

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

June 4, 2013

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 4, 2013 at 1:00 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

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to approve the minutes of May 28, 2013. Motion carried.

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
398.00	APCO	29576.17	AUSTIN UTILITIES
443.63	BOUND TREE MEDICAL LLC	403.30	CARDINAL HEALTH
3494.65	CHARTER COMMUNICATIONS	380.00	ALETA CHRISTOPHERSON
173.46	JILL CORDES	3399.48	CROSSROADS TRAILER SALES & SER
1084.86	DALCO	14652.00	DEPARTMENT OF CORRECTIONS
615.01	EMERGENCY AUTOMOTIVE TECHNOLOG	639.13	GRAINGER
190.68	HOLIDAY INN EXPRESS VADNAIS SU	334.85	INNOVATIVE OFFICE SOLUTIONS,LL
2745.00	TOM LARSON	749.61	LASER PRODUCT TECHNOLOGIES
387.00	LIFELINE TRAINING LTD	1143.37	METRO SALES, INC.
2700.00	MIDWEST CLINICAL PSYCHOLOGISTS	126.31	MINNESOTA COUNTY ATTORNEYS ASS
210.00	MINNESOTA SHERIFF ASSOCIATION	254.00	MINNESOTA SUPREME COURT
2522.71	NORTHLAND BUSINESS SYSTEMS	1371.70	PRS
122.50	ROBERTS SPECIALTY COMPANY	4055.91	SCHILLING SUPPLY COMPANY
306.33	STAPLES CREDIT PLAN	3545.84	STEELCASE INC
983.87	TECH-ONE SERVICES LLC	239.88	TRANSACT TECHNOLOGIES INCORPOR
1379.65	UNITED OFFICE SUPPLY	14800.00	VANGUARD APPRAISALS INC
318.59	WASTE MANAGEMENT OF WI-MN		
	15 PAYMENTS LESS THAN \$100	671.95	
****	FINAL TOTAL.....	\$94,419.44	****

Motion carried.

The Board briefly discussed a need to review information concerning the Human Service Redesign Service Delivery Authority (SDA) and set Tuesday, June 18, 2013 at 5:30 p.m. in the County Board Room as a Work Session regarding the SDA Initiative.

A Public Hearing was held in regard to CUP #792 of Darrel and Eleanore Gordons for a sand/gravel mining operation in Section 12, Adams Township.

Angie Knish, Environmental Services, reviewed the permit and Planning Commission recommendation to approve CUP #792 with 24 conditions.

The Petitioner was present. No one spoke for or against CUP #792.

**Date: June 4, 2013**

**Res. #39-13**

**RESOLUTION**

On motion of Commissioner Glynn, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 4, 2013 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #792 of Darrel and Eleanore Gordons, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To allow for sand and gravel mining operation on approximately 20 acres of the property which will be no more than 30 feet in depth and temporary storage, crushing/recycling of concrete and/or bituminous material

Location: Located on a 80 parcel, located in Section 12, Adams Township (T101N-R16W), and legally described as: The Southeast Quarter of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter, of Section 12, Township 101 North, Range 16 West, Mower County, Minnesota, on a parcel identified per tax records as 01.011.0090

Notice having been duly given, a public hearing was held on May 28, 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 June 4, 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. A Restoration Bond in the amount of \$16,250.00 (\$2,000.00 Restoration Bond for the first acre, plus \$750 for each additional stripped or activated acre or part of an acre based upon 0.5 acres increments.) must be posted with the County Auditor and valid through the life and operation of the pit; and

2. A "No Trespassing" sign shall be posted at the entrance; a gate shall be placed at the entrance; and
3. Extraction of materials shall be limited to the area provided on the exhibit map as outlined. Extraction beyond or outside of the depicted area will require a new or amended CUP application; and
4. Extraction of materials shall remain at least thirty (30) feet from all adjoining property lines and (30) feet from the road right-of-way (as required by Ordinance); and
5. Blasting is not allowed; and
6. No refueling storage tanks are allowed in the lower levels of the extraction site; and
7. Secure MPCA NPDES Permit and submit copy to Mower County Planning Department before beginning operation; and
8. Secure a completed Wetland Inventory performed by the Mower County Soil and Water Conservation District prior to beginning. A soils determination shall be completed by the SWCD for the presence of wetlands. Upon completion 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.
9. All quarry material processing, and grinding or crushing of asphalt or concrete shall remain at least 500 (in Ordinance) feet from any residence; and
10. Dust control may be required during high traffic volumes and shall be provided by the applicant, owner or lessees (not to utilize used oil, as it is an illegal use); and
11. Access driveway costs are to be borne by the petitioner; and
12. Petitioner/Owner shall be required to cure any violations under procedures of the Mower County Zoning Ordinance as it exists or may be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable Statutes; and
13. The Conditional Use Permit allows the Owner/Operator to utilize the pit Monday through Saturday from 7AM to 7PM and on Sunday's from 9AM to 3PM.
14. Any mud, dirt or debris transported to public roads shall be cleared, scraped or removed immediately so as not create a public health or safety risk to the traveling public; and
15. The use of the site for temporary placement of an asphalt or bituminous material is periodic and does not expire unless the CUP lapses as determined below; and
16. This Conditional Use Permit shall lapse, and shall be no longer valid upon **two**-years of non-use; and
17. Applicant shall follow all state and federal regulations regarding the proposed use; and
18. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
19. 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

20. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around so as to not create a nuisance or hazard to the traveling public. The trucks cannot be parked or backed onto the premises from the road or its right-of-way; and
21. The Owner/Applicant shall abide by all road and bridge weight restrictions or postings that apply to roads used as an ingress/egress to the property; and
22. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
23. No burying of waste material is allowed within the pit area and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
24. 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 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 4<sup>th</sup> day of June, 2013.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing regarding Red Melo's (Lansing Corners) CUP #781 conditions was scheduled to be heard however in reviewing the information and minutes from the Planning Commission's hearing on the CUP, the Planning Commission did not act and does not have a recommendation for County Board review and action. In addition, Mr. Melo was to provide Emergency and Parking Plans and has two weeks to provide the requested information. No action was taken by the County Board at this time.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to approve the following liquor/beer/wine licenses:

St. John's Baptist Catholic Church	1-day temporary license (July 14, 2013)
Grafting Company – Echo Lanes	Liquor license
Meadow Greens Golf Course, Inc.	3.2 Beer License
Cedar River Country Club	Liquor license
Four Daughters Vineyard and Winery	Liquor license

with licenses effective July 1, 2013 through June 30, 2014 unless otherwise noted. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to approve the following tobacco licenses:

Freeborn County Coop Oil in Austin, MN

BP Food Shop  
Lake Geo Travel Plaza, LLC  
K & H Cooperative Oil Company  
with licenses effective July 1, 2013 through June 30, 2014. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to authorize the Human Resources Director to hire a temporary full-time Social Worker for up to 67 days, but limited to the duration of an employee's FMLA leave which commenced June 5, 2013. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to approve the Laredo Software Program On-line Access Agreement and the Electronic Recording Trusted Submitter Agreement subject to review by the County Attorney. Motion carried.

The County has received renewal rates for the voluntary benefits of dental and vision. The dental premium will increase by 7% and the vision premium rate will increase 4%.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the dental (Dearborn National) and vision (Avesis) renewal agreements and authorize the Human Resources Director to sign the renewal agreements. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve the Fox Electric Change Order for additional electrical work for the LEC / H&HS Government Center remodel project in the amount of \$19,209. Motion carried.

Commissioner Ankeny reported on behalf of the Building Committee that there had been a groundbreaking held this morning for the grandstand.

Commissioner Gabrielson reported on behalf of the Rural MN Energy Board that the Board had taken a tour of the Deer Creek electrical plant near Brookings, South Dakota. It was an unbelievable operation. Commissioner Gabrielson shared a handout illustrating and describing the facility.

Motion by Commissioner Gabrielson, seconded by Commissioner Ankeny to adjourn the meeting at 2:08 p.m. Motion carried. The next meeting is scheduled for June 11, 2013 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

**INDEX**

**A**

adjourn, 120  
Avisis -- Vision benefit  
    renewal agreement, 120

**D**

Dearborn National -- Dental benefit  
    renewal agreement, 120

**E**

Electronic Recording Trusted Submitter Agreement, 120

**H**

hire temporary social worker, 120

**L**

Laredo Software Program On-line Access Agreement,  
    120  
LEC / H&HS remodel Change Order  
    Fox Electric, 120  
liquor/beer/wine licenses, 119

**M**

minutes, 116

**P**

Public Hearing  
    CUP #781 Lansing Corners—tabled, 119  
    CUP #792 D. Gordons, 116

**R**

Res. #39-13 CUP #792 Gordons, 117

**S**

SDA Initiative Work Session set, 116

**T**

tobacco licenses, 119

**W**

warrants  
    Commissioner, 116