

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

July 3, 2012

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

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

At the request of the Personnel Committee Chair, Commissioner Bennett, Craig Oscarson summarized the agreement reached with UAW for the highway collective bargaining agreement.

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to ratify the contract with International Union, United Automobile, Aerospace and Agricultural Implement Workers Of America (UAW) and its Local 867 effective July 1, 2012 through June 30, 2015 as outlined in the Tentative Agreement executed by both parties. Motion carried.

A Public Hearing was held in regard to CUP #782 of Roberta Ransom for a new single family dwelling in Section 23, Nevada Township.

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

The Petitioner was not present. No one spoke for or against CUP #782.

Date: July 3, 2012

Res. #45-12

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 July 3, 2012 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #782 of Roberta Ransom, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

A single family dwelling

Location: The East Half of the Northeast Quarter of Section 23, Township 101 North, Range 17 West, Mower County and ALSO The West Half of the Northeast Quarter of Section 23, Township 101 North Range 17 West, Mower County, Minnesota, subject to the rights and obligations, Mower County, Minnesota on a parcel identified per tax records as 13.028.0040

Notice having been duly given, a public hearing was held on June 26, 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 July 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. A Zoning Permit and ISTS Permit must be obtained prior to construction of the residence and/or any other structure.
2. An ISTS shall be designed, installed and maintained according to MN Rules 7080 & Mower County's ISTS Ordinance; a secondary site shall be located for future placement and placed on a map and kept on file in the CUP file and homeowner's records. The area should be preserved and protected from compaction and/or construction or other damages.
3. Petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.
4. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction.
5. The petitioner's shall file a deed restriction to the property of which they are transferring the development right from stating that the remaining use of the property is limited to no residences, divisions or non-agricultural uses; unless the property is rezoned. The deed restriction shall also note to location where the development right is to be used. Please also note the CUP which grants the authority of the Transfer Right.
6. A Conditional Use Permit shall become void one (1) year after being granted by the County Board unless used or if discontinued for a period of three-hundred and sixty-five (365) days.
7. 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 issued in accordance with Section 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 3rd day of July, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Vice-Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #783 of Steven A. and Rebecca J. Heller for a single family dwelling in Section 27 of Adams Township.

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

The Petitioner was present. No one spoke for or against CUP #783.

Date: July 3, 2012

Res. #46-12

RESOLUTION

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

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #783 of Steven A. and Rebecca J. Heller, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

A single family dwelling

Location: A future parcel of approximately 3.5 acres of: The Southwest Quarter of the Souteast Quarter of Section 27, Township 101 North, Range 16 West Mower County, Minnesota AND ALSO The South Half of the Southwest Quarter of Section 27, Township 101 North, Range 16 West,, Mower County, Minnesota on a parcel identified per tax records as 01.026.0021

Notice having been duly given, a public hearing was held on June 26, 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 July 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. A Zoning Permit and ISTS Permit must be obtained prior to construction of the residence and/or any other structure.
2. An ISTS shall be designed, installed and maintained according to MN Rules 7080 & Mower County's ISTS Ordinance; a secondary site shall be located for future placement and placed on a map and kept on file in the CUP file and homeowner's records. The area should be preserved and protected from compaction and/or construction or other damages.
3. Petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.
4. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction.
5. A Conditional Use Permit shall become void one (1) year after being granted by the County Board unless used or if discontinued for a period of three-hundred and sixty-five (365) days.
6. 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 issued in accordance with Section 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 3rd day of July, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Vice-Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to a request of Daryle Irlbeck to rezone a portion of his property from commercial to rural management located in Section 23, Grand Meadow Township.

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

The Petitioner was not present. No one spoke for or against the rezoning amendment.

Date: July 3, 2012

Ordinance #02-12

Ordinance
Zoning Ordinance Amendment

On motion of Commissioner Tucker, seconded by Commissioner Gabrielson, the following Ordinance amendment was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held July 3, 2012, at the Government Center, Austin, Minnesota.

WHEREAS, a public notice was published in the Mower County's official newspaper, the Austin Post Bulletin on June 13, 2012. Copies were also placed in the Leroy Independent and the Grand Meadow Independent. Notice was published on June 14, 2012, in the Leroy Independent and June 14, 2012, in the Grand Meadow Area News; and

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

WHEREAS, a public hearing was completed on the matter on June 26, 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 June 26, 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 July 3, 2012;

BE IT ORDAINED that the Mower County Zoning Map be changed to reflect the following legally described parcel to be rezoned from Commercial to Rural Management:

All that part of the NE1/4 Section 23-T103N-R15W, Mower County, Minnesota; described as follows:

Commencing at a point in the South line of said Northeast Quarter (for purposes of this description bearing of said South line is assumed North 90°00'00" East), at a point 663.89 feet from the Southwest corner of said Northeast Quarter; thence continue along said South line of Northeast Quarter, North 90°00'00" East, 216.47 feet; thence North 0° 07'06" West 38.82 feet to the northerly right of way line of Minnesota Truck Highway No. 16; thence continue North 0°07'06" West, 293.00 feet; thence North 89°52'54" East, about 292.35 feet to a point on a line parallel with and 150.00 feet westerly from the east line of West Half of said Northeast Quarter, which is the point of beginning;

thence North 00°20'03" East a distance of 355.96 feet, to a point which is 688.38 feet northerly from the South line of said Northeast Quarter;

thence North 89°50'16" East a distance of 150.00 feet, parallel with said Trunk Highway right-of-way, to the east line of the SW1/4 NE1/4 of said Section 23;

thence South 00°20'03" West a distance of 356.08 feet, on said east line;

thence South 89°52'54" West a distance of 150.00 feet, to the point of beginning.

Passed and approved this 3rd day of July, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Vice-Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to approve the following appointments to the Board of Adjustment and the Planning Commission for the unexpired terms of Harlen Peck who is resigning from each Board;
Barb Hovde – Board of Adjustment through December 31, 2012
Kyle Klaehn – Planning Commission through December 31, 2012
Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Tucker to purchase a parts washer from Pro Line, Inc. for the recycling center from the solid waste reserves in the amount of \$8,506.25. Motion carried.

Amanda Stoa of Safe Communities Coalition provided information on Minnesota safe highways and the request for the Board to pass a Proclamation designating July to be Speed Awareness Month.

Date: July 3, 2012

Proclamation #01-12

P R O C L A M A T I O N

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

- Whereas:** Unsafe Roads In 2009–2011 in Minnesota, illegal or unsafe speed was a contributing factor in 228 fatal crashes resulting in 254 deaths;
- Whereas:** These crashes resulted in 83 deaths in 2011; and
- Whereas:** Illegal or unsafe speed is a leading contributing factor in fatal crashes; and
- Whereas:** In 2009–2011, illegal or unsafe speed was cited in 52 percent of all alcohol-related fatal crashes; and
- Whereas:** 60 percent of rural Minnesota fatal crashes occurred on state trunk and county state highways;
- Whereas:** Illegal or unsafe speed accounted for 30 percent of the factors cited in fatal crashes for drivers under age 30, compared to only 9 percent of the factors cited for drivers age 65 and older; and
- Whereas:** National Highway Traffic Safety Administration reports nearly 60 percent of all drivers report seeing speeding vehicles all or most of the time when they drive on residential streets as well as highways; and
- Whereas:** National Highway Traffic Safety Administration research shows motorists wrongly believe speeding is not a great risk to safety or as serious as other traffic violations; and
- Whereas:** Speeding increases potential for loss of vehicle control, increased crash severity leading to more numerous and severe injuries;
- Whereas:** The Mower County Safe Communities, Toward Zero Death Initiative and the Minnesota Department of Public Safety have a mission to keep all traveling citizens on Minnesota roads safe;

NOW, THEREFORE I, JERRY REINARTZ, Vice-Chairman, Mower County Commissioners, in conjunction with Mower County Safe Communities, Toward Zero Death Initiative and the Minnesota Department of Public Safety do hereby proclaim the month of July to be

Speed Awareness Month

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

in Mower County, MN, and urge all citizens to be diligent in obeying all traffic speed signs and laws.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of July, 2012.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Vice-Chairperson

By: _____
Clerk/Coordinator

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
3918.07	ADVANCED CORRECTIONAL HEALTHCA	38288.22	ANOKA CO JUVENILE CENTER
130.00	BJORKLUND COMPENSATION CONSULT	565.54	HANSON TIRE SERVICE INC.
140.00	HYVEE ACCOUNTS RECEIVABLE	238.67	J-ROCKS AUTO GLASS LLC
386.10	KRUEGER TRANSPORTATION	1160.00	EVAN LARSON LAW OFFICE
590.00	MANPOWER	24948.00	MCF - STILLWATER
5367.60	MESABI ACADEMY	650.00	MIDWEST CLINICAL PSYCHOLOGISTS
318.75	NAPA AUTO PARTS	528.00	RATWIK, ROSZAK & MALONEY, ATTY
16224.99	REGENTS OF THE UNIVERSITY OF M	188.97	STAPLES CREDIT PLAN
2625.21	TURNKEY CORRECTIONS	739.59	UNIFORMS UNLIMITED INC
2325.00	RANDY WILLS	6970.04	WOODLAND HILLS
	12 PAYMENTS LESS THAN \$100	587.69	
****	FINAL TOTAL.....	\$106,890.44	****

Motion carried.

Motion made by Commissioner Tucker, seconded by Commissioner Gabrielson, to notify the Development Corporation of Austin (DCA) of the default of NcNeilus project in Part 2 of its agreement. The effective of the notice is July 3, 2012 or the date the notice is received by the DCA with notice to indicate that any penalties will be waived. Motion carried.

Motion by Commissioner Bennett, seconded by Commissioner Gabrielson to adjourn the meeting at 1:55 p.m. Motion carried. The next meeting is scheduled for July 10, 2012 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Vice-Chairperson

Attest:

By: _____
Clerk/Coordinator

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