

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 7, 2011

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 7, 2011 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All members present, viz: Tim Gabrielson, Chair
 Mike Ankeny
 Raymond Tucker
 Jerry Reinartz
 Tony Bennett
 Craig Oscarson, County Coordinator

A Public Hearing was held in regard to a request from David & Carolyn Hillier to rezone 3.14 acres from urban expansion to rural management in Section 8 of Austin Township.

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

The landowner was present. No one spoke for or against rezoning of the property.

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to rezone 3.14 acres of David Hillier's property in Section 8, Austin Township from urban expansion to rural management on a parcel identified per tax records as 02.005.0061. Motion carried.

A Public Hearing was held in regard to CUP #774 of Jonathan Hillier to construct a mini storage facility in Section 8, Austin Township on a parcel identified per tax records as 02.005.0061.

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

The Petitioner was present. The landowner, David Hillier spoke in favor of the CUP. No one spoke against CUP #774.

Date: June 7, 2011

Res. #34-11

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 7, 2011 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #774 of Jonathan Hillier, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

A mini storage facility

Location: Located on a newly created parcel consisting of portions of an existing 1.08 & 2.06 parcel, located in Section 8, Austin Township (T102N-R18W) – 02.005.0063 - 1.03 ac N150ft s450ft W300ft SW ¼ NE ¼ CONTRACT and 02.005.0061 - 2.06 ac W300ft SW ¼ NE ¼: (both) T102N R18W, Mower County, Mower County, Minnesota on a parcel identified per tax records as 02.005.0061

Notice having been duly given, a public hearing was held on May 31, 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 June 7, 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 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 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; and
5. Landscaping requirements of the Mower County Zoning Ordinance shall be established by year end 2013 and reasonably maintained to provide a vegetative barrier.
6. Color of the structures shall be limited to neutral, earth toned colors such as grays, browns, tans. Use of bright colors such as orange, red, blue and bright greens and the like shall be prohibited.
7. The maximum size of a free-standing sign shall be 50 sq. feet in size

8. The existing septic system must be protected from parking, driving, construction or compaction of any kind so as to not damage the system. This item shall be addressed by the owner/applicant by before construction. An easement for the septic system shall be created and recorded in the office of the Mower County Recorder for the useful life of the system.
9. If one or more acres of this parcel are disturbed; the applicant/owner shall obtain and NPDES Permit from the MPCA.
10. Applicant has 2 years in which to initially establish the proposed use of this CUP. Should this use, once established, be discontinued for a period of one year (365 consecutive days) the CUP shall no longer be valid due to a lapse in use/abandonment of use: The CUP then shall be nullified and void; and
11. 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.
12. Contact County Engineer for 911 addressing at the cost of the applicant.
13. Lot size is required to meet the 1.5 acre minimum requirement of the Mower County Zoning Ordinance.

This permit is in accordance with 14-54 (Rural Management District) and 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 7th day of June, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #775 of Rachel Clement / enXco to construct a 60 meter meteorological tower in Section 14, Lodi Township.

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

No one spoke for or against CUP #775.

Date: June 7, 2011

Res. #35-11

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Tucker, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 7, 2011 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #775 of Rachel Clement / enXco, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

For a 60 meter meteorological tower

Location: Section 14, Lodi Township (T101N-R14W), and legally described as: S ½ SW ¼ & NE ¼ SW ¼, Mower County, Minnesota on a parcel identified per tax records as 10.014.0050

Notice having been duly given, a public hearing was held on May 31, 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 June 7, 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. Secure the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. Applicant has 2 years in which to initially establish the proposed use of this CUP. Should this use, once established, be discontinued for a period of one year (365 consecutive days) the CUP shall no longer be valid due to a lapse in use/abandonment of use: The CUP then shall be nullified and void; and
4. 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.
5. The 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.
6. To provide visibility to aircraft, the Petitioner shall be required to paint the top half of the tower alternating red and white in ten foot segments, fit each outside guy wire

- with a 20 foot long red and white plastic sleeve centered at 154 feet, and equip the top of the tower with a night-time flashing red light.
7. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.
 8. Applicant shall supply County with the latitude and longitude location of the tower immediately following construction.

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 7th day of June, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Ankeny, seconded by Commissioner Tucker to approve a medical leave of absence effective or about June 8, 2011 for up to 4 months pursuant to an employee's request dated May 4, 2011 and on file in Human Resources. In addition, current staff is allowed to earn compensatory time due to this leave and/or Human Services may hire temporary help. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve an unpaid leave of absence effective on or about July 6, 2011 for up to three months pursuant to an employee's request dated May 2, 2011 and on file in Human Resources. In addition, Public Health may hire temporary help from a temporary staffing agency as long as the cost does not exceed the normal compensation of the absent employee's position being temporarily filled. Motion carried.

One of the initiatives the County has looked at and has been reviewed for recommendation by the Personnel Committee is to shift funding and administration of the County's Short-Term Disability plan to a third-party provider.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to out-source the administration of the County's Short-term Disability benefit and authorize Ochs, Inc. to do the Request for Proposals (RFP) and to solicit bids. Motion carried.

The Board recessed at 1:50 p.m. and reconvened at 2:01 p.m.

Ken Trom from the Ag Society provided an update on the activities of the Fair Board for the 2011 County Fair. The Fair Board has been successful with working with the Convention and Visitor's Bureau and the Holiday Inn to schedule additional events. The Ag Society is looking at replanting trees along the East-West road that were removed with the road project(s),

Mike Hanson, County Engineer, presented bid information received for project CP 50-11-01.

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to award the bid for CP 50-11-01 (Shooting Star Trail between Adams and Rose Creek) to the low bidder Skyline Construction, Inc. with a low bid of \$341,517.85 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and County Engineer.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to approve the Right-of-Way Plats #27 and #28 for the CSAH #2 and Roosevelt Bridge projects (respectively) and authorize the chair to sign the plats. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to approve the minutes of May 17, 2011. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett to approve the late claim for payment received from Echo Lanes dated October 2010 with a 25% reduction. The Commissioners voted as follows: Commissioner Bennett aye, Commissioner Reinartz aye, Commissioner Tucker aye, Commissioner Ankeny nay, and Commissioner Gabrielson aye. Motion carried 4-1.

Motion by Commissioner Ankeny, seconded by Commissioner Bennett to approve the following Commissioner warrants for payment:

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
1036.90	ABOVE ALL CLEANING, INC	150.47	ADVANCE AUTO PARTS
640.04	ALLIED MOLD & DIE CORP	628.74	AMERICAN INSTITUTIONAL SUPPLY
5797.77	AMERICAN SOLUTIONS FOR BUSINES	165.00	MARK APPLEN
11529.64	AUSTIN MEDICAL CENTER ATTN: CAS	2267.78	AUSTIN PARK & RECREATION
595.96	AUSTIN UTILITIES	258.39	AUTO VALUE AUSTIN
318.95	BACHMAN PRINTING	593.26	BEAR GRAPHICS, INC
1782.24	BERG'S NURSERY	158.92	BEST WESTERN HOTEL NORTH MANKA
179.68	BEST WESTERN KELLY INN ST CLOU	260.00	BJORKLUND COMPENSATION CONSULT
533.96	BOB BARKER COMPANY INC.	429.47	KARLA BOE
924.47	BROCK WHITE CO LLC	7231.00	BUSTAD DOZING AND EXCAVATING I
644.44	CANADIAN PACIFIC RAILWAY COMPA	182.76	CATCO PARTS AND SERVICE
216.93	CCP INDUSTRIES INC	124.41	CHARM-TEX INC
115.70	CHARTER COMMUNICATIONS	112.04	CINTAS FAS LOCKBOX 636525
213.75	CITY CAR WASH INC	339.81	CITY OF AUSTIN
250.00	CLASEN-JORDAN MORTUARY	2047.03	COMMISSIONER OF TRANSPORTATION
114.01	LISA CONWAY	156.44	COOKS DIRECT
3079.00	COURAGE CENTER, INC	318.66	CRAGUN'S
5054.63	CRETEX CONCRETE PRODUCTS MIDWE	10064.61	CROP PRODUCTION SERVICES
1046.31	DALCO	414.30	DASH MEDICAL GLOVES INC.
8000.00	DELOITTE CONSULTING LLP	219.09	DIAMOND RIDGE PRINTING

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

4144.30 DICK PEDERSEN & SON ELECTRIC L	130.00 DILIGENT SERVICE NETWORK
2197.24 DANIEL DONNELLY LAW FIRM	1227.99 DOUBLE K SPECIALTY, INC.
365.51 ENDRES WINDOW CLEANING, INC.	9780.00 ERICKSON ENGINEERING CO., LLC
1624.65 ETTERMAN ENTERPRISES	2958.67 L.R. FALK CONSTRUCTION CO.
12891.90 FALKSTONE LLC	940.00 FOX ELECTRIC COMPANY, INC
325.33 G & K SERVICES	185.29 GILLUND ENTERPRISES
4165.31 HANSON TIRE SERVICE INC.	566.71 HIGH FOREST BOBCAT SERVICE LLC
214.03 IKON FINANCIAL SERVICES	849.11 IKON OFFICE SOLUTIONS
714.23 IMPACT GUNS	848.77 INNOVATIVE OFFICE SOLUTIONS,LL
137.50 INTERCULTURAL MUTUAL	192.38 INTOXIMETERS, INC
4874.93 JONES,HAUGH & SMITH, INC.	115.34 NICK LANE
250.00 EVAN LARSON	188.98 LASER PRODUCT TECHNOLOGIES
117.86 LEXISNEXIS MATTHEW BENDER	266.70 LYNN PEAVEY CO
1149.85 M.D. PRODUCTS, INC	3120.66 M-R SIGN COMPANY, INC.
500.00 MAYER FUNERAL HOME	1132.28 METAL CULVERTS, INC.
647.59 METRO SALES, INC.	431.65 MID-TOWN CAR WASH
517.72 MIDSTATES EQUIPMENT & SUPPLY	250.00 MIDWEST CLINICAL PSYCHOLOGISTS
155.00 MIDWEST DOOR INC	693.00 MINN STATE BAR ASSOCIATION
1224.73 MINNESOTA SUPPLY COMPANY	329.00 MINNESOTA SUPREME COURT ATTY
327.36 MISSISSIPPI WELDERS SUPPLY CO.	630.00 MN DEPT OF LABOR & INDUSTRY FI
2620.96 MN OFFICE OF ENTERPRISE TECHNO	36302.70 MOTOROLA SOLUTIONS INC
208.00 MOWER COUNTY SHOPPER	673.37 NAPA AUTO PARTS
810.60 M.J. O'CONNOR, INC.	114.25 HEIDI OLSON
3056.87 ORBITCOM	4950.41 PARAGON PRINTING & MAILING INC
1440.17 PETROBLEND CORP.	203.37 PLUNKETT'S PEST CONTROL
1068.75 POWERPLAN	2976.99 PRECISION SIGNS
171.66 PRO-BUILD	412.41 PROLINE DIST., INC
335.86 RHOMAR INDUSTRIES, INC.	1218.63 RICHARDSON LAW OFFICE
4804.50 ROAD MACHINERY & SUPPLIES CO.	162.72 ROCHESTER MIDLAND CORPORATION
3183.06 RONCO ENGINEERING SALES, INC.	4896.70 RS EDEN INC
103.60 RUBBER-INC	220.51 RUFFRIDGE-JOHNSON EQUIPMENT CO
180.00 S & S WATERWORKS	1954.20 SCHILLING SUPPLY COMPANY
311.00 DR. SCHMITT	1179.90 SERVICEMASTER CLEAN
163.95 SHERWIN WILLIAMS COMPANY	545.78 SMYTH COMPANIES INC
14598.00 SOUTHLAND ISD # 500	412.74 STROUP DISTRIBUTING, INC.
1023.75 KATHY STUTZMAN	4847.41 DAVE SYVERSON FREIGHTLINER
210.53 TERMINAL SUPPLY CO.	106.88 TRIMBLE'S CYCLE CENTER, INC
3252.81 TURNKEY CORRECTIONS	637.90 UNIFORMS UNLIMITED INC
14206.00 VANGUARD APPRAISALS INC	192.00 VERIFIED CREDENTIALS INC
289.63 WASTE MANAGEMENT OF SO MINNESO	431.62 WEST GROUP
165.82 Y WASTE REMOVAL INC	2714.95 ZIEGLER, INC
36 PAYMENTS LESS THAN \$100	1,607.90
**** FINAL TOTAL.....	\$248,546.99 ****

The Commissioners also reviewed the non-commissioner warrants. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Bennett to eliminate the \$30 change fund (petty cash) in the Recorder's Office and put the funds into operating cash. Motion carried.

Motion by Commissioner Ankeny, seconded by Commissioner Reinartz to deny the Application for Abatement of late fees and penalties of Angela Infante in regard to parcel identification number 30.004.0350 for taxes payable in 2011. The basis for denial is consistency with current policy and practice. Motion carried.

Motion by Commissioner Bennett, seconded by Commissioner Tucker to approve the following tobacco licenses effective July 1, 2011 through June 30, 2012:

BP Food Shop
Freeborn County Coop Oil

Geo Travel Plaza LLC
Austin Windows & Windrift Lounge
City Service
K & H Cooperative Oil Company

Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to approve the following liquor/beer/wine licenses effective July 1, 2011 through June 30, 2012:

St. Johns Catholic Church	Temporary 3.2 On Sale
Cedar River Country Club	Liquor – On Sale and Sunday; Beer – Off Sale
Deer Creek Speedway	Wine; Beer – On/Off Sale
Meadow Greens Golf Course	Beer – On Sale

Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to approve the taxpayer's request to donate the \$2.00 overpayment on taxes due to the mentoring program. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the Law Enforcement District Court Name Change Background Search Agreement effective June 30, 2011. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to approve the two-year grant agreement in the amount of \$10,000 per year with the State of Minnesota for remote electronic alcohol monitoring. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to approve the Sentencing to Service Contract with the Mn Department of Corrections for 2012 and 2013. Motion carried.

There is a petition to establish a drainage ditch between Mower County and Dodge County. It is recommended that a Joint Judicial Ditch Board be formed and appoint legal counsel to review the petition.

Motion made by Commissioner Tucker, seconded by Commissioner Bennett to appoint Kurt Deter, Rinke Noonan, to represent Mower County concerning the .petition for a joint Dodge/Mower County judicial ditch. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Ankeny to appoint Commissioner Tucker, Commissioner Gabrielson and Commissioner Reinartz to be the Mower County representatives on the Dodge/Mower Joint Judicial Ditch Board Motion carried.

The Board discussed a request to approve a one-year lease extension with the United States Postal Service for the Lansing Post Office location. The tax-forfeited property was sold at Auction on June 6 and the Post Office is willing to accept an assignment of lease from

Mower County to the new owner when the new owner receives the deed. Mower County Attorney, Kristen Nelsen, advised against entering into this lease with the Postal Service.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to table the decision to enter into a one-year lease extension with the US Postal Service for the Lansing Post Office location to June 14, 2011. Motion carried.

Motion by Commissioner Ankeny, seconded by Commissioner Bennett to adjourn the meeting at 3:25 p.m. until June 14, 2011 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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