

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

April 3, 2012

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session April 3, 2012 at 1:00 p.m. at the Government Center in Austin, Minnesota.

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

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to approve a change in the Victim/Witness Coordinator job description to enhance the minimum experience requirement from "no job experience" to "at least one year of customer-service oriented experience." Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to approve an extension of an unpaid leave of absence request received on March 30, 2012 and on file in the office of Human Resources for a Financial Worker through April 21, 2012. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to authorize the Human Resources Director to hire temporary, non-benefited summer highway help at a rate of \$10.00 per hour within 2012 budget parameters. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to allow a part-time dispatcher to temporarily work additional hours to complete new hire training and to fill-in for dispatchers currently out on medical leave to help alleviate overtime and maintain minimum dispatch staffing ratios. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to amend the March 6, 2012 motion that allows a part-time employee in the Child Support unit to temporarily work up to an additional ten hours per week until the vacancy in the department is filled by amending the motion to extend the duration of this temporary work to until the new unit employee is trained but not beyond June 30, 2012. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to approve the minutes of March 20, 2012. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
130.88	ADVANCE AUTO PARTS	7836.14	ADVANCED CORRECTIONAL HEALTHCA
315.81	ALLIANT ENERGY	340.00	AMERICAN TEST CENTER, INC
11056.61	ANOKA CO JUVENILE CENTER	400.00	ASSOCIATED PSYCHOLOGICAL SERVI
675.00	ASSOCIATION OF MN COUNTIES	171.91	AUSTIN BUILDERS SUPPLY, INC
246.92	AUSTIN ELECTRIC INC.	25569.92	AUSTIN UTILITIES
706.02	AUTO VALUE AUSTIN	5202.90	BAUDOIN OIL COMPANY
780.00	BJORKLUND COMPENSATION CONSULT	309.25	BOUND TREE MEDICAL LLC
102.60	BROCK WHITE CO LLC	637.48	CARDINAL HEALTH
151.95	CCP INDUSTRIES INC	133.25	ALETA CHRISTOPHERSON
410.49	CONTINENTAL RESEARCH CORP.	361.48	COUNTRY INN & SUITES
744.97	DALCO	160.31	DAMEL CORPORATION
120.00	DILIGENT SERVICE NETWORK	2605.17	DANIEL DONNELLY LAW FIRM
738.61	EMERGENCY AUTOMOTIVE TECHNOLOG	159.99	FIRESTONE
204.44	CARLTON FRANK	219.19	G & K SERVICES
1528.30	GOLD CROSS AMBULANCE SERVICE	110.00	GOVERNMENTJOBS.COM
422.80	GRAINGER	165.43	DOUG GROH
314.47	HAMPTON INN	1087.97	HANSON TIRE SERVICE INC.
2511.77	HARTY MECHANICAL INC	1752.20	HIGH FOREST BOBCAT SERVICE LLC
491.03	HOLIDAY FORD, LINC, MERC	240.24	CONVEYORS, HOSE
1034.80	IDEACOM MID-AMERICA INC	180.57	IKON OFFICE SOLUTIONS
1411.40	INNOVATIVE OFFICE SOLUTIONS,LL	512.05	JONES AND MAGNUS
4927.16	JONES,HAUGH & SMITH, INC.	354.51	KIKER BROS., INC
432.00	KRUEGER TRANSPORTATION	630.00	EVAN LARSON LAW OFFICE
1851.62	LASER PRODUCT TECHNOLOGIES	3759.87	LHB INC
242.21	LOCATORS & SUPPLIES, INC	271.46	M-R SIGN COMPANY, INC.
839.27	MANPOWER	280.00	MARK'S ELECTRONICS
370.00	MINNESOTA ASSOC COUNTY ADMIN.	200.00	MINNESOTA COUNTY RECORDERS ASS
275.00	MINNESOTA SAFETY COUNCIL	140.00	MINNESOTA SHERIFF ASSOCIATION
213.76	MOREM AGRI-LAWN	300.00	REBECCA NICOL
175.00	NORTHEAST WI TECHNICAL COLLEGE	376.48	NORTHLAND FIRE & SECURITY
6105.00	OLMSTED COUNTY COMMUNITY SERVI	300.00	PARAMED OF ROCHESTER LLC
28475.94	PETROLEUM TRADERS CORPORATION	260.00	POMP'S TIRE SERVICE, INC
239.06	PRO-BUILD	129.75	PROLINE DIST INC
1122.00	RATWIK,ROSZAK & MALONEY,ATTY	19307.05	ROCHESTER SAND AND GRAVEL, INC
41635.81	RUD EXCAVATING INC	160.00	CAROLINA SALAZAR
4217.74	SCHILLING SUPPLY COMPANY	320.00	DR. SCHMITT
170.44	SEMA EQUIPMENT, INC	18858.16	SKYLINE CONSTRUCTION INC
180.00	SOCIETY FOR HUMAN RESOURCE MAN	8133.19	TOWMASTER TRUCK EQUIPMENT
3111.09	TURNKEY CORRECTIONS	293.24	UNIFORMS UNLIMITED INC
140.00	UNIVERSITY OF MINNESOTA	672.17	WASTE MANAGEMENT OF WI-MN
562.92	WEST PAYMENT CENTER	322.33	WHITEWATER WIRELESS,INC ROCHE
172.96	Y WASTE REMOVAL INC	1519.34	ZARNOTH BRUSH WORKS, INC.
947.69	ZIEGLER, INC	356.11	3D SPECIALTIES, INC.
	28 PAYMENTS LESS THAN \$100	1,556.06	
****	FINAL TOTAL.....	\$227,160.71	****

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to approve the Finance Director's request for interfund transfers for 2011 and 2012 from general fund—county-wide department to the State & Agency Collection Fund as follows:

2011	\$325.93
2012	42.93

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to amend the 2012 law enforcement budget in the amount of \$5,000 for the purchase of a copier from reserve contingency and authorize the appropriate transfer of funds as necessary. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to accept the resignations of Harlen Peck and Al Layman from the Cedar River Watershed District board. Motion carried.

A Public Hearing was held in regard to CUP #778 of VONCO/Veit Demolition Debris Facility to amend CUP #521 issued in June 2003 for the landfill to receive construction and demolition debris and other waste materials as outlined in the landfill's MPCA permit and MPCA Industrial Solid Waste Management Plan to add crushing of concrete and taking friable asbestos in Section 21, Lansing Township.

Angie Knish, Environmental Services, reviewed the permit and Planning Commission recommendations to deny the permit with a vote of 3 – 0 stating impede/injurious to use and enjoyment of neighboring properties as outlined in the commission's findings of fact.

County Attorney Kristen Nelsen stated that it was her legal opinion that the current Findings of Fact are not sufficient to make a determination either for approval or denial of the permit. The Attorney proceeded to ask staff (Angie Knish) a series of detailed questions regarding the Planning Commission's public hearing for the VONCO CUP #778 permit application its findings of fact and its proposed conditions for the permit.

The Petitioner's representative and legal counsel were present and spoke in favor of CUP #778. Two persons spoke against CUP #778.

Motion made by Commissioner Tucker, seconded by Commissioner Gabrielson to continue the CUP #778 Public Hearing to April 24, 2012 at 10:00 a.m. and request parties for and against CUP #778 to submit additional information for the Board's consideration by April 13, 2012. Motion carried.

A Public Hearing was held in regard to CUP #780 of William Starman and Steven Clark to bring approximately 3000 cubic yards of fill within shoreland overlay area for future construction of a personal driveway and storage shed for personal use in Section 27, Lansing Township.

Angie Knish, Environmental Services, reviewed the permit and Planning Commission recommendations to approve the CUP with eleven conditions.

The Petitioner was not present. No one spoke for or against CUP #780.

Date: April 3, 2012

Res. #22-12

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 3, 2012 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #780 of William Starman and Steven Clark, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

To bring approximately 3000 cubic yards of fill within shoreland overlay area for future construction of a personal driveway and storage shed for personal use

Location: a 2.96 parcel, located in Section 27, Lansing Township (T103N-R18W), and legally described as: A portion of all that part of the NW1/4 SE1/4 Section 27-T103N-R18W, Mower County, Minnesota; described as a portion of an existing parcel as follows: Commencing at the southwest corner of the SE1/4 of said Section 27; thence North 01° 18' 49" West a distance of 1797.66 feet, on an assumed bearing on the west line of said SE1/4 to the point of beginning; thence South 86°15'07" East a distance of 464.12 feet, to a point on the centerline of Murphy Creek; thence on the centerline of said Murphy Creek, as follows: North 00°40'35" East a distance of 57.31 feet; North 31°30'26" West a distance of 170.40 feet; ; North 50°22'39" West a distance of 87.68 feet; North 60°01'40" West a distance of 230.55 feet; North 56°32'09" West a distance of 140.41 feet to the point on the west line of said SE 1/4; thence South 01°18'49" East a distance of 420.89 feet, on the west line of said SE1/4, to the point of beginning; subject to highway easement on the west side thereof

Notice having been duly given, a public hearing was held on March 27, 2012 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 April 3, 2012 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 applicant shall contact the Cedar River Watershed District regarding any possible requirements of the District; and
3. The applicant shall not place fill within the 100 year floodplain or the shore impact zone; whichever projects outward from the stream furthest; and
4. The base floor of the structure shall be placed at or above the Regulatory Flood Protection elevation; and
5. The applicant shall work with the Mower County SWCD to create a soil erosion plan; and
6. Fill which may be subject to flooding, shall be compacted and protected from erosion by the use of riprap, vegetative cover or other acceptable method; and
7. The applicant shall seed the site immediately following construction to secure the soils to prevent erosion; and
8. There shall be no placement of debris, storage of property or materials or other obstructions placed within the 100-year plain or Shoreland impact zone; and
9. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
10. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; 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.

This permit is in accordance with 14-59 Urban Expansion and Article 11, Division 9, Shoreland Management Overlay regulations and 14-28 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 3<sup>rd</sup> day of April, 2012.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Commissioner Gabrielson informed the Board that a resident in his district had recently started the process of refinancing their residential/Ag property and the refinancing did not go through yet due to the fact that the property had been zoned commercial. Apparently this had transpired as part of the 2002 Comprehensive Plan. The request is that the \$500 CUP application fee be waived in the owner's request to rezone the property back to residential/Ag. A discussion followed.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to waive the zoning amendment application fee of \$500.00 for a parcel adjacent to the City of Brownsdale that is zoned commercial. Motion carried 4-1. Commissioner Bennett voted nay.

Mr. Ted Goslinga, Sr. Appraiser for Vanguard Appraisals, Inc., provided the County Board with an update and an overview of the commercial appraisal project. Vanguard representatives have been meeting with commercial property owners regarding their revalued parcels. The Board asked questions concerning the process used by Vanguard in appraising the commercial property.

Marlin Fay, Vice President of the Farm Bureau, appeared before the Board to inquire about what appears to be irregularities in the Assessor's office concerning classifications for homestead. Members of the Farm Bureau have been told different things concerning the application process and the Farm Bureau would like more information. The County Assessor was present and verified that, yes; there were actually three ways in which persons could qualify for the homestead classification. The Farm Bureau was satisfied with the explanation.

The Board recessed at 3:35 p.m. and reconvened at 3:50 p.m.

Craig Oscarson, County Coordinator, provided a "Redesign" of Human Services update. Additional study meetings are scheduled in which it is suggested that a couple of Commissioners from each interested county be present. Also, the Redesign Committee has suggested that counties hold informational meetings in their respective counties.

The Chair Commissioner Ankeny appointed Commissioner Bennett and Commissioner Gabrielson to attend the Redesign meetings.

The Board set April 17, 2012 at 6:00 p.m. in the County Board Room for a "Redesign" information meeting for vendors, staff and legislators.

The Board set May 9, 2012 at 6:00 p.m. in the County Board Room for a Board Work Session with staff concerning "Redesign."

The Auditor-Treasurer received a request from Holly Henderson to repurchase a parcel of tax forfeited property owned by her son, Heath Henderson, received through an inheritance.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to allow the Henderson family to repurchase tax-forfeited parcel 34.786.0010 for the cost of delinquent and current taxes and assessments and fees currently due and owing on the parcel. Motion carried.

**Date: April 3, 2012**

**Res. #23-12**

**RESOLUTION**

On motion of Commissioner Bennett, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 3, 2012 at the Government Center, Austin, Minnesota.

**WHEREAS**, M.S. 282.01 provides for the classification, appraisal, and sale of land becoming the property of the State of Minnesota for nonpayment of real property taxes. The parcels offered for sale include parcels that forfeited to the State of Minnesota in 2011, and are listed in Auditor's List of Tax Forfeited Land #2012-1. In addition to the list, the sale includes an unadvertised 2009 forfeiture and one reappraised parcel. Both the City of Lyle and Austin have approved the sale and classification of the property.

WHEREAS, On February 7, 2012, the Mower County Board of Commissioners passed Resolution 12-12 Authorizing and Fixing Terms of Sale which requires the County Auditor-Treasurer to notify the County Board of the sale date; and

WHEREAS, On April 3, 2012, the Mower County Board of Commissioners approved the owner's repurchase of tax forfeited parcel 34.786.0010 and said property should be removed from the Auditor's List of Tax Forfeited Land #2012-1; and

NOW THEREFORE BE IT RESOLVED, that on Tuesday, May 1, 2012 at 10:00 a.m., the County Auditor-Treasurer will conduct a sale of tax-forfeited property. The sale will be located in the county board room at the Mower County Government Center, 1<sup>st</sup> Street NE, Austin, Minnesota.

Passed and approved this 3<sup>rd</sup> day of April, 2012.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Tucker, seconded by Commissioner Bennett to set April 10, 2012 at 10:00 a.m. for a public hearing on the preliminary redistricting plan for commissioner's districts. Motion carried.

Craig Oscarson informed the Board that staff was diligently attempting to get the valuation notices and tax statements out by the deadline date.

Motion by Commissioner Reinartz, seconded by Commissioner Bennett to adjourn the meeting at 4:22 p.m. Motion carried. The next meeting is scheduled for April 10, 2012 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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