

**SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS**

March 5, 2013

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 5, 2013 at 1:07 p.m. at the Government Center in Austin, Minnesota.

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

Commissioner Bennett, on behalf of the Personnel Committee recommended permanently filling a support staff position currently being filled through a temporary firm as a .6 FTE (24 hours per week) position of Office Support Specialist, Sr. in the Auditor-Treasurer's office; increasing the hours of a part-time Support Enforcement Aid in Health & Human Services up to a maximum of 100 hours per year; and re-hire the part-time summer extension secretary.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to authorize the Human Resources Director to fill the part-time (.6 FTE) position of Office Support Specialist, Sr. in the Auditor-Treasurer's office according to union contract and personnel policies and to fill any subsequent positions that become vacant during the process and to amend the Auditor-Treasurer's 2013 budget for the part-time position. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to increase the hours for a part-time Support Enforcement Aid up to 100 hours per year. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to authorize the Human Resources Director to re-hire the part-time temporary non-benefited position of summer extension secretary for a maximum of 310 hours at \$10.70 per hour. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn to authorize the County Engineer to replace tandem dump truck units #4 and #10 and eliminate motor grader units #9 and #88 through auction pursuant to statute per bid requirements. Motion carried.

Commissioner Ankeny reported on behalf of the Building Committee that the bids specifications have been prepared for the grandstand and that the LEC / H&HS remodel project has started.

A Public Hearing was held in regard to CUP #788 of Robert and Betty Jo Wilson for the creation for a single family dwelling in Section 7, Pleasant Valley Township.

Mike Hanson, Public Works Director, reviewed the permit and Planning Commission recommendation for approval with twelve conditions.

The Petitioners were present and spoke on their own behalf. No other persons spoke for or against CUP #788. One comment Janice

Date: March 5, 2013

Res. #21-13

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 5, 2013 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #788 of Robert and Betty Jo Wilson, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Creation of a new lot for one new single-family dwelling in addition to the existing density for the Agricultural District AND forgiveness from the subdivision ordinance for the creation of one lot approximately 4 acres in size.

Location: On a 10.02 parcel, located in Section 7, Pleasant Valley Township (T104N-R15W), and legally described as: W 875ft s580ft N1315ft NW 1/4 SW1/4, S of Center of Rd, Sec 7, Pleasant Valley Township, T104N-R15W, Mower County, Minnesota on a parcel identified per tax records as 14.001.0010

Notice having been duly given, a public hearing was held on February 26, 2013 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 March 5, 2013 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 federal, state and local regulations regarding the proposed use; and
2. The new dwelling shall be retained on a separate lot that meets or exceeds the zoning requirements for the district; and
3. A zoning permit and SSTS permit shall be obtained prior to construction. The primary and secondary septic site shall be identified on a map and be submitted with the above listed permit applications. The secondary site shall be protected and preserved for future system placement; and
4. A survey shall be required in lieu of platting and subdivision. Parcel boundary markers shall be placed by a licensed surveyor. The 1000-ft setback from the adjoining feedlot shall be depicted on the face of the survey as well as the 100-ft setback line from the OHWL of the protected watercourse. These setbacks shall also be marked by staking the property before development to assure the setbacks are met and/or exceeded; and
5. The petitioner shall obtain a 911 address and shall be responsible for all costs associated with the 911 addressing and signage;
6. The owner shall sign and record a rural and agricultural homeowner's assumption of risk assessment document and shall be responsible for recording and paying all associated fees with recording this document. The recorded document shall be submitted along with the permit applications noted in condition #3 above; and
7. The dwelling must be located in the non-productive, wooded portion of the parcel to remain in compliance with the ordinance; and
8. There shall be no further division of the new or parent parcel for residential purposes without subdivision and platting of the original tract now describe as: A tract of land in the Southwest Quarter of Section 7, Township 104 North, Range 15 West, Mower County, Minnesota, described as follows: Commencing at the West Quarter corner of said Section 7; thence South along the West line of said Southwest Quarter 735.00 feet to the point of beginning; then continuing South along said West line 580.00 feet; thence East deflecting to the left 90 degrees 00 minutes 00 seconds 875 feet; thence North deflecting to the left 90 degrees 00 minutes 00 seconds 417.83 feet; thence Northwesterly deflecting to the left 79 degrees 30 minutes 00 seconds 889.90 feet to the point of beginning; and
9. Owner 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.

10. Applicant/owner shall check with road authority to determine if a driveway permit or culvert is required; and
11. This Conditional Use Permit shall lapse, and shall be no longer valid upon 1.5 years of non-use; and
12. 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 14-49 (Agricultural District) and 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 5th day of March, 2013.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #789 of Brian Meldahl for an extended home occupation in garage known as Dawn's Dog Grooming Salon in Section 7, Dexter Township.

Mike Hanson, Public Works Director, reviewed the permit and Planning Commission recommendation to approve CUP #789 with seven conditions.

The Petitioners were present and spoke on their own behalf. No other persons spoke for or against CUP #789.

Date: March 5, 2013

Res. #22-13

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 5, 2013 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #789 of Brian Meldahl, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Extended home occupation in garage known as Dawn's Dog Grooming Salon

Location: On a 5.02 parcel, located in Section 7, Dexter Township (T103N-R16W), and legally described as: Legal: 07 103 016 W575FT E1683FT N380FT N1/2 SE1/4, Mower County, Minnesota on a parcel identified per tax records as 05.007.0030

Notice having been duly given, a public hearing was held on February 26, 2013 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 March 5, 2013 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 federal, state and local regulations regarding the proposed use; and
2. The owner shall immediately disconnect the drains to the tile connection. In the meantime the water shall be contained in a leak-proof container and then transferred and dumped into a drain that is connected to a sewage treatment system in the home. The landowner shall work with a licensed contractor to determine a legal and feasible method for waste water disposal and/or treatment. This matter shall be resolved no later than July 1, 2013; and
3. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
4. 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
5. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around or etc. so as to not create a nuisance or hazard to the traveling public.
6. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
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 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 5th day of March, 2013.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #790 of Lance Pogones to amend CUP #675 to allow parcel 02.890.0050 to have separate non-community septic system in Section 5, Austin Township.

Mike Hanson, Public Works Director, reviewed the permit and Planning Commission recommendation to approve CUP #790 with three conditions. Lot 7 is too small for a septic system. Kristen Nelsen stated that there is plenty of land but the lot has large easements which make it difficult to construct a septic system on the lot. There is a problem with the judicial ditch easements. Lot 19 of the plat will be left open to accommodate lines.

The Petitioner was not present. No one spoke for or against CUP #790.

Date: March 5, 2013

Res. #23-13

RESOLUTION

On motion of Commissioner Bennett, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 5, 2013 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #790 of Lance Pogones, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

An amendment to CUP # 675, recorded 6/13/2005 (Recorder's Document No. A00540402), to allow for one parcel, PIN 02.890.0050, to have a separate and non-community septic system

Location: On a 1.78 parcel, located in Section 5, Austin Township (T102N-R18W), and legally described as: Lot 6 Block 1 Wildwood Estates, Mower County, Minnesota on a parcel identified per tax records as 02.890.0060

Notice having been duly given, a public hearing was held on February 26, 2013 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 March 5, 2013 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. The community septic system shall be developed to support the secondary site of Lot 6; primary and secondary site of Lot 7, and primary and secondary sites of lots 17-21.
2. All other conditions of the original CUP shall apply to this property excepting Condition No. 2; and
3. 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 District) and 14- 28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 5th day of March, 2013.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Craig Oscarson reported on the progress of the Steering Committee for Redesign indicating that the next step is a formal presentation to the full board with a subsequent presentation to staff.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to set the project letting date to April 4, 2013 at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for County projects SAP 050-704-

003 and SAP 050-711-003 for reconstruction of CSAH 104/CSAH 111(3rd and Main Street in the City of Rose Creek). Motion carried.

Date: March 5, 2013

Res. #24-13

**RESOLUTION
2013 ROAD RESTRICTIONS**

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 March 5, 2013 at the Government Center, Austin, Minnesota.

BE IT RESOLVED, that pursuant to Section 169.87, Seasonal Load Restrictions and 163.02, Subdivision 3, Load Restrictions, the following described County State Aid Highways and County Roads within Mower County, Minnesota, are hereby restricted to a maximum axle load as noted below, that the County Highway Engineer is hereby authorized to impose weight and load restrictions on any highway under County Jurisdiction during the calendar year of 2012 and the County Engineer be hereby authorized to erect proper signs plainly indicating the prohibition or restriction at each end of these described roads. All restrictions shall become effective when appropriate signs are erected.

Six Ton per Axle

C.S.A.H. No. 5 - From T.H. 218 to C.S.A.H. No. 7
C.S.A.H. No. 6 - From C.S.A.H. No. 19 to C.S.A.H. No. 9 south
C.S.A.H. No. 9 - Iowa State Line to C.S.A.H. No. 6
C.S.A.H. No. 10 - From C.S.A.H. No. 1 north to County Line
C.S.A.H. No. 11 - From T.H. No. 56 to East County Line
C.S.A.H. No. 18 - From C.S.A.H. No. 7 to Iowa State Line
C.S.A.H. No. 19 - From Rose Creek to C.S.A.H. No. 46
C.S.A.H. No. 20 - From C.S.A.H. No. 7 to 1 ½ miles west
C.S.A.H. No. 22 - From T.H. 218 to C.S.A.H. No. 19
County Road No. 52 - From C.S.A.H. No. 4 to T.H. 56
County Road No.58 – From Co. Rd. 58 to T.H. 56
County Road No. 61 – Austin north to C.S.A.H. No. 2

Seven Tons per Axle

C.S.A.H. No. 1 & 15 - C.S.A.H. No. 20 to C.S.A.H. No. 8
C.S.A.H. No. 3 - From T.H. 56 to C.S.A.H. No. 8
C.S.A.H. No. 4 - From West County Line to C.S.A.H. No. 29
C.S.A.H. No. 6 - From C.S.A.H. No. 9 South to T.H. 56
C.S.A.H. No. 8 - From C.S.A.H. No. 15 to Olmsted County Line
C.S.A.H. No. 13 - Interstate 90 to C.S.A.H. No. 7
C.S.A.H. No. 20 - From North County Line to C.S.A.H. No. 46
C.S.A.H. No. 26 - From West County Line to T.H. 218
C.S.A.H. No. 27 - From West County Line to 1,595 ft. west of T.H. 218
C.S.A.H. No. 28 - From West County Line to T.H. 218
County Road No. 57 - From C.S.A.H. No. 16 to C.S.A.H. No. 20

Nine Tons per Axle

- C.S.A.H. No. 1 - From C.S.A.H. No. 36 to C.S.A.H. No. 20
- C.S.A.H. No. 1 & 10 - From C.S.A.H. No. 2 to C.S.A.H. No. 15
- C.S.A.H. No. 3 - From T.H. 218 to T.H. 56
- C.S.A.H. No. 4 - From C.S.A.H. No. 29 to C.S.A.H. No. 7
- C.S.A.H. No. 5 - From West County Line to T.H. 218
- C.S.A.H. No. 5 - From C.S.A.H. No. 7 to T.H. 56
- C.S.A.H. No. 6 - From West County Line to C.S.A.H. No. 19
- C.S.A.H. No. 7 - From Iowa State Line to Interstate 90
- C.S.A.H. No. 8 - From T.H. 16 to C.S.A.H. No. 2
- C.S.A.H. No. 16 - From Austin City Limits to C.S.A.H. No. 25
- C.S.A.H. No. 19 - From C.S.A.H. No. 46 to C.S.A.H. No. 2
- C.S.A.H. No. 19 - From C.S.A.H. No. 6 to T.H. 56 at Rose Creek
- C.S.A.H. No. 20 - From Interstate 90 to C.S.A.H. No. 3
- C.S.A.H. No. 21 - From C.S.A.H. No. 28 to T.H. 105
- C.S.A.H. No. 25 - From C.S.A.H. No. 2 to C.S.A.H. No. 1
- C.S.A.H. No. 29 - From C.S.A.H. No. 4 to Austin City Limits
- C.S.A.H. No. 36 - From C.S.A.H. No. 26 to C.S.A.H. No. 1
- C.S.A.H. No. 45 South - From T.H. 218 to Austin City Limits
- C.S.A.H. No. 46 East - From 28 St. N.E. exit to C.S.A.H. No. 20
- C.S.A.H. No. 46 West - From Freeborn County Line to I-90
- County Road No. 51 - From C.S.A.H. No. 21 to T.H. 105
- County Road No. 58 - From Interstate 90 to C.S.A.H. No. 3
- County Road No. 59 - From West end to C.S.A.H. No. 13
- County Road No. 60 - From C.S.A.H. No. 20 east

Ten Tons per Axle

- C.S.A.H. No. 2 - From West County Line to East County line
- C.S.A.H. No. 7 - From Interstate 90 to C.S.A.H. No. 2 west
- C.S.A.H. No. 12 - From Iowa State line to T.H. 56
- C.S.A.H. No. 14 - From T.H. 56 to T.H. 16
- C.S.A.H. No. 27 - From 1,595 ft. west of T.H. 218 to C.S.A.H. No. 45
- C.S.A.H. No. 36 - From C.S.A.H. 2 to ½ mile North
- C.S.A.H. No. 45 North - From Interstate 90 to T.H. 218

Five Tons per Axle

All other County State Aid Highways and County Roads of Mower County, Minnesota, not covered by the foregoing 6, 7, 9 & 10 ton per axle restrictions.

Passed and approved this 5th day of March, 2013.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: March 5, 2013

Res. #25-13

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 5, 2013 at the Government Center, Austin, Minnesota.

WHEREAS, project number SAP 050-599-128 completed under contract number 21210 by Sorensen Bros., 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: \$ 144,867.00
Final Amount: \$ 140,327.50 [96.87%]
Final Payment: \$ 7,016.38

Passed and approved this 5th day of March, 2013.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: March 5, 2013

Res. #26-13

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 5, 2013 at the Government Center, Austin, Minnesota.

WHEREAS, project number SAP 050-613-010 completed under contract number 21202 by Minnowa Construction, 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:

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Contract Amount: \$ 159,946.00
Final Amount: \$ 136,455.00 [85.31%]
Final Payment: \$ 6,822.75

Passed and approved this 5th day of March, 2013.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to set the 2013 land acquisition price for right-of-way at \$7800 per acre. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the minutes of February 26, 2013. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to approve the payment to the City of LeRoy in the amount of \$20,039.03 as the 10% match for the 2011 Assistance to Firefighters Grant program. Motion carried.

Motion by Commissioner Gabrielson, seconded by Commissioner Bennett to deny the Application for Abatement of penalty of Michael Thorson in regard to parcel number 25.003.0260 in Mower County for taxes payable in 2012. The basis for denial is consistency with current policy and practice. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the agreement with the City of Rose Creek for cost splits related to SAP 050-704-003 and SAP 050-711-003. Motion carried.

Motion by Commissioner Bennett, seconded by Commissioner Glynn to adjourn the meeting at 2:24 p.m. Motion carried. The next meeting is scheduled for March 12, 2013 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:
By: _____
Clerk/Coordinator

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