

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

November 1, 2011

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session November 1, 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

Marlys Sorlie, Dispatch Supervisor, was recognized for retirement from Mower County with 36 years service.

Motion made by Commissioner Tucker, seconded by Commissioner Ankeny to approve the permit for a tile outlet of John Larick in Red Rock Township. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to establish a sliding fee scale for a Domestic Abuse Intervention Program Fee in the Department of Corrections. The fee ranges from \$5 to \$20 per class based on the participant's means. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny to accept a \$50.00 donation from Sheriff Amazi / American Association of University Women for the mentoring program. Motion carried.

A Public Hearing was held in regard to CUP #776 of PNE/RS LLC to install a 60-meter meteorological tower in Section 21, Waltham Township.

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

The Petitioner was not present. No one spoke for or against CUP #776.

**Date: November 1, 2011**

**Res. #64-11**

**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 November 1, 2011 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #776 of PNE/RS LLC, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

The installation of a 60-meter meteorological tower

Location: Located on a 56 parcel, located in Section 21, Waltham Township (T104N-R17W), and legally described as: NW1/4 of NW1/4, T104N, R17W, Mower County, Minnesota, Mower County, Minnesota on a parcel identified per tax records as 19.021.0071

Notice having been duly given, a public hearing was held on October 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 November 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. Secure the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
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 an aviation ball centered, 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.

This permit is in accordance with 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 1<sup>st</sup> day of November, 2011.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #777 of Lance Pogones, d/b/a Turtle Creek Estates, Inc., to Amend CUP #675, recorded 6/13/1005 (Doc. No. A00540402) to allow for one parcel, PIN #02.890.0050, to have a separate and non-community septic system in Section 5, Austin Township.

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

The landowner Jake Nelson was present and spoke in favor of CUP #777. No one spoke against CUP #777.

**Date: November 1, 2011**

**Res. #65-11**

**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 November 1, 2011 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #777 of Lance Pogones d/b/a Turtle Creek Estates, Inc., Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To Amend CUP #675, recorded 6/13/1005 (Doc. No. A00540402) to allow for one parcel, PIN #02.890.0050, to have a separate and non-community septic system

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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Location: Located on a 1.18 parcel, located in Section 5, Austin Township (T102N-R18W), and legally described as: Lot 5, Block 1 Wildwood Estates, Mower County, Minnesota on a parcel identified per tax records as 028900050

Notice having been duly given, a public hearing was held on October 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 November 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. This conditional Use Permit shall lapse, and shall be no longer valid if not used/utilized within one year of date granted; for non-use; and
2. 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 the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1<sup>st</sup> day of November, 2011.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the minutes of October 25, 2011. Motion carried.

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
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COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

147.54 AUTOZONE, INC.	125.00 BJORKLUND COMPENSATION CONSULT
217.35 BOB BARKER COMPANY INC.	115.19 KARLA BOE
164.00 DONALD CALKINS	2490.76 DANIEL DONNELLY LAW FIRM
1793.58 ELECTION SYSTEMS & SOFTWARE, I	519.84 EMERGENCY AUTOMOTIVE TECHNOLOG
140.00 FOX ELECTRIC COMPANY, INC	130.00 FREEBORN COUNTY
1021.16 HARTY MECHANICAL INC	441.73 INNOVATIVE OFFICE SOLUTIONS,LL
192.38 INTOXIMETERS, INC	282.24 JARLA JOHNSON
111.09 LINDA JOHNSON	
418.25 KRUEGER TRANSPORTATION	202.50 EVAN LARSON LAW OFFICE
203.17 JENNIFER LLOYD	128.09 MARY MANGSKAU
490.00 MAYO CLINIC HEALTH SYSTEM-AUST	200.94 METRO SALES, INC.
172.33 MIDTOWN TOWING	266.67 MINNESOTA HUMAN SERVICES
111.00 MINNESOTA SHREDDING LLC	218.55 MINNESOTA SUPPLY COMPANY
28917.00 MN DEPARTMENT OF CORRECTIONS	14732.98 MOWER COUNTY SOIL & WATER CONS
615.00 OLYMPIC FIRE PROTECTION CORP	273.70 RICHARD PETERSON
370.00 PLUNKETT & ASSOCIATES INC	
300.00 RISK & NEEDS ASSESSMENTS	
190.00 CAROLINA SALAZAR	208.00 DR. SCHMITT
120.00 MNJIS STATE OF MINN	1068.75 STEAM BROTHERS CLARKS GROVE
1399.20 TINY'S BODY SHOP	147.50 UNIFORMS UNLIMITED INC
38016.00 VANGUARD APPRAISALS INC	240.00 JILL WEDEKING
250.00 WORLEIN FUNERAL HOME	172.96 Y WASTE REMOVAL INC
25 PAYMENTS LESS THAN \$100	1,021.51
**** FINAL TOTAL.....	\$98,345.96 ****

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Reinartz to approve the following final payments for the Justice Center:

R & S Casework	\$ 31,193.05
Rochester Sand & Gravel	\$ 1,344.95
Knutson Construction	\$ 4,053.00

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to amend the October 25, 2011 board motion accepting the retirement of a Deputy effective January 4, 2012 to a new effective date of January 31, 2012. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to accept the Phased Retirement request of Ruth Schmidt to work up to 600 total hours on an as needed basis and the t Phased Retirement request of Mary Lang to work up to 520 total hours on an as needed basis in 2012. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to adjust the currently vacant .75 FTE part-time dispatcher position to a vacant .5 FTE part-time position and authorize the Human Resource Director to fill the .5 FTE part-time dispatcher position according to union contract and personnel policies. Motion carried.

Commissioner Ankeny on behalf of the Personnel Committee reported that under federal law, employees who have separated from the County have 18 months to continue health insurance under the County's plan if they pay the full plan cost. The Board has previously elected to charge an additional 2 percent administration fee, as allowable under the Department of Labor, for administering the continuation for these 18 months. In the event that an employee is determined disabled by the Social Security Administration for the

entire 18 month COBRA period, he or she qualifies for an 11 month COBRA extension during which time the employer can charge up to 150 percent for continuation.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to set the continuation rate for employees who qualify under the COBRA disability extension at 150 percent of the total plan cost, as allowable under the Department of Labor Guidelines. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to amend the sellback provisions in Section D110 Vacation Policy and Section D115 Paid Time Off policies for the 2011 PTO sellback so that they are consistent with the provisions of the negotiated contracts to allow staff to sell back up to 25 percent of their available PTO or vacation balance with minimum sellback of 10 hours. Motion carried.

There was a discussion on hiring Lawco to perform a workflow analysis of various financial processes in order to insure efficiencies, accountability and internal controls. Staff reductions and/or adjustments within the financial functions may be a possibility. It is estimated that the study would take approximately nine weeks and cost from \$42,500 to \$47,000.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to enter into an agreement with Lawco to perform a workflow analysis of the financial functions of Mower County. Motion carried 4-1. Commissioner Reinartz voted nay.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to discontinue the Post Retirement Health Care Savings Plan contributions of exempt employees effective November 1, 2011. Motion carried.

A couple of citizens of Mower County questioned the Board concerning the services provided by Human Services and the plans to relocate Health and Human Services to the Government Center.

David Bierne appealed to the board for an abatement of taxes due to an error in reporting the square footage of his portion of a building. A discussion followed. No action was taken at this time.

The Building Committee reported on the Law Enforcement Center and Health and Human Services Remodel discussions that was held the previous meeting for the commissioner(s) that were absent at that meeting. The Finance Committee is to provide a possible funding report and Commissioner Tucker indicated that the report is not yet ready.

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to direct the Building Committee and staff to proceed with obtaining architect quotes for a Law Enforcement Center and Health and Human Services remodel project. It was noted that city representatives will be invited to participate in the interview process in selecting an architect since the LEC is shared with the City of Austin. Motion carried.

Motion by Commissioner Ankeny, seconded by Commissioner Tucker to adjourn the meeting at 3:18 p.m. until November 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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