is temporary, shall lapse, and shall be no longer be valid as of December 31, 2010 and
6. 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
7. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
8. 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 14-64 of the Mower County Zoning Ordinance.

Passed and approved this 5th day of October, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Mike Bissen appeared before the Board concerning issues with his variance. Construction has been completed but there are questions including setbacks and road right-

of-way. The Board encouraged Mr. Bissen to have a survey done and if needed, make his appeal to the Board of Adjustment.

Angie Knish reported t he Ulland Brothers would be extending its Soucek Pit hours in Lansing for an additional two hours daily from October 7 through October 23, 2010 in accordance with its conditional use permit.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the minutes of September 14 and September 24, 2010. Motion carried.

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

DLR Group	\$ 9,125.44
Norix	39,737.25

Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Ankeny to amend the September 28, 2010 additional commissioner's warrants motion to include two justice center payments that were overlooked in the applications submitted for payment. The two additional justice center applications were for Summit Fire \$4,012.39 and Nigon Woodworks, Inc. \$5,623.76. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to accept the retirement of the County Recorder, Susan Davis, effective at the end of her term of office at the beginning of January 2011. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Gabrielson to adjourn the meeting at 2:09 p.m. until October 12, 2010 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____

Chairperson

Attest:

By: _____

Clerk/Coordinator

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