

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

February 1, 2011

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session February 1, 2011 at 1:00 p.m. at the Government Center in Austin, Minnesota.

Members present, viz: Tim Gabrielson, Chair
 Mike Ankeny
 Raymond Tucker
 Jerry Reinartz
 Craig Oscarson, County Coordinator

Member absent: Tony Bennett

The Jail Transition Team was recognized as Employees of the Month. Recognized were James Brown, Mary Davison, Mike Feuerhak and Michelle Soucek.

A Public Hearing was held in regard to CUP #770 of Roger and Lori Read and Dairyland Power Cooperative for a 69KV transmission line, single pole structure, accessing the existing London substation located in Section 18, Lyle Township.

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

The Petitioner was present and spoke on behalf of Dairyland Power. No one spoke against CUP #770.

Date: February 1, 2011

Res. #13-11

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Tucker, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 1, 2011 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #770 of Roger and Lori Read and Dairyland Power Cooperative, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

A 69KV transmission line, single pole structure, accessing the existing London substation located in Section 18, Lyle Township

Location: The NE corner of NW ¼ , Section 18, Lyle Township (T101-R18),
Mower County, State of Minnesota

Notice having been duly given a public hearing was held on January 25, 2011 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Government Center, in the Commissioner's board room, on said petition.

Notice having been duly given a public hearing was held on February 1, 2011 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 federal, state, and local regulations regarding the proposed use and any permits shall be obtained prior to construction; and
2. 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
3. No transmission poles may be located in the shore impact zone of the publicly protected stream and must be setback no less than 100 feet from the ordinary high water mark; and
4. The shoreland management overlay section of the ordinance must be met or exceeded; and
5. No public road shall be blocked during construction; and
6. If line is abandoned all structures above the and below the ground shall be removed and ground shall be restored to preconstruction conditions; and
7. No 69KV conductor shall be closer than 100 feet from any occupied structure; and
8. Any disturbed soils of greater than 4-square feet shall be reseeded with a clean grass mixture approved by Freeborn County's CUP requirement No. 10; and
9. If underground public or private drainage systems are damaged by the transmission line construction and its associated work the public or private drainage system shall be repaired by the company; and
10. Petitioner 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.

11. Dairyland Power shall respond to resident issues of television and/or radio reception interference by reasonably mitigating the situation (as also required by Freeborn County); and
12. Any mud, dirt or debris transported to public roads shall be cleared, scraped or removed immediately so as not create a public health or safety risk to the traveling public; and
13. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
14. 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
15. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
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.

This permit is in accordance with 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of February, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #771 of Michael and Deanna Bustad for a mining operation, including mining, washing, refining or processing; temporary asphalt and/or concrete plant; concrete and asphalt stockpiling and crushing.

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

The Petitioner was present and spoke on his own behalf. No one spoke against CUP #771.

Date: February 1, 2011

Res. #14-11

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Tucker, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 1, 2011 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #771 of Michael and Deanna Bustad, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

A mining operation, including mining, washing, refining or processing; temporary asphalt and/or concrete plant; concrete and asphalt stockpiling and crushing

Location: SW ¼ SE ¼ Bk 2 +5.0 ac W 1/8 SW ¼ SE ¼ , Sec 36 Marshall Township (T102-R16), Mower County, State of Minnesota

Notice having been duly given a public hearing was held on January 25, 2011 before the Mower County Planning Commission at 7:00 p.m. at the Mower County Government Center, in the Commissioner's board room, on said petition.

Notice having been duly given a public hearing was held on February 1, 2011 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 Restoration Bond in the Amount of \$2,000.00 Restoration Bond for the first acre, plus \$750 for each additional stripped or activated acre or part of an acre based upon 0.5 acres increments must be posted with the County Auditor and valid through February 2026; and
2. A "No trespassing sign shall be posted at the entrance; a gate shall be placed at the entrance; and
3. Extraction of materials shall be limited to the areas as delineated in the site plan as cell areas A, B & C; and
4. Extraction of materials shall remain at least twenty (30) feet from all adjoining property lines and (30) feet from the road right-of-way (as required by Ordinance). The 30-foot setback between properties may be decreased when done so in writing and the signed document recorded with the Mower County Recorder's Office; and
5. Blasting is not allowed; and
6. No refueling storage tanks are allowed in the lower levels of the extraction site (quarry); and
7. Secure MPCA NPDES Permit and submit copy to Mower County Planning Department; and
8. Secure a completed Wetland Inventory performed by the Mower County Soil and Water Conservation District before year end 2011. As a temporary measure, no fill, excavation or soils disturbance shall occur north of the map

submitted by the SWCD showing a blue line where hydric soils **may** exist. A soils determination shall be completed by the SWCD for the presence of wetlands. Upon completion 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.
9. All quarry material processing, and grinding or crushing of asphalt or concrete shall remain at least 500 (in Ordinance) feet from any residence; and
 10. Dust control may be required during high traffic volumes and shall be provided by the applicant, owner or lessees; and
 11. Access driveway costs are to be bore by the petitioner; and
 12. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable Statutes; and
 13. The Conditional Use Permit allows the Owner/Operator to utilize the pit Monday through Saturday from 7AM to 7PM and on Sunday's from 9AM to 3PM.
 14. Any mud, dirt or debris transported to public roads shall be cleared, scraped or removed immediately so as not create a public health or safety risk to the traveling public; and
 15. The use of the site for temporary placement of an asphalt or ready-mix (concrete) plant is periodic and does not expire unless the CUP lapses as determined below; and
 16. This Conditional Use Permit shall lapse, and shall be no longer valid upon **two**-years of non-use; and
 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.
 18. Contact the Mower County Engineer to secure and install a "911" rural address and sign for the site. Petitioner is responsible for all associated costs.

This permit is in accordance with 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of February, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Ankeny to approve and authorize the chair to sign the 2010 Annual Feed Lot Report. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Tucker to accept the retirement and authorize the Human Resources Director to fill the full-time position of Office Support Specialist, Sr. in the Veteran Services/Emergency Management department according to union contract and personnel policies. Motion carried.

The Chair reported that he had sent a letter to the Cedar River Watershed District board asking for a delay in accepting the rules that have been drafted due to a concern with the snow piling rule as presented in the draft rules.

Motion made by Commissioner Tucker, seconded by Commissioner Ankeny to approve the minutes of December 28, 2010. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to rescind Resolution #08-11 for the Dispatch Consolidation Study with the I35 Corridor Group dated January 11, 2011 . Motion carried.

Date: February 1, 2011

Res. #15-11

**RESOLUTION TO STUDY REGIONAL CONSOLIDATION OF PUBLIC SAFETY
ANSWERING POINTS**

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 1, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, public safety providers, including law enforcement, fire, emergency management and ambulance services rely on Public Safety Answering Points (PSAP) for communication services; and

WHEREAS, public safety concerns, natural disasters and other emergencies extend beyond county borders; and

WHEREAS, the provision of public safety services may be negatively impacted if interoperability is unavailable or compromised between PSAPs; and

WHEREAS, such interoperability may be addressed through the regionalization of PSAPs; and

WHEREAS, implementation of technological advancements in communications may be cost prohibitive unless regionalization occurs; and

WHEREAS, the State of Minnesota has made grant funds available to study the concept of regionalization of PSAPs; and

WHEREAS, Mower County desires to participate in the SE Minnesota PSAP Regional Study.

NOW THEREFORE BE IT RESOLVED, that the Mower County Board of Commissioners hereby requests the State of Minnesota to release grant funds to Mower County for the study of regionalization of its PSAP.

Passed and approved this 1st day of February, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Ankeny to approve the Letter of Agreement between Mower County Sheriff's Department (jail division) and Independent School District #492 for adult basic education services. Motion carried.

The Board discussed the Industrial Storm Water Multi-Sector General Permit Application for the recycling center. No action was taken on approving this application at this time. The Board will request more information from staff.

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to accept the resignation of a Cedar River Watershed District manager and authorize staff to advertise for a replacement and the Personnel Committee to review the applications for a recommendation for a new appointment. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve and authorize the chair to sign the Pay Equity Compliance Report effective January 31, 2011. Motion carried.

A Public Hearing was held in regard to the Mower County Local Water Management Plan 5 year Implementation plan update.

Justin Hanson, Water Planner (SWCD), reviewed the proposed update for the Mower County Local Water Management Plan effective 2006-2015.

No one spoke for or against the 5 year implementation plan update. Board discussion followed.

Motion made by Commissioner Reinartz, seconded by Commissioner Tucker to continue the public hearing for the 5-year Implementation Water Plan Update to February 8, 2011 at 10:00 a.m. Motion carried.

Motion by Commissioner Ankeny, seconded by Commissioner Reinartz to set June 14, 2011 at 6:00 p.m. for the County Board of Equalization. Motion carried.

Motion by Commissioner Ankeny, seconded by Commissioner Reinartz to adjourn the meeting at 2:41 p.m. until February 8, 2011 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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