

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

October 1, 2013

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session October 1, 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 Ankeny, seconded by Commissioner Gabrielson to approve the agenda with the following additions:

General Business

Contract with Albert Lea Electric for camera work for LEC/Remodel

Personnel

Motion to approve or reject a SHIP / Coordinator position

Amend Auditor/Treasurer budget for the use of budgeted overtime for regular hours to meet staffing concerns

Adopt / Amend policy to give department heads the ability to manage part-time employee hours

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Glynn to approve the minutes of September 24, 2013. Motion carried.

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

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
5130.34	ACS GOVERNMENT INFORMATION SER	5058.80	ADVANCED CORRECTIONAL HEALTHCA
180.38	ALBERT LEA TRIBUNE	110.72	ALLIANT ENERGY
304.79	AUSTIN DAILY HERALD	32578.43	AUSTIN UTILITIES
1360.40	BOB BARKER COMPANY INC.	631.30	DALCO
31905.00	DAROLD BERGER MASONRY INC	672.80	EMERGENCY AUTOMOTIVE TECHNOLOG
550.80	FIRESTONE COMPLETE AUTO CARE	17523.74	FOX ELECTRIC COMPANY, INC
13254.35	HARTY MECHANICAL INC	304934.06	HENRY G MEIGS LLC
231.01	J-ROCKS AUTO GLASS LLC	3045.00	JONES HAUGH & SMITH INC
11529.20	KEY BUILDERS INC	43281.00	KNUTSON CONSTRUCTION SERVICES
870.00	LENWAY LAW OFFICE	1888.42	MAYO CLINIC HEALTH SYSTEM-ALBE
2931.65	MAYO CLINIC PATIENT FINANCIAL	180.25	MIDTOWN TOWING
18532.80	MIDWAY FORD COMPANY	62947.00	MOHS CONSTRUCTION
4030.80	MOTOROLA SOLUTIONS INC	449.96	NAPA AUTO PARTS
2371.94	PETROBLEND CORP.	25236.49	PETROLEUM TRADERS CORPORATION
363.00	RATWIK, ROSZAK & MALONEY, ATTY	952.43	REGENTS OF THE UNIVERSITY OF M
180.00	RIVERLAND COMMUNITY COLLEGE-OW	254.95	ROCHESTER FORD-TOYOTA

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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162.00 SAFE DEPOSIT BOX OPERATIONS	6569.27 SCHMIDT-GOODMAN OFFICE PROD
955.00 THOMAS SCHNEIDER	105.00 SELLERS LOCK & KEY
195.00 SHERIFF FREEBORN COUNTY	265.37 SHRED-IT USA MINNEAPOLIS
442.00 JIM THORSON	2859.03 TURNKEY CORRECTIONS
9500.00 UHL COMPANY INC	12188.50 WAGNER CONSTRUCTION CO
234.90 WHEELER ELECTRIC OF LEROY, INC	692.81 WHITEWATER WIRELESS INC
24 PAYMENTS LESS THAN \$100	1,122.75
****	****
FINAL TOTAL.....	\$628,763.44

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to rescind the September 24, 2013 motion approving a duplicate warrant to Harlan Peck due to the fact that the original check was found. Applicant is required to pay the duplicate warrant application fee. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to approve contract with Albert Lea Electric for camera system in the LEC/HHS remodel project for \$8,023.65. The contract price was included in the FF&E budget and the cost is shared with the City of Austin. Motion carried.

A Public Hearing was held in regard to CUP #794 of Michael Bustad to operate a gravel pit including stock piling / crushing concrete and bituminous materials and possible batch plant to include washing of aggregate material produced onsite on approximately 10.8 acres in Adams Township.

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

The Petitioner was not present. No one spoke for or against CUP #794.

**Date: October 1, 2013**

**Res. #70-13**

**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 October 1, 2013 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #794 of Michael Bustad, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To allow for the operation of a gravel pit on approximately 10.8 AC site. In addition applicant requests stockpiling/crushing of concrete and bituminous material, a possible batch plant and to include washing of aggregate material produced onsite. Signage included.

Location: on a 10.76 parcel, located in Section 1, Adams Township (T101N-R16W), and legally described as: The North 882 feet of the West 531 feet of the Northwest of the Northeast Quarter, Section 1, Township

101 North, Range 16 West, subject to highway easement, Mower County, Minnesota on a parcel identified per tax records as 01.001.0075

Notice having been duly given, a public hearing was held on August 27, 2013 and September 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 October 1, 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 \$7775.00 (\$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 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 beginning operation; and
8. All quarry material processing, and grinding or crushing of asphalt or concrete shall remain at least 500 (in Ordinance) feet from any residence; and
9. 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
10. Access driveway costs are to be bore by the petitioner; and
11. 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
12. 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. Exception shall be made to these time restrictions for emergency purposes. The owner/operator shall be responsible for

informing the county of the emergency that precipitates the need outside of normal business hours.

13. 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
14. 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
15. This Conditional Use Permit shall lapse, and shall be no longer valid upon **two**-years of non-use; and
16. Applicant shall follow all state and federal regulations regarding the proposed use; and
17. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
18. 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
19. 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
20. 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
21. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
22. 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
23. 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 1<sup>st</sup> day of October, 2013.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #795 of Keith and Sherri Jorgenson, to transfer a development right from one 40 acre portion of the property to another in Section 9, Racine Township.

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

The Petitioner was not present. No one spoke for or against CUP #795.

**Date: October 1, 2013**

**Res. #71-13**

**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 October 1, 2013 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #795 of Keith & Sherri Jorgensen, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To transfer a development right from one 40 acre portion of the property to another in Section 9, Racine Township.

Location: on a 120 AC parcel, located in Section 9, Racine Township (T104N-R14W), and legally described as: The Northwest Quarter of the Northwest Quarter of Section Ten (10) and the Northeast Quarter of Section Nine (9) all in Township One Hundred and Four (4) North, Range Fourteen (14) West of the 5<sup>th</sup> Principal Meridian, containing 80 acres Government Survey. Also, the West Half of the Northeast Quarter of Section 9, in Township 104 North, Range 14 West, in Mower County, Minnesota on a parcel identified per tax records as 15.009.0010

Notice having been duly given, a public hearing was held on August 27, 2013 and September 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 October 1, 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 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. 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. A copy of the deed restriction shall be submitted with the zoning request.
6. 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.
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 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 1<sup>st</sup> day of October, 2013.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Mike Hanson, Public Works Director, presented bid information received for projects SAP 050-599-127, replace bridge #2485 in Waltham Township.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to award the bid to Minnowa Construction the low bidder on project SAP 050-599-127 with a low bid of \$139,745.50 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Father Spinler wrote to the Board about the maintenance of the Prairie View Cemetery. The cemetery is not being maintained. There is a previous Board action from 2011 which directed the highway department to maintain the inactive cemetery. The Coordinator will forward the previous Board directive from 2011 to Mr. Hanson.

Commissioner Bennett on behalf of the Personnel Committee informed the Board that the Community Health Services Administrator discussed with the Personnel Committee a new SHIP Coordinator Nurse position that would focus on healthy living and prevention of chronic diseases. This position would be funded through the SHIP grant. The grant would provide the County with funding to cover the position as well as provide additional funds for administrative expenses. The Community Health Services Administrator proposed the County approve this position with the understanding the position would remain in existence as long as there is funding through SHIP.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to authorize the Human Resources Director to fill the full-time position of Public Health Nurse for the SHIP program dependent upon continued SHIP funding according to union contract and personnel policies and to fill any subsequent positions that become vacant during the process. Motion carried.

Commissioner Bennett further reported that the Auditor/Treasurer presented a payroll budget concern to Administration last week. The concern is in regards to having enough money in the budget to send a part-time employee to training this week. The current budget does not provide for payroll dollars to cover more than 24 hours per week. For this situation, money from the overtime budget could be transferred to regular payroll to cover the extra work hours for attending the training.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to amend the 2013 Auditor-Treasurer's budget to transfer \$90 from the over-time line item to regular payroll. Motion carried.

Lastly, Commissioner Bennett reported that the Personnel Committee discussed ways to provide Department Heads with flexibility to adjust the work schedules of part-time positions. The Personnel Committee provided a proposed policy with the intent to provide Department Heads with flexibility to adjust the schedule of a part-time position and stay within the approved part-time hours.

Motion made by Commissioner Bennett seconded by Commissioner Gabrielson to adopt Personnel Policy A145 Scheduling of Part-time Positions:

**SECTION A145**  
**SCHEDULING OF PART-TIME POSITIONS**

Department Heads are responsible to maintain the schedule of part-time employees to the hours approved by the Board. A Department Head has the discretion to fluctuate a part-time employee's hours per pay period as long as the total for the pay period does not exceed the approved hours for that position. The flexing of schedules must not exceed 40 hours in any work week. County Board approval is required in order to schedule hours in excess of the approved amount for any part-time position. The purpose for permitting this flexibility is to aide in covering department needs due to training, use of PTO and leaves of absences.

Motion carried.

Motion by Commissioner Gabrielson, seconded by Commissioner Glynn to adjourn the meeting at 2:15 p.m. Motion carried. The next meeting is scheduled for October 8, 2013 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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



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