

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 1, 2012

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

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

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to amend Personnel Policy A170 Personnel Board of Appeals by adding the following language after the first sentence under the subsection Jurisdiction:

Jurisdiction:

Pursuant to policy B200, an employee who has been terminated may appeal his or her case to the Personnel Board of Appeals. **Probationary employees and employees subject to a collective bargaining agreement are expressly excluded from appealing an employment termination to the Personnel Board of Appeals.**

Access to the Personnel Board of Appeals is limited to employees covered within the County Personnel Department jurisdiction; exclusions are noted in Minnesota Statute 375.58 subdivisions 2 and 3.

and amend Personnel Policy B200 by deleting the first paragraph under the subsection Limitations

Limitations:

~~An employee who commences a grievance proceeding under the provisions of a collective bargaining agreement is precluded from grieving the same issue a second time under this procedure.~~

and adding the following language in its place:

Employees who are subject to a collective bargaining agreement are excluded from exercising the dispute resolution procedure as subsequently outlined. Additionally, employees serving in a probationary employment status are also excluded from this procedure.

Step IV of the grievance procedure may only be exercised by employees under the jurisdiction of the County Personnel Department; exclusions are noted in Minnesota Statute 375.58 subdivisions 2 and 3.

Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to authorize the Human Resources Director to fill the part-time (.5 FTE) vacant position of Victim/Witness Coordinator according to union contract and personnel policies. Motion carried.

Commissioner Reinartz on behalf of the Building Committee reported that the committee was reviewing the Fair Board's request to paint the rafters in the Crane Pavilion and to have the stability of the grand stand checked.

Craig Oscarson noted for Commissioner Gabrielson that Commissioner Gabrielson would like from the commissioners not on the Redesign committee any input that they may have concerning Redesign before he attends the next Redesign meeting.

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
107.89	ALLIANT ENERGY	541.00	AUSTIN FIRE AND SAFETY
224.43	BEST WESTERN CHASKA	130.00	BJORKLUND COMPENSATION CONSULT
1539.00	BROCK WHITE CO LLC	5475.00	BUSTAD DOZING AND EXCAVATING I
135.00	C.C.S.	333.37	CCP INDUSTRIES INC
1515.70	NORMAN CRAIG	407.25	DALCO
1669.55	DANIEL DONNELLY LAW FIRM	229.19	ETTERMAN ENTERPRISES
246.52	DOUG GROH	120.00	DUANE HANSON
1282.64	HIGH FOREST BOBCAT SERVICE LLC	286.88	INNOVATIVE OFFICE SOLUTIONS,LL
378.16	J-ROCKS AUTO GLASS LLC	950.00	JONES,HAUGH & SMITH, INC.
434.75	KRUEGER TRANSPORTATION	125.47	LASER PRODUCT TECHNOLOGIES
7794.80	LHB INC	1953.68	M-R SIGN COMPANY, INC.
810.00	MACPO	29625.00	MANATRON INC
1180.00	MANPOWER	375.15	MAYO CLINIC -ROCHESTER
693.00	METRO SALES, INC.	422.79	MIDSTATES EQUIPMENT & SUPPLY
148.34	MINNESOTA COUNTIES COMPUTER CO	561.09	MOREM AGRI-LAWN
11354.34	MOWER COUNTY SOIL & WATER CONS	578.98	NAPA AUTO PARTS
300.00	REBECCA NICOL	107.72	M.J. O'CONNOR, INC.
389.50	PROLINE DIST INC	198.00	RATWIK,ROSZAK & MALONEY,ATTY
160.00	JAMES RISIUS	472.70	ROBERTS SPECIALTY COMPANY
239.00	S & S WATERWORKS	168.60	JANE THOME
2838.44	TOXALERT INTERNATIONAL	16571.99	ULLAND BROTHERS INC.
1243.00	ULTRAMAX	172.96	Y WASTE REMOVAL INC
2482.58	YOUNG'S WELDING, INC.	338.24	3M
	31 PAYMENTS LESS THAN \$100	1,512.28	
****	FINAL TOTAL.....	\$98,823.98	****

including the second payment to Paul Johnson Architect, Inc. for the Health & Human Services / LEC remodel project in the amount of \$12,465.76. Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to approve the 3.2 On-Off Sale Beer license effective July 1, 2012 through June 30, 2013 for Beaver Trails Jellystone Park. Motion carried.

A Public Hearing was held in regard to CUP #781 of David Olson / Red Melo, Inc. to make Lansing Corners an event center in Section 27, Lansing Township.

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

The Petitioner was present and spoke on his own behalf. No one spoke against CUP #781.

Date: May 1, 2012

Res. #29-12

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 May 1, 2012 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #781 of David Olson / Red Melo, Inc., Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To make Lansing Corners an event center for a variety of uses. Primarily as a venue for wedding receptions, business meetings, graduation parties, charity events, kids parties, etc. With on-sale and potentially off-sale liquor available. Other potential uses are short-term auction site, mini-storage facility and rental for church services. As time goes on it may transition to a restaurant/dinner club.

Location: A 4.0 acre parcel, located in Section 4, Lansing Township (T103N-R18W), and legally described as: TRACT 1: Beginning at a point 50 feet West and 33 feet north of the Southeast corner of the Southeast Quarter of Section 4, Township 103 North, Range 18 West: on the West line of the highway known as U.S. Highway Number 218; thence running West 12 1/4, Mower County, Minnesota on a parcel identified per tax records as 08.004.0010

Notice having been duly given, a public hearing was held on April 24, 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 May 1, 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, which may include approvals or review from such entities, but not limited to, the MN Department of Health, State Fire Marshall; MN Board of Architects and Engineering, Handicap Accessibility standards, MN Dot, and MPCA Noise Standards as a Class III L50 outdoor activity.
2. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; all garbage shall be properly maintained in an enclosed unit and disposed of in a timely fashion; and
3. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
4. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around and/or load/unload, so as to not create a nuisance or hazard to the traveling public. Vehicles cannot be parked or backed onto the premises from the road or its right-of-way; and
5. Owner/operator shall provide a 72 hour written notice of any outdoor events to the County Highway Department, Environmental Services, and Sheriff's Office outlining the event and what services they are providing and attendance capacities that they are anticipating.
6. Owner/operator shall employ a reputable, insured security firm or personnel to be on duty or any outdoor events. Security personnel shall be no less than 1 security personnel per 100 persons in attendance.
7. Owner/ operator shall provide a plan, to be approved by Mower County, which outlines emergency services and allows for appropriate entrance to the facility in emergency events. Consideration shall be provided for appropriate fire lanes, and/or location for medical emergency personnel to get to any victim in a timely and orderly fashion.
8. Owner/applicant shall provide a plan, to be approved by Mower County, which outlines how outdoor events will prevent access by people directly into or onto road right-of-ways. Such plan will also address access points and how minors will be prevented from entering areas in which alcohol is being served. In addition owner/applicant shall address how they will limit participants to outdoor events so as not to be understaffed for security purposes, and how they will address parking or other issues so they are not overwhelmed or understaffed for such events.
9. Owner/applicant shall submit a plan, to be approved by Mower County, for events serving 250 persons more in which traffic flow could pose an issue at events where the participants are arriving and/or leaving at about the same time. This is to prevent traffic from being backing up onto the roads when accessing the parking area and/or to allow for organized traffic flow when leaving the facility or event.
10. All noise from bands, any electronic equipment or drum circles shall be silenced at 12:00 am on Fridays, Saturdays, or Sundays –if a holiday weekend. All other events occurring on a weekdays or Sunday shall be silenced on or before 10 p.m. Noise standards shall not exceed Class III outdoor activity L50, 75 DB daytime standards and 75 DB nighttime. Owner/applicant shall be responsible at their expense for proving that they have maintained or stayed within these standards.
11. There shall be no parking for any reason in the road right-of-way for US Hwy 218 or Mower County Road 2. The Mower County's zoning ordinance requiring no parking space within 5 feet of any street right-of-way shall apply. If necessary, the owner/applicant shall be responsible for no-parking signs, at a distance and spacing determined by the applicable road authority; should parking be or become an issue. Any vehicles parked within a road right-of-way will be subject to tow. It is recommended that the owner/applicant of this CUP informs patrons of this requirement.
12. Permanent and/or temporary restroom facilities adequate to provide service for the amount of people present, shall be provided and shall be in conformance with State of Minnesota and Mower County rules or regulations. The owner/operator shall designate a secondary location

- for future septic system. This area shall be protected by any method necessary from compaction, alteration or from being used as additional parking area.
13. 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
 14. The Owner/Applicant may be required to provide dust control (not to utilize used oil (illegal)) so as not to create a nuisance to neighboring property from the additional traffic; and
 15. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
 16. 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.
 17. Outdoor activities will include fencing to establish safe boundaries for those in attendance.
 18. ID's must be checked for alcohol consumption.
 19. Other lights will not affect traveling public on roadways.

This permit is in accordance with 14-71 (Business District) and 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of May, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to the request of Mike O'Connor to rezone his property from the existing Business District to Agricultural in Section 9, Red Rock Township.

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

The Petitioner was present and spoke in his own behalf. No one spoke against the request to rezone the property.

Date: May 1, 2012

Ordinance #01-12

**Ordinance
Zoning Ordinance Amendment**

WHEREAS, a public notice was published in the Mower County's official newspaper, the Austin Post Bulletin on 4/7/2012; and

WHEREAS, notices were made by first class mail to the adjoining land owners in accordance with the Mower County Zoning Ordinance on 4/13/2012. An official list is kept on file in the office of the Environmental Services; and

WHEREAS, a site visit was held on 3/18/2012, in which two of the Planning Commission members and the Mower County Environmental Service Director met with the applicant on site; and

WHEREAS, a public hearing was completed on the matter on 4/24/2012, at 7:00 p.m. in the Mower County Government Center, Commissioner's Room before the Mower County Planning Commission; and

WHEREAS at the public hearing of 4/24/2012 any concerned citizen was given an opportunity to speak on the matter, and

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

WHEREAS, the Mower County Board of Commissioners held a public hearing on May 1, 2012;

BE IT ORDAINED that the Mower County Zoning Map be changed to reflect the following legally described parcel to be rezoned from Business to Agricultural.

Commencing at a point 52 ½ rods West and 37 rods South of the Northeast corner of the NE1/4 of Section 9, Township 103 North, Range 17 West, Mower County, Minnesota, thence East 12 ½ rods; thence North 1 1/3 rods; thence East to the East line of said NE1/4 of said Section 9; thence North 35 2/3 rods to the Northeast corner of said NE1/4 section; thence West 40 rods, thence South 14 rods, thence West 40 rods, thence South 11 rods, thence Southeasterly to the point of beginning, being a part of Outlots 64, 65, 66 , 67 and 68 in the NE1/4 of Section 9, Township 103 North, Range 17 West, Excepting therefrom the following described tract:

Commencing at the Northeast corner of the Northeast corner of the NE1/4 of said Section 9: thence South in the Section line for a distance of 230 feet; thence West parallel with the North line of said Section for a distance of 285 feet; thence North, parallel with the east line of said Section for a distance of 230 feet; thence East in the North line of said Section for a distance of 285 feet to the point of beginning;

ALSO excepting the parcel of land conveyed to Farmers Union Grain Terminal Association by Deed recorded in Book 329 of Deeds, Page 386, said land being a parcel measuring 230 feet north and south by 355 feet east and west and lying immediately west of the land excepted in the above described exception.

Passed and approved this 1st day of May, 2012

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: May 1, 2012

Res. #30-12

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 May 1, 2012 at the Government Center, Austin, Minnesota.

WHEREAS, on May 1, 2012 the Tip 1 Run presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the Windrift Lounge & Restaurant, Austin, MN on June 23, 2012.

BE IT RESOLVED THAT, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to Tip 1 Run for gambling at Windrift Lounge & Restaurant on June 23, 2012.

Passed and adopted this 1st day of May, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

The Board discussed the number of persons that have called to schedule an appointment for the June 11, 2012 Board of Review and Equalization. Due to the large number of persons the Board initially set subsequent hearing times and will have the statutes researched concerning hearing the appeals after the June 11 meeting. The additional times are tentatively set for June 12, 2012 from 1:00 to 5:00 pm. and June 14, 2012 from 9:00 a.m., to Noon and 1:00 to 5:00 p.m.

There was an additional discussion on the Redesign project and thoughts and comments for the board members appointed to the Redesign committee to take into consideration during the next Redesign meeting.

Date: May 1, 2012

Res. #31-12

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 May 1, 2012 at the Government Center, Austin, Minnesota.

WHEREAS, project numbers SAP 50-612-009 and SAP 50-612-010 completed under contract number 21196 by Ulland Brothers, Inc. has in all things been completed and the County Board being fully advised in the premise.

NOW THEN BE IT RESOLVED that we do hereby accept said completed project for and on behalf of the County of Mower and authorize final payment as specified herein:

Contract Amount: \$ 364,379.00
Final Amount: \$ 331,439.75 [90.96%]
Final Payment: \$ 16,571.99

Passed and approved this 1st day of May, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Tucker, seconded by Commissioner Reinartz to approve a drainage / tile outlet application of Ardith Nelson on county right-of-way 290th Street for the Nelson property in Racine Township. Motion carried.

Cheryl Corey and staff from the Austin Convention and Visitor's Bureau appeared before the Board to provide an update on the progress of the Visitor's Bureau and the impact of Southern MN Tourism Association. The Board was thanked for its continued support of the program.

Donna Welsh, Finance Director, reported that the General Obligation Bonds were issued for the refinancing of the Justice Center and the estimated savings with the refinancing was \$1,032,000.

The Board recessed at 2:45p.m. and reconvened at 3:02 p.m.

Date: May 1, 2012

Res. #32-12

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 May 1, 2012 at the Government Center, Austin, Minnesota.

WHEREAS, on March 6, 2012, the Mower County Board of Commissioners established a Redistricting Committee to review possible changes in districts based on such factors as changes in population density as outlined in the 2010 Census; and

WHEREAS, notice having been duly given, a public hearing was held on April 10, 2012 before the Mower County Board of Commissioners at 10:00 a.m. at the Mower County Government Center in the Commissioner's board room regarding the preliminary redistricting plan for the commissioner's districts ; and

WHEREAS, no additional public comment was received regarding the preliminary redistricting plan for the commissioner's districts prior to May 1, 2012;

NOW THEREFORE, BE IT RESOLVED, that the Mower County Board adopt the redistricting plan for the commissioner's districts as follows:

COUNTY COMMISSIONER

COMMISSIONER DISTRICT #1

Lansing Township	Brownsdale City
Red Rock Township	Mapleview City
Udolpho Township	Waltham City
Waltham Township	City of Austin: 1 st Ward 1 st Prec.

That the present term of office for Commissioner District #1 shall expire at the end of the day before the first Monday in January of 2013, and the new term of office shall commence the first Monday in January of 2013, and shall be for a period of 4 years. Subsequent terms shall be for 4 year periods.

COMMISSIONER DISTRICT #2

Adams Township	Lodi Township	Elkton City
Bennington Township	Marshall Township	Grand Meadow City
Clayton Township	Pleasant Valley Township	LeRoy City
Dexter Township	Racine Township	Racine City
Frankford Township	Sargeant Township	Sargeant City
Grand Meadow Township	Adams City	Taopi City
LeRoy Township	Dexter City	

That the present term of office for Commissioner District #2 shall expire at the end of the day before the first Monday in January of 2013, and the new term of office shall commence the first Monday in January of 2013, and shall be for a period of 4 years. Subsequent terms shall be for a 4 year periods.

COMMISSIONER DISTRICT #3

Austin Township	Lyle City
Lyle Township	Rose Creek City
Nevada Township	City of Austin: 2 nd Ward 2 nd Prec.
Windom Township	

That the present term of office for Commissioner District #3 shall expire at the end of the day before the first Monday in January of 2015, and the new term of office shall commence the first Monday in January of 2015, and shall be for a period of 4 years. Subsequent terms shall be for a 4 year periods.

COMMISSIONER DISTRICT #4

City of Austin:
3rd Ward 1st Prec.
3rd Ward 2nd Prec.

That the present term of office for Commissioner District #4 shall expire at the end of the day before the first Monday in January of 2015, and the new term of office shall commence the first Monday in January of 2015, and shall be for a period of 4 years. Subsequent terms shall be for a 4 year periods.

COMMISSIONER DISTRICT #5

City of Austin:
1st Ward 2nd Prec.
2nd Ward 1st Prec.

That the present term of office for Commissioner District #5 shall expire at the end of the day before the first Monday in January of 2015, and the new term of office shall commence the first Monday in January of 2015, and shall be for a period of 4 years. Subsequent terms shall be for a 4 year periods.

Passed and approved this 1st day of May, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion by Commissioner Tucker, seconded by Commissioner Reinartz to adjourn the meeting at 3:04 p.m. Motion carried. The next meeting is scheduled for May 8, 2012 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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