

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

September 6, 2011

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session September 6, 2011 at 1:00 p.m. at the Government Center in Austin, Minnesota.

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

The Clerk of the Board called for nominations to elect a temporary chair as the current chair and vice-chair are absent from today's meeting.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett to nominate Ray Tucker as temporary board chair for September 6, 2011. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to allow the Public Works Director to secure temporary clerical help until the new Administrative Assistant begins work in the department. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to authorize the Human Resources Director to submit the application for group insurance to Sun Life for Short-Term Disability coverage effective October 1, 2011 and to remit the required first month premium of \$4,287 which is refundable in the event Sun Life rejects the application to provide coverage. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to allow the Human Resource Director to authorize the accrual of compensatory time as needed in the Human Service department with the requirement that the total compensatory bank for each employee is brought below the limit established in personnel Policy D275 by December 31, 2011. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to approve a partially unpaid medical leave of absence from October 7 to October 23, 2011 for a Human Services employee who is not covered under Family Medical Leave provision. Motion carried.

A Public Hearing was held in regard to amending the Mower County Zoning Ordinance for Sections 14-22 through 14-27. Angie Knish, Environmental Services,

reviewed the recommendation of the Planning Commission for changes to Sections 14-22 through 14-27 of the current Zoning Ordinance to reflect changes to the State statute in these provisions. No one spoke for against amending the zoning ordinance.

**Date: September 6, 2011**

**Ordinance #01-11**

**Ordinance  
Zoning Ordinance Amendment**

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Ordinance amendment was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2011, at the Government Center, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending sections of the Mower County Zoning Ordinance was published in the Austin Post Bulletin on August 16, 2011, the LeRoy Independent on August 11, 2011, and the Meadow Area News on August 10, 2011, and

**WHEREAS**, the Planning Commission held a public hearing on said amendments on August 30, 2011, and;

**WHEREAS**, the Mower County Planning Commission recommended by a majority vote to amend the Mower County Zoning Ordinance;

**BE IT ORDAINED** that Division 5. Board of Adjustment, Section 14-23. Powers paragraph (b) of the Mower County Zoning Ordinance is amended as follows:

*(b) The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.*

**BE IT ORDAINED** that Division 5. Board of Adjustment, Section 14-25. Notification and Public Hearings (f) of the Mower County Zoning Ordinance is amended as follows:

*(f) A violation of the variance as granted or of any condition set forth in granting a variance shall be in violation of this Ordinance and automatically terminates the variance.*

Passed and approved this 6th day of September, 2011.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to amending the Mower County Zoning Ordinance for Section 14-51. Angie Knish, Environmental Services, reviewed the recommendation of the Planning Commission for changes to Section 14-51 of the current Zoning Ordinance to allow family farm wineries that qualify pursuant to MS 340A.15. No one spoke for against amending the zoning ordinance.

**Date: September 6, 2011**

**Ordinance #02-11**

**Ordinance  
Zoning Ordinance Amendment**

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Ordinance amendment was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2011, at the Government Center, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending sections of the Mower County Zoning Ordinance was published in the Austin Post Bulletin on August 16, 2011, the LeRoy Independent on August 11, 2011, and the Meadow Area News on August 10, 2011, and

**WHEREAS**, the Planning Commission held a public hearing on said amendments on August 30, 2011, and;

**WHEREAS**, the Mower County Planning Commission recommended by a majority vote to amend the Mower County Zoning Ordinance;

**BE IT ORDAINED** that Division 2. "A" Agricultural District, Section 14-51, Conditional Uses, (dd) of the Mower County Zoning Ordinance is amended as follows:

*(dd) Family farm wineries that qualify pursuant to Minnesota Statute §340A.15 may operate a restaurant as part of the family farm winery. Such restaurant must be appropriately licensed by the Minnesota Department of Health and obtain all proper Conditional Use Permits for such operation.*

Passed and approved this 6th day of September, 2011.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to amending the Mower County Zoning Ordinance for front and side yard setbacks in the Rural Service District. Angie Knish, Environmental Services, reviewed the recommendation of the Planning Commission for changes regarding the setbacks. No one spoke for against amending the zoning ordinance.

**Date: September 6, 2011**

**Ordinance #03-11**

**Ordinance  
Zoning Ordinance Amendment**

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Ordinance amendment was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2011, at the Government Center, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending sections of the Mower County Zoning Ordinance was published in the Austin Post Bulletin on August 16, 2011, the LeRoy Independent on August 11, 2011, and the Meadow Area News on August 10, 2011, and

**WHEREAS**, the Planning Commission held a public hearing on said amendments on August 30, 2011, and;

**WHEREAS**, the Mower County Planning Commission recommended by a majority vote to amend the Mower County Zoning Ordinance;

**BE IT ORDAINED** that Division 10. "RC" Rural Service District, Section 14-103.4, Lot Size, Width, yard and Height Requirements, para (1)(a) and (2)(a) & (b) of the Mower County Zoning Ordinance is amended as follows:

- (1) (a) *There shall be a minimum setback of twenty-five (25) feet from the right-of-way line of any public road or privately dedicated 66-foot wide utility and driveway easement.*
- (2) (a) *There shall be a side yard width of not less than five (5) feet on each side of the building.*  
(b) *Rear yard setback for all buildings shall not be less than twenty (20) feet.*

Passed and approved this 6th day of September, 2011.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to amending the Mower County Zoning Ordinance to allow for Accessory Dwelling Units. Amendment proposal permitted use Ag District, Rural Management, Conditional Use Urban Expansion, R-1, and Rural Service Center Districts. Angie Knish, Environmental Services, reviewed the recommendation of the Planning Commission to deny this proposed amendment. No one spoke for against this amendment.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett to reject the proposal for accessory dwelling units in Ag District, Rural Management, Conditional Use Urban Expansion, R-1, and Rural Service Center Districts and to maintain the current ordinance language on Accessory Dwelling Units. Motion carried.

A Public Hearing was held in regard to amending the Mower County Zoning Ordinance to correct typographical errors. Angie Knish indicated that the Planning Commission recommends the corrections. No one spoke for against amending the zoning ordinance.

**Date: September 6, 2011**

**Ordinance #04-11**

**Ordinance  
Zoning Ordinance Amendment**

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Ordinance amendment was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2011, at the Government Center, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending sections of the Mower County Zoning Ordinance was published in the Austin Post Bulletin on August 16, 2011, the LeRoy Independent on August 11, 2011, and the Meadow Area News on August 10, 2011, and

**WHEREAS**, the Planning Commission held a public hearing on said amendments on August 30, 2011, and;

**WHEREAS**, the Mower County Planning Commission recommended by a majority vote to amend the Mower County Zoning Ordinance;

**BE IT ORDAINED** that all portions of the zoning ordinance be amended to correct typographical errors.

Passed and approved this 6th day of September, 2011.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Bennett to award the bid on SP 50-529-010. Motion failed for lack of a second.

Lonnie Wendt, Supervisor of Pleasant Valley Township requested the Board to consider adding a rural recycling center at the Pleasant Valley town hall. This matter was referred to the Solid Waste Committee.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to approve the minutes of August 9, 2011 and August 23, 2011. Motion carried.

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
135.00	A.C.S. INC.	4305.00	AAA STRIPING SERVICE COMPANY
268.50	ALBERT LEA TRIBUNE	136.60	AMERICAN INSTITUTIONAL SUPPLY
135.00	GARY APPLEN	313.63	AUTO VALUE AUSTIN
281.88	BACHMAN PRINTING	302.19	BOB BARKER COMPANY INC.
1739.55	CARDINAL HEALTH	928.99	CARDMEMBER SERVICE
2209.91	CHARTER COMMUNICATIONS	63194.69	COMMISSIONER OF TRANSPORTATION
482.10	DALCO	119.80	DASH MEDICAL GLOVES INC.
10500.00	DELOITTE CONSULTING LLP	993.94	DEXTER LP, INC
300.00	DILIGENT SERVICE NETWORK	4721.07	DANIEL DONNELLY LAW FIRM
448.07	ETTERMAN ENTERPRISES	750.00	EXPRESS SERVICES INC
187.91	FIRST PLACE MOTORS	139408.89	FLINT HILLS RESOURCES, LP
102.38	G & K SERVICES	796.82	HANSON TIRE SERVICE INC.

**COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA**

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1355.31 HARTY MECHANICAL INC	150.00 HEALTH CARE EDUCATION AND TRAI
1059.49 HIGH FOREST BOBCAT SERVICE LLC	484.00 HOVERSTEN,JOHNSON,BECKMANN & H
685.94 IKON OFFICE SOLUTIONS	187.10 INNOVATIVE OFFICE SOLUTIONS,LL
230.85 JLS DISTRIBUTING, INC	195.00 JONES,HAUGH & SMITH, INC.
811.50 KRUEGER TRANSPORTATION	2079.20 LHB INC
150.00 MACFO	1414.73 MADISON NATIONAL LIFE
2299.00 MANATRON INC	3331.00 MAYO CLINIC HEALTH SYSTEM-AUST
3251.25 MELCHERT HUBERT SJODIN	792.89 METRO SALES, INC.
2525.00 MIDWEST CLINICAL PSYCHOLOGISTS	111.00 MINNESOTA SHREDDING LLC
329.00 MINNESOTA SUPREME COURT ATTY	11653.55 MINNOWA CONSTRUCTION, INC.
12930.78 MOTOROLA SOLUTIONS INC	1762.90 NAPA AUTO PARTS
297.50 NICOL & GREENLEY LTD	279.00 NORTH ATLANTIC EXTRADITION SER
9000.00 NORTHERN COUNTRY COOP	2589.75 NORTHERN ESCROW, INC
111.00 NUTRITION MATTERS	1279.49 PETROBLEND CORP.
3068.47 PLUNKETT & ASSOCIATES INC	188.70 POST BULLETIN COMPANY LLC
949.64 POWERPLAN	247.50 LAURA RAMIREZ
3561.59 RATWIK,ROSZAK & MALONEY,ATTY	160.96 REDNECK, INC
1670.55 REGENTS OF THE UNIVERSITY OF M	166.00 RICHARDSON LAW OFFICE
449.00 RIVERLAND COMMUNITY COLLEGE-AL	137.48 RIVERPORT INN & SUITES
161.74 ROAD MACHINERY & SUPPLIES CO.	294.02 ROCHESTER SAND AND GRAVEL, INC
131.41 RONCO ENGINEERING SALES, INC.	190.08 ROSEVILLE MIDWAY FORD
171.01 RUBBER-INC	157.50 CAROLINA SALAZAR
953.96 SCHILLING SUPPLY COMPANY	315.00 DR. SCHMITT
912.00 SCHOOL DISTRICT 492	4287.00 SUN LIFE ASSURANCE COMPANY OF
824.21 DAVE SYVERSON FREIGHTLINER	16895.28 TOWMASTER TRUCK EQUIPMENT
3182.21 TURNKEY CORRECTIONS	543.49 WASTE MANAGEMENT OF WI-MN
250.00 WORLEIN FUNERAL HOME	165.82 Y WASTE REMOVAL INC
420.90 ZIEGLER, INC	
37 PAYMENTS LESS THAN \$100	2,853.69
**** FINAL TOTAL.....	\$337,417.36 ****

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

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett to approve the quote for an annual maintenance agreement with UHL for mechanical control systems for the Government Center and Justice Center for \$5,440.00. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to approve the application of Deer Creek Speedway, LLC for a fireworks/pyrotechnic special effects display on September 24, 2011 with an alternate rain date of September 25, 2011. Motion carried.

**Date: September 6, 2011**

**Res. #47-11**

**RESOLUTION**

**APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENT WITH  
THE COUNTY OF MOWER ON BEHALF OF ITS COUNTY ATTORNEY**

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 September 6, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, the County of Mower on behalf of its County Attorney desires to enter into a Joint Powers Agreement with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice

data communications network for which the County is eligible. The Joint Powers Agreements further provide the County with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the County Board Mower, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Mower on behalf of its County Attorney are hereby approved.
2. That the County Attorney, Kristen Nelsen, or her successor, is designated the Authorized Representative for the County Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.

To assist the Authorized Representative and the administration of the agreement, the Chief Deputy County Attorney is appointed as the Authorized Representative's designee.

3. That Tim Gabrielson, the Chair of the County of Mower, and Craig Oscarson, The County Board Clerk, are authorized to sign the State of Minnesota Joints Powers Agreements.

Passed and approved this 6<sup>th</sup> day of September, 2011.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Bennett, seconded by Commissioner Reinartz to adjourn the meeting at 2:55 p.m. until September 13, 2011 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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



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