

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

November 2, 2010

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session November 2, 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

Margene Gunderson provided an update on PMAP and made a recommendation that a letter be sent to the State Department of Health Services that Metropolitan Health Plan not be assigned to the Mower County service area due to unsatisfactory service.

Motion made by Commissioner Hillier, seconded by Commissioner Ankeny to approve the recommendation of Mower County Community Health Services to remove Mower County from Metropolitan Health Plan's service area during current state contract negotiations with Managed Care Organizations and authorize the Board Chair to sign a letter indicating this. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to extend an intermittent unpaid leave of absence through November 9, 2010. Request is on file in the office of Human Resources. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to reject the employee request for Tricare Insurance reimbursement based on the pay in lieu of benefit restrictions that exist within our Southeast Service Cooperative Health Insurance Pool. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to extend the PTO/Vacation payout to part-time, non-union employees for 2010 with a minimum of 5 hours and a maximum of 120 hours with the remaining balance calculated based on their part-time FTE status. Motion carried.

A Public Hearing was held in regard to CUP #767 of Gary and Vicky Vogt / Four Daughters Vineyard and Winery, LLC to operate a family farm vineyard, winery to include (Phase I) a winery production area and equipment, dining area, storage areas, office and bathrooms and to erect a sign. (Phase II – future construction option for a large event venue.)

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendation to approve CUP #767.

The Petitioners were present and spoke on their own behalf. No additional persons spoke in favor of CUP #767 and no one spoke against CUP #767.

**Date: November 2, 2010**

**Res. #62-10**

**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 November 2, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #767 of Gary and Vicky Vogt / Four Daughters Vineyard and Winery, LLC, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To operate a family farm vineyard, winery to include (Phase I) a winery production area and equipment, dining area, storage areas, office and bathrooms and to erect a sign. (Phase II – future construction option for a large event venue.)

Location: 9.42 acres W650ft E1298ft N631ft, N1/2 SE1/4, Section 23, Frankford Township, Mower County, Minnesota

Notice having been duly given and a public hearing was held on October 26, 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 November 2, 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 structures shall be designed by a licensed architect or engineer within the State of Minnesota as regulated by the Board of Architecture and Engineering; and
3. Public facilities shall meet or exceed handicap accessibility and fire code requirements; and
4. The Owner/ Applicant shall obtain any necessary permits from the Department of Health for food and beverage service; and
5. The event center shall be designed to accommodate 300 people or less; and

6. Parking and signage shall meet or exceed the Mower County zoning ordinance; and
7. An approved (by the Environmental Services Office) septic system shall be installed and operational prior to opening. This system shall be protected from damage from vehicles or machinery parking or operating at the site; and
8. The hours of operation for the winery, (not to include the vineyard, grape pressing and processing; considered an agricultural use) shall be no earlier than 7 a.m. and shall not continue later than 1 a.m., 7 days per week, year-round.
9. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
10. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include barrier fencing around garbage collection area; and
11. 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
12. 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. Vehicles can not be parked or backed onto the premises from the road or its right-of-way; and
13. The owner/applicant shall obtain access permit from Minnesota Department of Transportation, or other regulating facility of Highway 16 and 63; and
14. 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
15. Any change in operation or use of the facility shall require review of the Conditional Use Permit by the Planning Commission and the County Board of Commissioners; and
16. A Conditional Use Permit shall become void two (2) years after being granted by the County Board unless used. If the established use is discontinued for a period of three-hundred and sixty-five (365) consecutive days the CUP permit becomes void.
17. 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 14-49 (Agricultural District) and 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 1/1/2003).

Passed and approved this 2<sup>nd</sup> day of November, 2010.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Christina Lund, Social Worker in Human Services, was recognized as Employee of the Month.

A Public Hearing was held in regard to rescind parts b and c of CUP #748 of Wallace Bustad issued June 2, 2009 related to the operation of a demolition debris grinding facility and the operation of a transfer station up to 200 cubic yards.

Angie Knish, Environment Services Director, reviewed the Planning Commission recommendations to rescind parts b and c of CUP #748 due to the fact that the Applicant/Owner is unable to secure Minnesota Pollution Control Agency Permits for the above-listed operations as required by condition number 11- *Petitioner must secure and make application for all applicable MPCA Permits prior to operation under this CUP* and condition number 14 – *Comply with EPA and MPCA Rules and Regulations for this type of facility*.

No one spoke for or against rescinding parts b and c of CUP #748.

**Date: November 2, 2010**

**Res. #63-10**

**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 November 2, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, to rescind parts b and c of CUP #748 of Wallace Bustad for the operation of a demolition debris grinding facility and the operation of a transfer station up to 200 cubic yards due to the fact that the Applicant/Owner is unable to secure Minnesota Pollution Control Agency Permits for the above-listed operations as required by condition number 11- *Petitioner must secure and make application for all applicable MPCA Permits prior to operation under this CUP* and condition number 14 – *Comply with EPA and MPCA Rules and Regulations for this type of facility*.

Notice having been duly given and a public hearing was held on October 26, 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 November 2, 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

That CUP # 748 shall remain in effect for item; a) storage and crushing of concrete and bituminous material with the following, remaining conditions of the original CUP:

1. CUP No. 748 shall replace all preceding CUPs for the property including CUP No 471 and amendments dated November 12, 1996 & March 2, 1999.
2. Petitioner/Applicant/Owner shall maintain a low water mist during crushing operation.
3. Any runoff that would be present from this low water mist during the crushing must be contained and disposed of by Petitioner/Applicant/Owner.
4. ~~Demolition material shall be limited to material as specified in the Minnesota Pollution Control Agency (MPCA) Rules.~~

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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5. ~~No disposal or transfer of municipal solid waste allowed on this site. Demolition material can be stored for no longer than 72 hours at the site. For the purposes of this condition demolition material does not include the concrete and bituminous material stored for crushing or metal stored for recycling.~~
6. ~~Tipping (sorting) must be on an impervious concrete pad with bunkers on at least three (3) sides.~~
7. ~~No more than 200 cubic yards of demolition material can be at this site at any one time. For the purposes of this condition demolition material does not include the concrete and bituminous material stored for crushing or metal stored for recycling.~~
8. ~~A certified operator must be present at site when facility is open. Wallace Bustad shall provide a list of certified operators to Mower County Planning and Zoning and update this list as new operators are added or deleted.~~
9. ~~Final disposal site for demolition material transferred at this site must be Federal/State licensed and approved demolition landfill.~~
10. ~~Petitioner/Owner must secure and annually maintain a Mower County Waste Permit.~~
11. Petitioner must secure and make application for all applicable MPCA permits by prior to operation under this CUP.
12. Staff shall be allowed access to the site during normal business hours to determine if the operation is in compliance with this permit and Mower County Zoning Ordinance. Mower County reserves the right to request MPCA staff to accompany their staff at any given time to assist in this determination.
13. Hours of operation shall be from 7:00 am to 7:00 p.m. daily – Monday – Saturday.
14. Comply with EPA and MPCA Rules and Regulations for this type of facility.
15. Comply with Mower County Zoning Ordinance(s).
16. 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.
17. The use of the site for crushing of asphalt and bituminous material is ongoing and intermittent and does not expire unless the CUP lapses as determined below in the following condition.
18. 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
19. Failure to comply with any and all listed conditions may result in penalties, fines or revocation of this conditional use permit thereby resulting in closure of the ~~demolition transfer site and~~ crushing of concrete and asphalt materials.
20. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable Statute, Rule or Ordinance.

Passed and approved this 2<sup>nd</sup> day of November, 2010.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Ankeny, seconded by Commissioner Lang to approve final payment to AAA Striping Service Co. in the amount of \$30,757.63 for SP 50-070-001. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to table the request of the Eagles Club for abatement of tax and penalty. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the minutes of October 26, 2010. Motion carried.

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

a. <i>The Joseph Company</i>	\$ 42,545.75	i. <i>D&amp;M Ironworks</i>	\$ 51,773.10
b. <i>IPC, Inc. (final payment)</i>	121,156.95	j. <i>W.L. Hall Company</i>	3,682.20
c. <i>Chosen Valley Testing, Inc.</i>	3,877.50	k. <i>Summit Fire Consulting</i>	1,330.00
d. <i>Bal-Tech, Inc. (final payment amount)</i>	52,250.00	l. <i>Doyle Connor Company (final payment amount)</i>	9,072.50
e. <i>Superior Contractors of Rochester (final payment amount)</i>	2,750.00	m. <i>Whitewater Wireless, Inc. (final payment amount)</i>	14,356.00
f. <i>Pompeii Painting, Inc.</i>	3,829.45	n. <i>Knutson Construction</i>	57,731.44
g. <i>Schammel Electric</i>	27,515.65	o. <i>Tab Products Co., LLC</i>	3,038.00
h. <i>Interum</i>	13,110.00	p. <i>Bandoir</i>	94,889.00
	13,250.00		46,992.78
	13,249.00		4,026.29

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the two late claims for payment for per diem and mileage of Mentors, Pam Vaughn and John Kruger. Motion carried

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to approve the agreement with the University of Minnesota for Mower County to provide extension programs locally and employing extension staff effective January 1, 2011 through December 31, 2013. Motion carried.

Motion by Commissioner Gabrielson, seconded by Commissioner Ankeny to approve out-of-state travel for a correctional services employee to attend a Batterers Intervention Program training session. Motion carried.

Motion made by Commissioner Lang, seconded by Commissioner Hillier to release the ISTS lien on foreclosed property 16.039.0310. Motion carried.

Motion by Commissioner Ankeny, seconded by Commissioner Hillier to adjourn the meeting at 2:10 p.m. until November 9, 2010 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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