

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 28, 2010

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session December 28, 2010 at 8:30 a.m. at the Government Center in Austin, Minnesota.

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

GENERAL:

Overview of director's report.

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

- a. The Meadows Assisted Living – renew contract for Home & Community Based Waiver Services, effective July 1, 2010 to June 30, 2011.
- b. Parenting Resource Center – renew contract for Crisis Nursery Services, effective January 1, 2011 to December 31, 2011.
- c. St. Mark's Lutheran Home, Inc. – renew agreement for Group Residential Housing Services, effective July 1, 2010 to June 30, 2012.
- d. Susan Rockers-Wittkopp – renew contract for Case Management Services, effective January 1, 2011 to December 31, 2011.
- e. Sue Stegenga – renew contract for Case Management Services, effective January 1, 2011 to December 31, 2011.
- f. Workforce Development, Inc. – renew contract for MFIP & DWP Services, effective January 1, 2011 to December 31, 2011.

Motion Carried.

Commissioner Ankeny 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 28, 2010

Res. #79-10

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 December 28, 2010 at the Government Center, 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, 2010 through December 31, 2010 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 2010 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 2010 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, Mike Ankeny aye. Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: December 28, 2010

Res. #80-10

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Hillier, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Government Center, 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, 2010 through December 31, 2010 are hereby approved.

BE IT FURTHER RESOLVED, That all assistance payments issued during the month of December 2010 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 2010 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 2010 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, Mike Ankeny aye. Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The Board recessed at 9:10 a.m. and reconvened at 9:18 a.m.

Date: December 28, 2010

Res. #81-10

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Courthouse, Austin, Minnesota.

WHEREAS, technology is changing at a fast pace, is increasingly complex, and individual counties are challenged to resource the research, development, purchase, and support of technology for the people it serves; and

WHEREAS, the combination of resources are not keeping pace with demand and -- in some cases-- real reductions in resources, changes in demographics, increased awareness of best practices, and the strong desire of counties to improve the effectiveness of the human services delivery system for clients and communities has lead counties to examine how we can add value through more effective leveraging of technology; and

WHEREAS, over thirty people from among county administrators, coordinators, technology directors, and human services directors from southeastern Minnesota, and state technology leaders from the Minnesota Department of Human Services and Office of Enterprise Technology met in August 2010 to develop a strategy to explore shared technology solutions; and

WHEREAS, county administrators, coordinators, technology directors, and human services directors have recommended that a regional technology collaborative steering committee be established.

NOW THEREFORE BE IT RESOLVED, that the Mower County Board of Commissioners hereby authorizes the County Coordinator to appoint at least one employee of Mower County to participate as a member of a regional technology collaborative steering committee. The steering committee shall gather information, explore opportunities and provide recommendations to county boards of commissioners, county human services boards, county administrators, county coordinators, county technology directors, and county human services directors of the participating counties.

The goals of the regional technology collaborative steering committee include:

- To develop a strategic, common direction for participating counties' use of technology;
- To assist participating counties in making strong, cost-effective technology decisions;
- To collectively work to form technology collaborations that will be of value to the participating counties;
- To increase group purchasing and negotiating power;
- To provide a measurable decrease in costs, cost avoidance, and/or increase in value of service;

- To ensure clear communication across participating counties in support of the vision (Shared technology solutions) and mission (Enhanced service to our clients and/or less cost to our constituencies across participating counties); and
- To develop technology standards and implement technology solutions in support of the redesign of human services, which has the most immediate need at this time. (The intent is not to detract from technology services provided to other county departments, but to establish a collaboration model that can be replicated.)

Before December 31, 2012, the steering committee shall provide a recommendation to participating counties regarding the continuation or disposition of the committee beyond that date. If no action is taken by participating county boards of commissioners to continue the steering committee in this or another form, it shall be dissolved by December 31, 2012, or thereabouts.

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to appoint the Coordinator and the IT Director to represent Mower County on the SE MN Regional Technology Collaborative Steering Committee. Motion carried.

Karin Hanson, Financial Worker (21 years); Susan Davis, County Recorder (41 years); Mark Anderson, Deputy (13 years); were recognized for retirement from Mower County. Also recognized were Commissioner David Hillier (16 years) and Commissioner Dick Lang (8 years).

Commissioner Gabrielson, on behalf of the Personnel Committee, reviewed the process of reviewing the elected officials' positions including area salary data reviewed.

Notes of appreciation have been received regarding the County Attorney's attentiveness and assistance to other departments. Based on exemplary performance, and to ensure equitable compensation with other counties, the committee recommends a salary increase from \$89,093.68 to \$95,709.95 for the County Attorney.

Date: December 28, 2010

Res. #82-10

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 December 28, 2010 at the Government Center, Austin, Minnesota.

BE IT RESOLVED THAT; the annual salary for the elected official of County Attorney for Mower County payable in bi-weekly installments, be set as follows for 2011:

County Attorney
as of 1/3/11.....\$95,709.95

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The Committee notes appreciation for the Sheriff's leadership and increased workload in 2010 with the opening of the new justice center. A review of the salary data shows that the Sheriff is equitably compensated; however, the Committee also notes the addition of fourteen new jailers and the opening of a new facility as well as exceptional performance in 2010. Based on this, the Committee recommends that the County Sheriff's salary be increased from \$87,635.81 to \$91,141.24.

Date: December 28, 2010

Res. #83-10

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 December 28, 2010 at the Government Center, Austin, Minnesota.

BE IT RESOLVED THAT; the annual salary for the elected official of County Sheriff for Mower County payable in bi-weekly installments, be set as follows for 2011:

County Sheriff
as of 1/03/11\$91,141.24

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The Personnel Committee has met with the County Recorder Elect to review her upcoming assumption of the Recorder's job duties and has reviewed Recorder salary data from local counties. Based on this information, the Committee recommends setting the Recorder's salary at \$51,384.94

Date: December 28, 2010

Res. #84-10

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 December 28, 2010 at the Government Center, Austin, Minnesota.

BE IT RESOLVED THAT; the annual salary for the elected official of County Recorder for Mower County payable in bi-weekly installments, be set as follows for 2011:

County Recorder
as of 1/03/11.....\$51,384.94

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The County Auditor-Treasurer was not available to meet with the Personnel Committee and did not submit the requested data by the deadline specified by the Committee; however, the County Auditor-Treasurer did submit information to the committee at a later date, which was reviewed and considered in the salary recommendation. The Committee also notes multiple concerns and complaints received from other departments regarding the Auditor-Treasurer's communication and general lack of cooperation. Based on these considerations, the Personnel Committee is recommending no increase from the Auditor-Treasurer's current salary of \$68,181.15 for 2011.

Date: December 28, 2010

Res. #85-10

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Government Center, Austin, Minnesota.

BE IT RESOLVED THAT; the annual salary for the elected official of County Auditor-Treasurer for Mower County payable in bi-weekly installments, be set as follows for 2011:

County Auditor-Treasurer
as of 1/3/11\$68,181.15

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The Personnel Committee has reviewed the Commissioner's salaries and the salaries have been frozen since 2008. The Personnel Committee recommends maintaining the same salary for 2011.

Date: December 28, 2010

Res. #86-10

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Government Center, Austin, Minnesota.

BE IT RESOLVED, that the Commissioners salaries for 2011 be set at \$24,200.00 payable in bi-weekly installments.

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: December 28, 2010

Res. #87-10

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 December 28, 2010 at the Government Center, Austin, Minnesota.

BE IT RESOLVED, that a per diem of forty dollars (\$40) be set for the following County Commissioner working committees:

- 1) Finance (budget meetings only)
- 2) Road and Bridge
- 3) Personnel (Monthly meeting, Union grievances and negotiations)
- 4) Ag Extension
- 5) Planning Commission
- 6) Community Health Services
- 7) RC & D
- 8) All State AMC Committees
- 9) AMC District IX
- 10) All Joint Powers Boards
- 11) Solid Waste Advisory
- 12) Building
- 13) Human Services Advisory (monthly meeting)
- 14) Feedlot Advisory
- 15) SEMCAC
- 16) EMS Joint Powers Board
- 17) PIC
- 18) Human Services/PMAP
- 19) All AMC and NACo Meetings and Conferences

BE IT FURTHER RESOLVED that all other previously stated non-county board working committees (Book U-49, U-53, U-233 & U-234) be forty dollars (\$40);

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to preserve January 1, 2011 for salary and health insurance adjustments for non-union personnel. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Hillier to amend Personnel Policy D113 Benefits Under PERA Phased Retirement Option by deleting all language and revising the title to PERA Phased Retirement Option and inserting the new language as follows:

Policy Statement:

Minnesota Statute 353.371, as adopted in May 2009, provides for local governments to allow eligible employees who participate in the Coordinated or Basic Public Employees Retirement Association (PERA) retirement plans to participate in a Phased Retirement Option (PRO) with the availability, terms, and conditions of the plan subject to the sole discretion of the employer.

Mower County recognizes that there may be benefits in retaining experienced employees, such as mentoring new and/or existing employees and enhancing organizational efficiencies. In cases where Mower County determines, through recommendation from Personnel Committee, that there is a valid business purpose, the County Board will offer the Phased Retirement Option with terms and conditions of employment specific to each individual agreement.

Mower County retains sole discretion in offering the Phased Retirement Option to an employee. Thus, nothing in this policy shall be construed as a guarantee of this option or a contract of employment.

In accordance with governing legislation, the Phased Retirement Option must not exceed one year, but may be renewed for periods up to a year for a total not to exceed five years. The renewal of a Phased Retirement agreement is at the sole discretion of Mower County. The option to enter into a new PRO agreement with an employee sunsets on June 30, 2014 and would require additional legislation to extend beyond that date.

Eligibility:

To be eligible for consideration under the PRO program, PERA requires that employees meet the following criteria:

- be age 62 or older;
- be eligible for a monthly retirement benefit;
- have worked at least 1,044 hours per year for the 5 years preceding participation in the phased retirement program; and
- agree to a reduced schedule, defined as
 - 25% or greater reduction in hours and
 - 1,044 or fewer hours of work per year.

Current retirees are excluded from participation under this program.

In addition to the PERA requirements, Mower County requests that interested, eligible employees submit a written request to their department head indicating their interest in entering into a PRO agreement. The Department Head shall review the request and provide a recommendation to the Human Resources Director who will provide the information to the Personnel Committee for further consideration.

Benefits:

Participants in the PRO program may begin collecting a PERA benefit without the normally required 30-day break in service and prohibition against having any agreement to return to work with the current employer. Participants are also exempt from PERA's earnings limits that apply prior to full Social Security retirement age. In addition, neither the member nor the employer is required to make any further contributions to PERA.

Since the member is now receiving a pension, he or she will cease to earn service credits and there will be no future adjustment to the high-five average salary.

Upon the completion of the phased retirement, a member must meet the requirements normally applied to someone who is terminating public service, including the prohibition of any future employment agreement, and the minimum 30-day break in public service. If the retiree later returns to PERA-covered employment, the earnings limits would apply.

Employment Terms and Conditions:

Upon the County Board's approval of a PRO request, an individual agreement that details the terms and conditions of employment will be issued to the employee and/or union representative, in cases where the employee is eligible for coverage under a Collective Bargaining Agreement, for their signed acceptance.

Participants in the PRO program will maintain their former wage rate when working in their previously held position and will receive pay commensurate with the classification of any other position that they may occupy when working under the agreement. PRO participants will not be eligible to receive an increase to their agreed upon wage rate within the effective dates of the PRO agreement.

Participants in the PRO program will not be entitled to receive any county provided benefits, as described within the County's Personnel Policies and/or the applicable Collective Bargaining Agreement. Such benefits include, but are not limited to, Paid Time Off (PTO), Vacation Leave, Sick Leave, Holiday Pay, Short-Term Disability, and insurance benefits; however, eligibility for group health, life, and dental insurances will continue under COBRA and applicable state requirements. PRO participants will be eligible to receive any retiree insurance benefits that they qualify for under the Personnel Policies and/or applicable Collective Bargaining Agreement based on the service credits that they have attained at the time PRO agreement commences. No additional service credits will be awarded to participants while working under a PRO agreement.

Upon the commencement of a PRO agreement, an employee will be paid out any accrued benefits in accordance with the Personnel Policies and/or other agreement covering benefits paid upon separation of employment.

Additional Information:

Additional information on the Phased Retirement Option including information, guidelines, and frequently asked questions can be found on the Public Employees Retirement Association of Minnesota website at www.mnpera.org or by calling 1-800-652-9026.

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to authorize the Human Resources Director to fill part-time positions open or soon to be open in Public Health Nursing reducing the overall staffing by .6 FTE. The nursing program positions to be filled are as follows:

- 1 - .50 FTE SHIP grant position through July 2011;
- 1 - .50 FTE MSHO program position; and
- 1 - .55 FTE WIC program position.

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to authorize the Human Resources Director to fill the full-time position of Mechanic in the Highway department according to union contract and personnel policies. Motion carried.

A Public Hearing was held in regard to CUP #769 of Benjamin & Diane Jacobsen and Robert & Judy Jacobsen for a dog kennel and commercial hunting preserve in Section 23 of LeRoy Township.

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

The Petitioner Ben Jacobsen was present and spoke on his own behalf. No other persons spoke for or against CUP #769.

Date: December 28, 2010

Res. #88-10

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #769 of Benjamin & Diane Jacobsen and Robert & Judy Jacobsen, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

Parcel No. 09.023.0030 - Dog Kennel;

Parcel Nos 09.023.0030 & 0033 & 0032 Commercial Hunting Preserve & business sign. Upland game hunting preserve. Flight pen. Remodel interior of pole shed to house indoor dog kennels. Kennel for our breeding dogs and dogs brought in for training total of under 40 dogs, up to 70 dogs for short term events such as training seminars, hunt tests, trials, and other similar events. Retail sales of dog training & care supplies. Hunting supplies, and clothing. Pop and snacks.

Location: 160 acres , NE1/4, Sec 23, Leroy Township (T101N-R14W), Mower County, State of Minnesota; and

Notice having been duly given and a public hearing was held on November 30, 2010 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Government Center, Commissioner's room, on said petition.

Notice having been duly given and a public hearing was held on December 28, 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, federal and local regulations regarding the proposed use; and
2. Any new construction shall be located upon the parcel(s) and shall adhere to all Mower County codes and/or ordinances; and
3. No alcohol is to be consumed in the hunting area. No alcohol may be consumed before, during or in between hunting events; and
4. Hours of operation of the hunting preserve shall be from 9 a.m. to dusk 7 days per week, annually; and for dog events 7 a.m. to dusk 7 days per week, annually. The hunting preserve shall be closed on Easter, Thanksgiving and Christmas day; and
5. A 100ft safety zone buffer shall be established along 125th Street, 790th Avenue and adjacent to the building site in which hunters may not discharge firearms in the direction of the above listed roads or residential dwelling site. Hunters may discharge firearms within this area if they are pointing away from those above-listed features. The owner/operator and/or staff shall be responsible for explaining this condition to preserve hunters; and
6. There shall be no discharge of a firearm within 500 feet of the adjoining, active feedlot facility unless written permission of the feedlot owner is granted. A copy of this document shall be kept on file of the owner/operator and shall be available for inspection of the Environmental Services Department as a condition of this permit; and

7. Any safety zone markings shall be made easily visible to preserve hunters and shall not be spaced any further than 300 feet apart by any means necessary to accomplish this goal; and
8. Hunter's safety certificates are required for hunters under 18 years of age.
9. Competitive hunting/dog events held on this site shall be limited to 125 persons. 200 persons shall be allowed to attend one hunting/dog event per year; and
10. 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 shall not be parked or backed onto the premises from the road or its right-of-way. Parking area shall be calculated at minimum of one parking space per 3 persons; 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. 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;
13. 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 consecutive days, the CUP permit becomes void.
14. Expansion, modification, or additional acreage to this proposed use (now 160 acres as described) will require an amendment to the original conditional use permit. Changes or modifications to this use, as granted will also require an amendment to the original conditional use 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 1/1/2003).

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #755 of Pleasant Valley Wind/RES Americas and Philip R. & Sherry Heydt to construct an electrical substation in Section 9 of Sargeant Township.

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

Petitioner representatives and landowners were present and spoke on their own behalf. No additional persons spoke for or against CUP #755.

Date: December 28, 2010

Res. #89-10

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #755 of Pleasant Valley Wind/RES Americas and Philip R. & Sherry Heydt, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct an electrical substation

Location: South 500 feet of the west 500 feet of the south half of the southwest quarter of Section 9, Township 104North, Range 16 West, Mower County Minnesota.

Notice having been duly given and a public hearing was held on November 30, 2010 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Government Center, Commissioner's room, on said petition.

Notice having been duly given and a public hearing was held on December 28, 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. 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
2. Lights shall be deflected downward.

3. Contact the Mower County Engineer to secure and install a "911" rural address and sign for the substation. Petitioner is responsible for all costs associated.

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 01/01/2003).

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #756 of Pleasant Valley Wind/RES Americas and Evan and Luann Holst to construct an electrical substation in Section 4 of Dexter Township.

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

Petitioner representatives were present and spoke on their own behalf. One additional person spoke for and no one spoke against CUP #756.

Date: December 28, 2010

Res. #90-10

RESOLUTION

On motion of Commissioner Hillier, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #756 of Pleasant Valley Wind/RES Americas and Evan and Luann Holst, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct an electrical substation

Location: North 500 feet of the west 500 feet of the southwest quarter of Section 4, Township 103 North, Range 16 West, Mower County Minnesota.

Notice having been duly given and a public hearing was held on November 30, 2010 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Government Center, Commissioner's room, on said petition.

Notice having been duly given and a public hearing was held on December 28, 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. 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
2. Lights shall be deflected downward.
3. Contact the Mower County Engineer to secure and install a "911" rural address and sign for the substation. Petitioner is responsible for all costs associated.

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 01/01/2003).

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #757 of Pleasant Valley Wind/RES Americas and DBTMK Limited Partnership to construct an electrical substation in Section 18 of Sargeant Township.

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

Petitioner representatives were present and spoke on their own behalf. No other additional persons spoke for or against CUP #757.

Date: December 28, 2010

Res. #91-10

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #757 of Pleasant Valley Wind/RES Americas and DBTMK Limited Partnership, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct an electrical substation

Location: South 480 feet of the east 500 feet of the west 2320 feet of the southwest quarter of Section 18, Township 104 North, Range 15 West, Mower County Minnesota

Notice having been duly given and a public hearing was held on November 30, 2010 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Government Center, Commissioner's room, on said petition.

Notice having been duly given and a public hearing was held on December 28, 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. 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
2. Lights shall be deflected downward.

3. Contact the Mower County Engineer to secure and install a "911" rural address and sign for the substation. Petitioner is responsible for all costs associated.

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 01/01/2003).

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #758 of Pleasant Valley Wind/RES Americas and fourteen various landowners to construct a 138KV overhead transmission line in Sections 9, 10, 11 and 12 of Sargeant Township and Sections 7 and 18 of Pleasant Valley Township.

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

County Attorney Kristen Nelsen informed the Board that the Board will have to make a determination that the move in route of the transmission line does or does not constitute a substantial change causing significant environmental impacts not addressed in the original Environmental Assessment.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson that the sections involved in the change in transmission lines does not significantly change or impact the issues addressed in the original Environmental Assessment. Motion carried.

Petitioner representatives were present and spoke on their own behalf. No other additional persons spoke for or against CUP #758.

Date: December 28, 2010

Res. #92-10

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 28, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #758 of Pleasant Valley Wind/RES Americas and fourteen various Sargeant and Pleasant Valley township landowners, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct a 138KV overhead transmission line

Location: Approximately 6.2 miles adjacent to existing Township road right-of-ways. (Refer to segments N-1, N-2, N-3, N-4, N-5, and N-6) located in Sections 9, 10, 11, and 12 of Sargeant Township (T104N- 16W) and Sections 7. and 18 of Pleasant Valley Township (T104N-R15W), Mower County Minnesota.

Notice having been duly given and a public hearing was held on November 30, 2010 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Government Center, Commissioner's room, on said petition.

Notice having been duly given and a public hearing was held on December 28, 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. 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

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 01/01/2003).

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #759 of Pleasant Valley Wind/RES Americas and nineteen various landowners to construct a 138KV overhead transmission line in Sections 3 and 4 of Dexter Township and Sections 13, 24, 25, 34, 35 and 36 of Sergeant Township.

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendations. One person previously raised a question by letter as to the impact of the transmission line on pace makers. The issue was addressed in the environmental assessment and there is a negligible impact.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson that the sections involved in the change in transmission lines does not significantly change or impact the issues addressed in the original Environmental Assessment. Motion carried.

Petitioner representatives were present and spoke on their own behalf. One other person spoke for and no one spoke against CUP #759.

Date: December 28, 2010

Res. #93-10

RESOLUTION

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 December 28, 2010 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #759 of Pleasant Valley Wind/RES Americas and nineteen various Sargeant and Dexter township landowners, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To construct a 138KV overhead transmission line

Location: Approximately 7.9 miles long along existing Township road right-of-ways and County rights-of-way. (Refer to segments S-1, S-2, S-3, S-4, S-5, S-6, S-7 and S-8) located in Sections 3, and 4 of Dexter Township (T103N- 16W) and Sections 13, 24, 25, 34, 35, and 36 of Sargeant

Township (T104N-R16W) and Section 18 of Pleasant Valley
Township (T104N-R15W), Mower County Minnesota.

Notice having been duly given and a public hearing was held on November 30, 2010 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Government Center, Commissioner's room, on said petition.

Notice having been duly given and a public hearing was held on December 28, 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. 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

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 01/01/2003).

Passed and approved this 28th day of December, 2010.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The Board recessed at 11:00 a.m. and reconvened at 11:08 a.m.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to approve limited telecommuting (average approximately 1 day per week) on a trial basis through June 1, 2011 for the Human Resources Director. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Hillier to allow the Assistant Jail Administrator until April 30, 2011 to use the PTO accumulated over the maximum allowable. Motion carried.

Under Other Committee Reports, Dave Hillier brought to the Board's attention that the Cedar River Watershed District Rules had been drafted and distributed for comments. A discussion followed especially concerning the rule regarding no piling of snow in wetland areas.

Motion made by Commissioner Ankeny, seconded by Commissioner Hillier to release the final justice center payment to Schammel Electric approved on December 9, 2010 and held by motion on December 21, 2010. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to approve a duplicate warrant for original warrant number 69589 issued December 14, 2010 to Bal-Tech, Inc. in the amount of \$55,000.00 and require Bal-Tech, Inc. to pay associated fees for stopping payment on original warrant. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the request of Jill Cordes for a leave of absence from her position of Chief Deputy Recorder to assume the duties of County Recorder. Motion carried.

Motion by Commissioner Hillier, seconded by Commissioner Gabrielson to adjourn the meeting at 11:39 a.m. until January 4, 2011 at 1:00 p.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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