

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

July 2, 2013

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session July 2, 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

The Assessor's Department was recognized as the July Employees of the Month. The staff includes Assessor Joy Kanne, Property Appraisers Mike Harrington and Candice Lahann, Property Appraiser Trainee Renee Thorpe and Office Support Specialist Srs. Amanda Lee and Kristen Olson.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to amend the agenda to include another personnel item pertaining to a request of the Sheriff's department to temporarily increase the hours of a part-time employee and to add two general business items: award electrical quote for grandstand and amend budget resolutions from 2011 and 2012. Motion carried.

Commissioner Bennett on behalf of the Personnel committee reported that the Sheriff's department has requested a temporary increase in hours for part-time employees to cover an FMLA leave in the Jail. The leave duration is expected to be 10-12 weeks in length.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve temporarily increasing the hours of part-time jailers during an FMLA leave as on file in the office of the Human Resource Director with the total increase in hours not to exceed 40 hours per week and to end at the expiration of the FMLA leave. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to accept the resignation of Amy Nelson, Public Health Nurse, effective July 5, 2013 and authorize the Human Resources Director to fill the full-time position according to union contract and personnel policies and to fill any subsequent positions that become vacant during the process. Motion carried.

Commissioner Bennett reported that the County Public Works Director has requested that the current positions of Light Truck Driver and Heavy Equipment Operator be merged into one position description titled Maintenance and Equipment Operator. The purpose is to provide full flexibility for work assignments and better customer service. This will create a

minor cost increase to the budget as the final position description will receive a pay equity rating of Grade 8 which is the current grade of the Heavy Equipment Operators. Based on the union contract the change will not result in any changes to pay for the Heavy Equipment Operators and the changes in pay will be to the current Light Truck Driver's as they are currently rated at Grade 7. The change will be considered a re-evaluation pursuant to the contract and has been approved by the union.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to eliminate the position descriptions of Heavy Equipment Operator and Light Truck Driver and to create the position description of Maintenance and Equipment Operator retroactive to June 1, 2013 for applicable staff adjustments. Motion carried.

A Public Hearing was held in regard to CUP #791 of Jesse Crews, Imperial Sand LLC to operate a gravel pit to include stockpiling and crushing of concrete as well as washing of aggregate on approximately 10 acres of the site in Section 35, Sargeant Township.

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

The Petitioner was present. No one spoke for or against CUP #791.

**Date: July 2, 2013**

**Res. #45-13**

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held July 2, 2013 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #791 of Jesse Crews, Imperial Sand LLC, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To operate a gravel pit to include stockpiling and crushing of concrete as well as washing of aggregate on approximately 10 acres

Location: A 10 acre area parcel, located in Section 35, Sargeant Township (T104N-R16W), and legally described as: 10-acre portion of: NE1/4 EXC 5AC BLDG SITE & EXC 12.81AC IN NW COR, Mower County, Minnesota on a parcel identified per tax records as 170350035.

Notice having been duly given, a public hearing was held on June 25, 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 July 2, 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 \$8,70.00 (\$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. Mining shall not proceed further east than the permanent berm depicted on the map as submitted with the application. No trees shall be removed along the North Branch of the Root River. Any tree removal requires permit under shoreland regulations. Absolutely no mining within the shoreland impact zone; and
4. Extraction of materials shall remain at least twenty (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 December 31, 2013; 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 (emergency use only); and
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 which may include, but shall not be limited to a storm water permit (MPCA), a Water Appropriations permit (DNR), 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 solid 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. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property (performance standards Section 14-142)
25. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as it practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity (performance standard Section 14-142); and
26. The mining operation shall not be allowed to interfere with surface waste drainage beyond the boundaries of the mining operation (performance standard Section 14-142); and
27. The mining operation shall not adversely affect the quality of surface or subsurface water resources (performance standard Section 14-142); and
28. Surface water originating outside and passing through the mining area shall, at its point of departure from the mining area, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision (performance standard Section 14-142); and
29. Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to the commencement of processing operations without the written consent of all owners and residents of said structure (performance standard Section 14-142); and
30. Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than thirty (30) feet to the boundary of any adjoining property unless it is first secured in writing. Mining operations shall not be conducted closer than 30 feet to the right of way line of any existing or platted street, road, or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street road or highway (performance standard Section 14-142); and
31. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated (performance standard Section 14-142); and

32. Erosion Control: All materials to be used for erosion control such as seed mixtures and so forth are to be approved by the County. Culverts, berms or etc. may be required for erosion control (performance standard Section 14-142); and
33. Applicant shall work with the SWCD to create an erosion control plan. This plan must be followed to prevent erosion and to protect surface water quality; and
34. Dust and dirt: All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred feet of the mining operations lot line (performance standard Section 14-142); and
35. Operator shall be subject to Section 14-143 Land Rehabilitation, of the Mower County Zoning Ordinance, and
36. CUP # 602 shall expire on December 31, 2013 and shall no longer be valid. CUP # 791 will replace the previous CUP without lapse or disruption; and
37. 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 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 2<sup>nd</sup> day of July, 2013.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #793 of Eugene M. Miller, Quarry Place, Inc. to construct an additional single-family dwelling in the agricultural district in Section 27, LeRoy Township.

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

The Petitioner was present. No one spoke for or against CUP #793.

**Date: July 2, 2013**

**Res. #46-13**

**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 July 2, 2013 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #793 of Eugene M. Miller, Quarry Place, Inc., Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To allow for construction of one single-family dwelling in the agricultural district

Location: 84.82 parcel, located in Section 27, Leroy Township (T101N-R14W), and legally described as: See legal description on file, Mower County, Minnesota on a parcel identified per tax records as 09.027.0040.

Notice having been duly given, a public hearing was held on June 25, 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 July 2, 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 Zoning Permit and ISTS Permit for either a holding tank or septic system must be obtained prior to or along with a zoning permit for construction of the residence.
2. The applicant must show, via licensed septic system contractor, that there are at least two sites available for future placement of a septic system to sustain the dwelling to assure sustainability of the residence long term. These septic system sites must be shown on a map and submitted with the application for the construction of the residence. These septic system sites shall not be subdivided from the residence rendering it non-sustainable unless alternate septic system sites are located on the retained property or connected to a municipal system. A dwelling used more than seasonally as defined in Condition #3 of the variance shall not be supported by a holding tank.
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 if this has not already been completed.
5. A Conditional Use Permit shall become void two (2) years after being granted by the County Board unless used or if discontinued for a period of three-hundred and sixty-five (365) days; one year.
6. Further development of this parcel for additional residential purposes shall require subdivision and platting.

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 2<sup>nd</sup> day of July, 2013.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

The Thompsons appeared before the Board to raise an issue regarding the road conditions on 670<sup>th</sup> Street and CR 7 for dust, potholes, signage and snow plowing. The Board noted their concerns and indicated that Mower County Public Works will be contacted concerning the issues that were raised.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to approve the Cooperative Agreement with the Minnesota Department of Agriculture to do waste pesticide collection subject to review by the County Attorney. Motion carried.

Arlen Schamber provided the Board with an update on the Turtle Creek Watershed District activities.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to approve the minutes of June 11 and June 25, 2013. Motion carried.

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

| AMOUNT   | VENDOR NAME                    | AMOUNT   | VENDOR NAME                    |
|----------|--------------------------------|----------|--------------------------------|
| 94798.30 | AAA STRIPING SERVICE COMPANY   | 130.00   | DONALD ADAMS                   |
| 2213.23  | ADVANCED CORRECTIONAL HEALTHCA | 15907.92 | ANOKA CO JUVENILE CENTER       |
| 405.55   | AUSTIN BUILDERS SUPPLY, INC    | 278.10   | AUTO VALUE AUSTIN              |
| 168.01   | BOB BARKER COMPANY INC.        | 494.88   | CARDINAL HEALTH                |
| 1753.97  | CARDMEMBER SERVICE             | 480.94   | CARNEY AUTO INC                |
| 6635.00  | CDW GOVERNMENT INC             | 176.56   | CDW GOVERNMENT, INC.           |
| 274.17   | CHARTER COMMUNICATIONS         | 692.19   | DALCO                          |
| 13593.07 | DELL MARKETING L P             | 19668.00 | DEPARTMENT OF CORRECTIONS      |
| 300.00   | DEPARTMENT OF TRANSPORTATION   | 4045.28  | EMERGENCY AUTOMOTIVE TECHNOLOG |
| 217.98   | FIRESTONE COMPLETE AUTO CARE   | 633.56   | HANSON TIRE OF AUSTIN INC      |
| 1482.00  | DOUGLAS HARRINGTON             | 1689.65  | HOPE HAVEN INC                 |
| 459.88   | INNOVATIVE OFFICE SOLUTIONS,LL | 181.31   | J-ROCKS AUTO GLASS LLC         |

**COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA**

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|   |  |
|---|--|
| 2496.00 BRADLEY JOHNSON                 | 540.00 KANE & JOHNSON ARCHITECTS INC   |
| 24000.00 KEN BURNS INC                  | 495.00 LAYTON TECHNOLOGY INC           |
| 1784.00 LHB INC                         | 262.50 MANTRONICS MAILING SYSTEMS INC  |
| 115.57 MATTHEW BENDER                   | 645.05 MELCHERT HUBERT SJODIN          |
| 130.00 MINNESOTA COUNTY ATTORNEYS ASS   | 2028.95 MINNESOTA HUMAN SERVICES       |
| 8437.50 MOWER COUNTY HISTORICAL SOC     | 11500.00 MOWER COUNTY SENIORS INC      |
| 35679.00 MOWER COUNTY SOIL & WATER CONS | 257.31 NAPA AUTO PARTS                 |
| 4256.00 NEOGOV                          | 220.00 OHIO CALIBRATION LABORATORIES   |
| 1141.90 ORBITCOM                        | 24151.10 PETROLEUM TRADERS CORPORATION |
| 529.38 PRINSCO, INC.                    | 515.10 PROLINE DIST INC                |
| 14428.13 REGENTS OF THE UNIVERSITY OF M | 387.76 RHOMAR INDUSTRIES, INC.         |
| 120.00 JAMES RISIUS                     | 748.68 ROAD MACHINERY & SUPPLIES CO.   |
| 1017.15 ROCHESTER FORD-TOYOTA           | 258.10 MR. SAM COMMUNICATIONS          |
| 116.96 SCHILLING SUPPLY COMPANY         | 2675.00 SCHMIDT-GOODMAN OFFICE PROD    |
| 178.00 DR. SCHMITT                      | 122.08 SEMA EQUIPMENT, INC             |
| 104.81 SHRED-IT USA MINNEAPOLIS         | 147.43 STREICHER'S                     |
| 1129.48 DAVE SYVERSON FREIGHTLINER      | 237.45 TERMINAL SUPPLY CO.             |
| 114.00 JANE THOME                       | 2586.49 THOMSON REUTERS-WEST PAYMENT C |
| 1483.29 TINY'S BODY SHOP                | 279.08 TITAN MACHINERY                 |
| 4033.25 TURNKEY CORRECTIONS             | 634.55 UNIFORMS UNLIMITED INC          |
| 581.01 WHITEWATER WIRELESS INC          | 363.53 ZIEGLER, INC                    |
| 481.24 3D SPECIALTIES INC               |  |
| 23 PAYMENTS LESS THAN \$100             | 1,229.67                               |
| **** FINAL TOTAL.....                   | \$319,321.05 ****                      |

**AND**

| AMOUNT  | VENDOR NAME                   | AMOUNT     | VENDOR NAME |
|---------|-------------------------------|------------|-------------|
| 9802.50 | PARENTING RESOURCE CENTER DBA |            |             |
|         | 0 PAYMENTS LESS THAN \$100    | .00        |             |
| ****    | FINAL TOTAL.....              | \$9,802.50 | ****        |

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn to approve the MPCA 2012 Feedlot Performance Grant in the amount of \$7521. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn to award the quote for CP 50-13-08 for the electrical and sound system work on the grandstand project to Schammel Electrical with a quote of \$38,100. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to amend Resolution #78-11 dated December 13, 2011 and Resolution #80-12 dated December 13, 2012 regarding the 2012 and 2013 budget and levy respectively in include the following language regarding expenditures that was inadvertently not included in the final set of minutes prepared:

**IT IS FURTHER RESOLVED:**

1. Departmental expenditures, except Personnel items, shall not exceed the approved budget. To provide flexibility to the department, the Budget Officer shall be authorized to amend line item budgets within a department, exclusive of personnel items, provided the total approved budget remains unchanged. All other budget amendments shall require County Board approval.
2. Personnel line items are based on position authorization listings and estimates of staffing needs developed during the budget preparation process. Any changes in payroll shall be subject to County Board approval through one of the following actions:
  - i. General salary adjustments authorized by the County Board;
  - ii. Salary adjustments pursuant to union contract provisions or statutory requirements;
  - iii. Specific authorization to fill a vacancy, add a new position or change a position classification.



3. Expenditure of funds budgeted shall be subject to applicable statutory procedures requiring proposals or bidding and any proposed expenditure in excess of \$25,000 shall be subject to prior approval of the County Board.
4. Department heads shall be responsible for maintaining sufficient internal departmental expenditure and receipt records to conform to requirements of this budget policy.

Motion carried.

It was noted that a letter had been received from Clyde Horne letter regarding results of County Board of Review and some phone calls had been received from Jim Hartson. Staff was instructed to send letters of response to Mr. Horne and Mr. Hartson.

Motion by Commissioner Ankeny, seconded by Commissioner Gabrielson to adjourn the meeting at 2:22 p.m. Motion carried. The next meeting is scheduled for July 16, 2013 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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