

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

November 22, 2011

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session November 22, 2011 at 8:30 a.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

Human Services Board:

Overview of director's report.

Commissioner Ankeny moved and Commissioner Bennett seconded to approve an additional 40 hours of work in 2011 for Christina Lund, Social Worker. Motion carried.

Commissioner Reinartz moved and Commissioner Tucker seconded to approve the Director's involvement in VCA Formula Workgroup if appointed by MACSSA. Motion carried

Commissioner Tucker moved and Commissioner Ankeny seconded to approve the revised Emergency Assistance Policy. Motion carried.

Commissioner Ankeny moved and Commissioner Reinartz seconded to approve authorizing the Chair and the Director to sign a Purchase of Service Agreement for Gerard Academy with a daily rate increases from \$219.64 to \$228.26 for residential and \$229.64 to \$238.26 for 45-day assessments but the shelter cost remains at \$170 effective January 1, 2012 to December 31, 2012. Motion carried.

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

- a. Austin Medical Center – renew contract for Chemical Use Assessments, effective January 1, 2012 to December 31, 2012.
- b. Austin Medical Center – renew contract for Consolidated Chemical Dependency Treatment Fund, effective January 1, 2012 to December 31, 2012. :
- c. Cultural Behavior Health Services, LLC (Lee Chang) – renew contract for Mental Health Services, effective January 1, 2012 to December 31, 2012. :
- d. Carlton & Gina Frank – renew contract for Chemical Use Assessments, effective January 1, 2012 to December 31, 2012. :

- e. Kathy Howard – renew contract for Guardianship Services, effective January 1, 2012 to December 31, 2013. :
- f. Independent Management Services of Minnesota, Inc. (Steve Thorson) – renew contract for Home & Community Based Waiver Services, effective July 1, 2011 to June 30, 2013. :
- g. Jenny Kruse Music Therapy, LLC – renew contract for Home & Community Based Waiver Services, effective July 1, 2011 to June 30, 2013.
- h. Trisha Nerison - renew contract for Guardianship Services, effective January 1, 2012 to December 31, 2013.
- i. Quality Case Management (Gary Corcoran) – renew contract for Case Management Services, effective January 1, 2012 to December 31, 2012.
- j. Regency Home Healthcare Services, LLC – renew contract for Home & Community Based Waiver Services, effective July 1, 2011 to June 30, 2013.
- k. LuAnn Stroup – renew contract for Guardianship Services, effective January 1, 2012 to December 31, 2013.
- l. Barb Tindal – renew contract for Multiple Guardianship Services, effective January 1, 2012 to December 31, 2013.
- m. Wapiti Meadows Community Technologies & Services – renew contract for MFIP & DWP Services, effective January 1, 2012 to December 31, 2012.
- n. Susan Rockers-Wittkopp – renew contract for Mental Health & Case Management Services, effective January 1, 2012 to December 31, 2012.

Motion carried.

Commissioner Reinartz moved and Commissioner Tucker 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: November 22, 2011

Res. #66-11

RESOLUTION

On motion of Commissioner Bennett, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 22, 2011 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 November 1, 2011 through November 30, 2011 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 November 2011 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 November 2011 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: Mike Ankeny aye, Tony Bennett aye, Tim Gabrielson aye, Jerry Reinartz aye, and Ray Tucker aye. Passed and approved this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: November 22, 2011

Res. #67-11

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 22, 2011 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 November 1, 2011 through November 30, 2011 are hereby approved.

BE IT FURTHER RESOLVED, That all assistance payments issued during the month of November 2011 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 November 2011 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 November 2011 as listed on the Report of Refunds and Cancellation, are hereby acknowledged as received.

The Commissioners voted as follows: Mike Ankeny aye, Tony Bennett aye, Tim Gabrielson aye, Jerry Reinartz aye, and Ray Tucker aye. Passed and approved this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Ankeny, seconded by Commissioner Tucker to adjourn the Humans Services Board meeting at 9:35 a.m. Motion carried.

COUNTY BOARD

The Special Session of the Board was reconvened at 9:45 a.m. for regular business items.

Craig Oscarson, County Coordinator, provided the Board with an update from the Redesign Committee. Additional funds are being received in support of the initiative to research the potential to regionalize services provided by Health & Human Services.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to approve the "Child and Teen Check-Ups Administrative Services Contract" between the Minnesota Department of Human Services and Mower county community Health Services effective January 1, 2012 through December 31, 2014. Motion carried.

Date: November 22, 2011

Res. #68-11

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 November 22, 2011 at the Government Center, Austin, Minnesota.

BE IT RESOLVED That effective November 22, 2011 Mower County Board of Commissioners (Mower County Community Health Board) hereby appoints and authorizes Lisa L. Kocer, Interim Director of Mower County Community Health Services, to act and bind the Mower County Community Health Board for the following purposes:

- a. To serve as the Board's agent according to Minnesota Statute 145A.04, Subd. 2, in communicating with the Commissioner of Health between Board meetings, including receiving information from the commissioner and disseminating that information to the Board, as well as providing information to the Commissioner on the Board's behalf.
- b. To sign and submit to the Commissioner the required written components of the Local Public health Grant including identification of local priorities, progress reports and budgets according to Minnesota Statute 145A.10, Subd. 5a.
- c. To submit grant applications, sign and execute contracts on behalf of the Board for funding opportunities administered by the Department of Health and other entities.

Passed and approved this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to apply for funding for the Minnesota Maternal, Infant & Early Childhood Home Visiting Program (MIECHV). Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to approve the minutes of November 1 and November 8, 2011. Motion carried.

Date: November 22, 2011

Res. #69-11

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 22, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, in order to preserve tax forfeited property and to insure against claims or injuries to the people that maintain, repair or view the premises, there is a need for the county to seize the abandoned personal property and dispose of it as authorized in Minnesota Statutes 504B.271.

WHEREAS, the County Board was informed after inspection of the premises by the Auditor-Treasurer that there exists personal property, debris and garbage. Upon the expiration of 28 days, the personal property is considered abandoned and the Auditor-Treasurer will dispose of or sell it upon notification of the owner. The following premises contain abandoned personal property, debris and garbage.

<u>Date of Forfeiture Certificate</u>	<u>Parcel Number</u>	<u>Legal Description</u>
November 17, 2011	27.006.0520	Commencing 575 feet West of the center of Section 36, Township 101, North of Range 18, West, running thence 297 feet North, thence West 95 feet, thence South 297 feet, thence East 95 feet, to the place of beginning, in Mower County, Minnesota, being the West Half of Outlot 39 in the Plat of Outlots in Section 36, Township 101, Range 18 West.
November 17, 2011	34.050.0300	Lot 10, Block 3, Herman Baudler Addition to the City of Austin, Mower County, Minnesota.
November 17, 2011	34.100.0420	Lot 10, Block 5, Bolcom's Addition to the City of Austin, Mower County, Minnesota, except the West 45 feet thereof, according to the Plat thereof on file and of Record in the Office of the Mower County Recorder.
November 17, 2011	34.280.0120	The East Half of Lot 7 in Galloway's Re-Arrangement of Outlot 4, in the Southwest Quarter of the Southwest Quarter of Section 3, Township 102 North, Range 18 West, Mower County, Minnesota.
November 17, 2011	34.560.0290	North 52.5 feet of Lot 12, Block 3, Orchard Park Addition to the City of Austin.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

November 17, 2011	34.570.0150	Lot 2, Block 6, Palmer's Addition to the City of Austin, Minnesota.
November 17, 2011	34.786.0010	Lot 1, Block 1, Westridge Estates, a Replat of Block 2, Pine Manor Addition to the City of Austin.
November 17, 2011	34.795.4680	Lot 2, Block 40, Yates & Lewis Addition to the City of Austin, except the West 36 feet thereof, Mower County, Minnesota.

NOW THEREFORE, BE IT RESOLVED: That the Auditor-Treasurer is directed to dispose of the abandoned personal property, debris and garbage in accordance with Minnesota Statutes 504B.271, and to put up for public sale any items that is salvageable, the he may be determine to offset the costs of caring for, removal and storage of such property.

Passed and approved this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: November 22, 2011

Res. #70-11

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 22, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, Prior to meeting for the purpose of classifying or reclassifying tax-forfeited lands, the county board must give notice of its intent to meet for that purpose as provided in Minnesota Statutes 282.01, subdivision 1, paragraph C. The notice must be given no more than 90 days and no less than 60 days before the date of the meeting

THEREFORE BE IT RESOLVED That Mower County Board will meet to classify or reclassify 2011 tax forfeited real property on January 24, 2012 at its regularly scheduled board meeting.

Passed and approved this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to accept a \$2,333.33 donation from the United Way for the Domestic Abuse Intervention program. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to accept a \$100 donation from Modern Woodman Fraternal Financial for the mentoring program. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett to approve the Section 125 Cafeteria Flexible Benefits Adoption Agreement and Master Services Agreement reinstating the plan effective January 1, 2011 and authorize the chair and the Human Resource Director to sign the documents. Motion carried.

The Commissioner's set the annual employee's cookie party for December 13, 2011 from 2:00 p.m. to 4:00 p.m. at Public Works.

Date: November 22, 2011

Res. #71-11

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 22, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, on November 22, 2011 the Fraternal Order of Eagles presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the Windrift Lounge, Austin, MN.

BE IT RESOLVED THAT, the Mower County Board of Commissioners do hereby approve the issuance of a Minnesota Lawful Gambling License to the Fraternal Order of Eagles for gambling at the Windrift Lounge, Austin, MN.

Passed and adopted this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
 Clerk/Coordinator

Steve King requested a response for her earlier request for the County to offer a day, or 2, of PTO to one employee who donated to the United Way.

Motion made by Commissioner Tucker to deny the request to award PTO to one donating employee. The motion died for lack of a second.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to approve an award of one day of PTO to one employee who had made a donation to the United Way. Commissioner Bennett aye, Commissioner Reinartz aye, Commissioner Tucker nay, Commissioner Ankeny aye, and Commissioner Gabrielson aye. Motion carried 4-1.

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
128.25	A+ PRINTING	852.50	ACS
3410.20	ADVANCED CORRECTIONAL HEALTHCA	278.92	ALAN AKKERMAN
499.00	AUSTIN DAILY HERALD	125.00	AUSTIN FIRE AND SAFETY
1346.00	AUSTIN SCHOOL DIST 492	1555.00	KENNETH BINKLEY
13834.17	BISHOP EXCAVATING, INC AND	500.00	BJORKLUND COMPENSATION CONSULT
867.80	ROBERT CAPELLE	27499.85	CEDAR VALLEY SERVICES, INC
197.45	CITY CAR WASH INC	148.54	CULLIGAN OF AUSTIN
760.90	DALCO	459.44	DE LAGE LANDEN FINANCIAL SERVI
180.00	DANIEL DONNELLY LAW FIRM	100.00	FOX ELECTRIC COMPANY, INC
126.00	CARLTON FRANK	240.00	GLOBAL PROTECTION CORP
362.76	GRAINGER	219.46	HATLE DRAINAGE & CONSTRUCTION,
236.74	HOLIDAY CARS, INC.	462.71	HORMEL HISTORIC HOME
727.38	IKON OFFICE SOLUTIONS	857.44	INNOVATIVE OFFICE SOLUTIONS,LL
6764.74	IVERSON HAULING	1589.00	LEROY JOHNSON
168.00	KAUS RADIO	355.10	MARY KOLB
258.26	LAB SAFETY SUPPLY, INC	103.58	LANGUAGE LINE SERVICES
4000.00	LARSONALLEN LLP	312.93	LASER PRODUCT TECHNOLOGIES
101.92	LEXISNEXIS MATTHEW BENDER	615.00	MIKE LUNNING
265.00	MACO	1500.00	MASYS CORPORATION
250.00	MAYER FUNERAL HOME	3770.27	MAYO CLINIC -ROCHESTER
2744.35	MAYO CLINIC HEALTH SYSTEM-AUST	2301.75	MELCHERT HUBERT SJODIN
813.24	METRO SALES, INC.	173.14	MINN STATE BAR ASSOCIATION
1300.00	MINNESOTA COUNTY ATTORNEYS ASS	141.87	MINNESOTA ELEVATOR, INC
156.00	MINNESOTA GLOVE & SAFETY	989.00	MOWER COUNTY SHOPPER
150.00	REBECCA NICOL	2065.00	OFFICE OF ENTERPRISE TECHNOLOG
166.71	OLSEN CHAIN & CABLE CO INC	111.89	HEIDI OLSON
104.00	POMP'S TIRE SERVICE, INC	736.10	POST BULLETIN COMPANY LLC
132.36	PRINSCO, INC.	645.30	PROLINE DIST., INC
2426.68	REGNER, INC	430.00	RINKE-NOONAN
180.00	RIVERLAND COMMUNITY COLLEGE-AL	135.79	ROCHESTER FORD-TOYOTA
166.32	ROCHESTER MIDLAND CORPORATION	2031.10	RS EDEN INC
290.00	CAROLINA SALAZAR	786.68	KEITH SAYLES
2045.31	SCHAEFFER MFG CO.	1209.61	SCHILLING SUPPLY COMPANY
896.00	THOMAS SCHNEIDER	159.13	SELLERS LOCK & KEY
1082.18	SEMA EQUIPMENT, INC	116.44	SHERWIN WILLIAMS COMPANY
6007.64	SMYTH COMPANIES INC	893.75	KATHY STUTZMAN

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

1362.66 SWINGSAFE MAILBOX SUPPORTS LLC	1653.06 DAVE SYVERSON FREIGHTLINER
588.00 TCC DISTRIBUTORS INC	3000.00 THE VALUATION GROUP INC
4748.45 THERMO KING SALES & SERVICE, I	57606.70 TOWMASTER TRUCK EQUIPMENT
2775.64 TURNKEY CORRECTIONS	29804.24 ULLAND BROTHERS INC.
822.91 ULVEN'S ACE HARDWARE	389.87 UNIFORMS UNLIMITED INC
682.18 UNITED LABORATORIES	1150.00 UNIVERSITY OF MINNESOTA
593.00 LINDA VAUPEL	1195.45 WASTE MANAGEMENT OF WI-MN
3020.12 WEST PAYMENT CENTER	68208.10 WHITEWATER WIRELESS, INC ROCHESTER
172.96 Y WASTE REMOVAL INC	1328.55 YOUNG'S WELDING, INC.
6236.97 ZIEGLER, INC	336.10 1-800-RADIATOR INC
19 PAYMENTS LESS THAN \$100	664.59
**** FINAL TOTAL.....	\$293,956.20 ****

Motion carried.

The County Coordinator informed the Board that the Hormel Institute had provided the balloon payment plus interest of \$5,100,000 dated December 1, 2011 and the Hormel Institute thanked the County for the loan. The Finance Director will invest the payment.

The Austin Utilities has informed the County that the Ellis water tower will be painted, etc. in the Spring of 2012 and that the radio antennas on the tower will need to be temporarily relocated.

The Board recessed at 10:32 a.m. and reconvened at 11:00 a.m.

The Board continued the public hearing from November 8, 2011 on the complaint of residents of the Cedar River Estates in Udolpho Township to require Udolpho Township to maintain a subdivision road.

The Chair, Commissioner Gabrielson, turned the meeting over to the Vice-Chair, Commissioner Ankeny.

Additional information that had been requested by the Commissioners at the prior meeting was received with a perspective regarding the information from both parties. In addition, a Declaration of Restrictions and Covenants for the Cedar River Estates was recorded with the Mower County Recorder's office and reviewed by the Commissioners. The Commissioners reviewed this information along with the previous testimony based on five factors: 1) The cost of maintenance; 2) the number of dwellings abutting the roadway; 3) the condition of the road; 4) the degree of hardship suffered by the landowners due to the alleged failure of the road maintenance and 5) any other factors.

Date: November 22, 2011

Res. #72-11

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 22, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, on October 25, 2011 the Mower County Board of Commissioners received a complaint pursuant to M.S. 163.16 involving road maintenance in the Plat of Cedar River Estates in Udolpho Township; and

WHEREAS, M.S. 163.16 discusses the issues involving an impassable road; and

WHEREAS, Township of Red Rock v. County of Mower, 311 Minn. 1446, 250 NW2d 827 (1977) further defines MS 163.16 as it relates to impassable roads; and

WHEREAS, the complaint was deemed valid in form and requires the Mower County Board to hold a hearing on said issue, and proper notice was provided to both parties; and

WHEREAS, a hearing was held on November 8, 2011 where testimony from the complainants and the Township was provided; and

WHEREAS, the Mower County board continued the hearing until November 22, 2011 to be able to consider the testimony provided;

THEREFORE, BE IT RESOLVED, that the Mower County Board of Commissioners make the following findings:

1. The Cost of Maintenance.
 - a. The cost estimate by the township to maintain the road is \$4,140.23. No evidence was presented to establish the basis for this amount.
 - b. The petitioners suggested that based on the township approved budget divided by certified miles of 43.6 miles, the cost is closer to \$1,500/mile.
 - c. A document titled "Declaration of Restrictions and Covenants for Cedar River Estates" indicates the property owners are to contribute annually to a fund to maintain the roads in the development. The petitioners stated this document has changed and the fund is not in place. No evidence was presented by petitioner that the Declaration, a document on file with the county recorder, had legally expired or been subject to change.
 - d. The costs of maintenance to meet the "Impassable Road Statute" provisions are less than the cost of the township to regularly maintain a township road as the level of service to meet said statute is less.
 - e. The Board found that the cost of maintaining the road is not significant to either the township or the petitioner.
2. The number of dwellings abutting the roadways.
 - a. The plat contains 26 lots, of which only 4 contain dwellings. Nine of the remaining lots are owned by the petitioners or other parties and are used for private purposes other than housing. The remaining lots are owned by the developer.
 - b. The use of five of these lots is for agricultural purposes and equipment use on the roads is harder on the roads in terms of necessary maintenance.
 - c. The township policy, in part, requires that 60% of the lots in the subdivision must be developed prior to the township assuming the road as a township road and this

standard has not been met. It is further noted the township adopted this policy after the subdivision was approved, and after petitioners made their request for the township to make the roads passable.

- d. The "Declaration" document states that a change in said agreement would occur after 75% of the lots were developed in terms of road maintenance and that maintenance was the owners/developer's responsibility. It was previously noted by the petitioners' attorney that this document has changed and not applicable.
 - e. The road is being used by more than just the current property owners. Usage by additional parties can increase the annual maintenance cost.
 - f. The board agrees that the township's resolution is reasonable in that a higher percentage of the lots being filled with dwellings would weigh in favor of the township being obligated to maintain the roads.
3. The condition of the roads.
- a. Testimony provided by both the petitioner and township indicates the road is passable if properly maintained for spring potholes and winter plowing.
 - b. The County Engineer testified that the roads appear to be underconstructed when comparing the road cross section in the preliminary plat and recent bore testings administered by county staff. This could be a violation of the Conditional Use Permit but is a separate issue as this has no impact in terms of the "Impassable Road" statute.
 - c. The roads are in generally good condition and do not place an undue burden on either party to maintain as passable during winter and spring.
4. The degree of hardship suffered by the landowners because of the alleged failure to open or maintain the roads.
- a. The subdivision is eight years old and was maintained by either the property owners or developer to this point.
 - b. The petitioners' attorney stated the developer initially maintained the roads. The developer ceased maintenance when the sale of vacant lots stopped and the developer decided the costs to continue maintenance was a poor business decision. The property owners have performed maintenance since that time.
 - c. The roads are generally impassable during large snow events if snow removal is discontinued. Minor snow events do not impact the impassability of the roads.
 - d. The degree of hardship suffered by the landowners is minimal due to the relatively low cost to maintain the roads as passable and the general good conditions of the roads. Moreover, hardship is mitigated by the fact that the petitioners have maintained the roads as passable for several years, and the "Declaration of Restrictions and Covenants for Cedar River Estates" on file with the recorder indicates the costs of maintaining the roads as passable will be born by the developer.
5. Other factors considered.
No other comments.

BE IT FURTHER RESOLVED, that based on the findings of fact the Mower County Board rejects the complaint and does not find Udolpho Township in violation of M.S. 163.16 in regard to impassable roads; and

BE IT ALSO FURTHER RESOLVED, that the roads in the plat of Cedar River Estates remain the responsibility of the developer and the subdivision association until such time Udolpho Township assumes maintenance pursuant to the township's approved policy.

Commissioner Bennett nay, Commissioner Reinartz nay, Commissioner Tucker aye, Commissioner Gabrielson aye and Commissioner Ankeny aye. Passed and approved this 22nd day of November, 2011 with a vote of 3-2.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Commissioner Gabrielson resumed the position of chair.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to set the project letting date to December 22, 2011 at 1:00 p.m. at the office of the County Highway Department and awarded at the County Board of Commissioner's meeting for the following County bridge projects:

- SAP 050-599-124 to replace Bridge L5007
- SAP 050-599-125 to replace Bridge L5136

Motion carried.

Date: November 22, 2011

Res. #73-11

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 22, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 50K17; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$76,519.00 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Mower County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Passed and approved this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: November 22, 2011

Res. #74-11

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 22, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 50K18; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$72,476.50 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Mower County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the

bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Passed and approved this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: November 22, 2011

Res. #75-11

RESOLUTION

On motion of Commissioner Tucker, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 22, 2011 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 50K19; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this bridge is available; and

WHEREAS, the amount of the grant has been determined to be \$34,378.00 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Mower County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Passed and approved this 22nd day of November, 2011.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Ankeny, seconded by Commissioner Reinartz to adjourn the meeting at 12:20 p.m. until December 8, 2011 at 1:00 p.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

A

adjourn, 271
adjourn Human Services Board, 259

C

Child and Teen Check-Ups Administrative Services
Contract, 259
cookie party, 263

D

destruction of files, 257
donation
Modern Woodman Fraternal Financial
mentoring program, 263
United Way
Domestic Abuse Intervention program, 263

E

Emergency Assistance Policy amended, 256

H

Hormel Institute
balloon payment received plus interest, 265

M

Minnesota Maternal, Infant & Early Childhood Home
Visiting Program, 260
minutes
11-1-11, 260
11-8-11, 260

P

PTO
1 day award to United Way contributor, 264
Public Hearing continued from 11-8-11
Cedar River Estates complaint against Udolpho
Township concerning road maintenance, 265
Purchase of Service Agreement
Gerard Academy with rate increase, 256
Purchase of Service Agreements
Case Mgmt Services
Quality Case Management (Gary Corcoran), 257
Chemical Use Assessments
Austin Medical Center, 256
Carlton & Gina Frank, 256
Consolidated Chemical Dependency Treatment
Austin Medical Center, 256
Guardianship Services
Kathy Howard, 257

LuAnn Stroup, 257
Trisha Nerison, 257
Home & Community Based Waiver Services
Independent Mgmt Services of MN, 257
Jenny Kruse Music Therapy, 257
Regency Home Healthcare, 257
Mental Health & Case Mgmt
Susan Rockers-Wittkopp, 257
Mental Health Services
Cultural Behavior Health Services (Lee Chang),
256
MFIP & DWP Wapiti Meadows Community
Technologies & Services, 257
Multiple Guardianship Services
Barb Tindal, 257

R

Res. #66-11 Social Service cases, 257
Res. #67-11 Income Maintenance cases, 258
Res. #68-11
Interim Appointment Lisa Kocer Director of
Community Health Services, 260
Res. #69-11
tax forfeited property
disposal and/or sale of abandoned personal
property, 261
Res. #70-11 reclassify tax forfeited property on 1-24-12,
262
Res. #71-11
gambling permit
Eagles-Windrift, 263
Res. #72-11 Citizen Complaint against Udolpho
Township regarding road maintenance rejected, 265
Res. #73-11 Bridge funding Bridge No. 50K17, 268
Res. #74-11 Bridge funding Bridge No. 50K18, 269
Res. #75-11 Bridge funding Bridge No. 50K19, 270

S

Section 125 Cafeteria Flexible Benefits agreements, 263
set letting date
12-22-11
SAP 50-601-030 Bridge 50K19, 268
SAP 50-607-034 Bridge 50K17, 268
SAP 50-608-025 Bridge 50K18, 268
Social Worker
Add'l 40 hours for 2011 approved, 256

V

VCA Formula Workgroup
Human Service Director involvement approved, 256

W

warrants
Commissioner, 264