

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 5, 2015

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session May 5, 2015 at 1:00 p.m. at the Government Center in Austin, Minnesota.

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

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz to approve the agenda with the addition of authorizing the County Attorney to sign the Alliance Pipeline Settlement Agreement. Motion carried.

The Board was introduced to Barb Mattick, Payroll/Benefits Coordinator and Nancy Kirtz, Account Clerk.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve the minutes of April 28, 2015. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
American Solutions For Business	6,920.49	Mpower Technologies Inc	2,750.00
Cdw Government Inc	2,102.40	Olmsted County Community Services	8,580.00
Emergency Automotive Technologies, Inc	4,367.41	Petroleum Traders Corporation	15,992.48
L & M Boiler Systems, Inc.	19,850.00	Sellers Lock & Key	3,060.00
Lyle Signs Inc	6,120.00	Vertical Limit Construction LLC	47,419.00
Melchert Hubert Sjodin	2,426.70	Ziegler, Inc	4,579.22
Mower County Soil & Water Cons	11,454.75	66 Payments less than 2000	34,439.35
		Final Total:	170,061.80

Motion carried.

Motion made by Commissioner, se Commissioner Gabrielson to set a public hearing at 10:00 a.m. on May 26, 2015 for Interim Ordinance imposing a Moratorium on development or expansion of any Solid Waste Facilities within the county while the study of possible amendment to the County's Official Controls relating to the regulation of waste within the county is conducted. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to authorize the County Attorney to sign the Alliance Pipeline tax court Settlement Agreement. Motion carried.

A Public Hearing was held in regard to CUP #818 of Robert Mossyge for an Auto Body Repair in Section 13, Lodi Township.

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

The Petitioner was not present. No one spoke for or against CUP #818.

Date: May 5, 2015

Res. #34-15

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 5, 2015 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #818 of Robert Mossyge, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

An Auto Body Repair business

Location: a 7.72 parcel, located in Section 13, Lodi Township (T101N-R15W), and legally described as: Section 13 Township 101 Range 015 E715FT W1455FT N470FT N1/2 NW1/4 Deeded Acres: 7.7200, SEE FULL LEGAL DESCRIPTION, Mower County, Minnesota on a parcel identified per tax records as 10.013.0030;

Notice having been duly given, a public hearing was held on April 28, 2015 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 May 5, 2015 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 state and federal regulations regarding the proposed use; which may include, but not be limited to; hazards waste permits, air quality permits, including retention of Material Data Safety Sheets (MSDS), from the MPCA and shall submit copies of those permits or exemptions to the Mower County Environmental Services office to have on file on or before 10/1/2015; and

2. Owner applicant shall keep record of all hazardous wastes generated, produced, or kept on site in association with this business. All waste shall be properly disposed of which may include hazardous waste transport and hazardous waste disposal at a licensed facility. Records of transport and disposal shall also be kept and be available for review of the Environmental Services Office, at any reasonable time; and
3. Floor drains, if applicable, where this paint operation is conducted shall not be connected to a septic system. Floor drains if applicable, shall either be sealed or comply with state and/or federal regulations; which may include the need for a Class V injection well permit. If a Class V injection well is located on the property; a copy of the permit shall be placed on file with the Environmental Services Department; and
4. An emergency plan shall be required. Contents of the plan shall include hazardous waste materials stored, produced or generated at this site. Emergency personnel may need to consider appropriate protective gear in an emergency situation such as a fire. Such plan shall be placed on file with the local fire department, Environmental Services Department and the Mower County Emergency Management; to protect public safety, and safety of law enforcement officers and firefighters, or others who may be called upon to the site during an emergency event. These documents must be placed on file on or before 6/1/2015; and
5. Because a portion of this property contains shore land overlay district, and because MN Rules and Mower County's zoning ordinance requires review of the septic system for any improvement on or issuance of a permit for a specific use; the septic system shall be evaluated to determine if it is or is not in compliance with MN Rules 7080-82 and Mower County's Septic Ordinance. If compliant; a Certificate of Compliance shall be placed on file with Mower County. If non-compliant the notice of non-compliance shall be placed on file with the Mower County Environmental Services office and the septic system shall be upgraded in the timeframe specified by Ordinance; those being 10-months for an Imminent Public Health Threat and 12-months for a notice of non-compliance. This compliance inspection shall occur on or before 8/1/2015; and
6. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
7. 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. Vehicles cannot be parked or backed onto the premises from the road or its right-of-way; and
8. Signage must comply with the Mower County Ordinance and must be located out of road right-of-ways. The sign(s) shall be kept in a neat and tidy condition at all times and kept free of any noxious weeds.
9. Expansion or addition to the facility shall require an amendment to the conditional use permit.
10. A conditional use permit shall become void two (2) years from the date of approval by the County Board if no construction has begun or the use has not been established.
11. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use.
12. No burying of waste material is allowed and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
13. The site is not being permitted as a junk yard. Parts must be kept or housed within a storage structure and shall not accumulate about the property. Vehicles waiting to be painted or which have been completed may be kept outside, but shall be kept in a neat, orderly fashion; and shall be limited to 4 or less vehicles; and

14. 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
15. 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 May, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #819 of Vicky Vogt c/o Four Daughters Winery, LLC for a 100'x200' production area for wine making and moving an existing storage structure in Section 23, Frankford Township.

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

The Petitioner was present and spoke on her own behalf in favor of CUP #819. No one spoke against CUP #819.

Date: May 5, 2015

Res. #35-15

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 May 5, 2015 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #819 Vicky Vogt c/o Four Daughters Winery, LLC, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

For a 100 ft x 200 ft production area for winemaking (used for cider, wine making - from grape to bottling); moving existing storage structure to another location.

Location: on a redefined parcel, located in Section 23, Frankford Township (T103N-R14W), and legally described as: see full legal description on

file in the office of Mower County Environmental Services, Mower County, Minnesota on a parcel identified per tax records as 06.017.0100; and

Notice having been duly given, a public hearing was held on April 28, 2015 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 May 5, 2015 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 state and federal regulations regarding the proposed use; which may include but not be limited to:
 - a. Permits from the MN Dept. of Health for food/beverage service,
 - b. Permits from the MPCA for land application of industrial waste by-products;
 - c. Permits from the DNR for a water appropriation permit for using more than 10,000 gallons of water per day or 1million gallons water per year,
 - d. State building and health codes shall be met or exceeded,
 - e. Any other permits or requirements for the proposed use.Copies of these permits or exemptions shall be submitted to Mower County Environmental Services no later than December 31, 2015, and shall become part of the CUP file; and
2. The structures shall be designed by a licensed architect or engineer within the State of Minnesota as regulated by the Board of Architecture and Engineering. As-built documentation shall be filed with the Mower County Environmental Services Office from the licensed architect or engineer certifying the structure was built in accordance with his/her plan/design; and
3. Structures shall meet or exceed handicap accessibility and fire code requirements; and
4. A flow meter shall be required to be installed to monitor water use of the well. Meter readings shall be taken no less than monthly and shall be submitted to the Mower County Environmental Services Office no less than annually. In addition the meter readings will be needed for reporting requirements of the DNR water appropriation permit; if necessary. These reports shall become part of the CUP file; and
5. The Septic system currently supporting this land use shall be evaluated. If it is determined to be non-compliant or undersized for the uses it is currently supporting in addition to the proposed use that it may also be supporting in the future; the system shall be replaced, upgraded or expanded as determined by a licensed septic system contractor appropriate for this size of system. Evaluation of the existing system, and if necessary - a new septic system shall be installed and operational on or before 9/1/2015. It is duly noted that complete installation of the system may not be completed until 2016 due to the size of the system; and
 - a. The system shall be required to be maintained under an operating permit; which will require formal acceptance or rejection with reasons stated in writing to the applicant

- by the Mower County Environmental Services Office. The operating permit shall be required at the time of application for a septic permit; and
- b. Annual reporting will be required which will be outlined in the operating permit. Reporting shall include but not limited to; maintenance schedule, sample testing, flows and current status of functions of the system to determine if the minimum requirements of MN Rules 7080-82 are met and if the system is operating properly. Annual reporting shall be submitted on or before 12/31 of each year of operation; and
 - c. For public health concerns the system shall have an approved fence system or contain another acceptable barrier. The barrier will prevent snow from being piled onto the drain field area, unwanted parking upon and prevent visiting customers access to the sewage treatment area. Compaction or additional water added to the soils in the immediate area or on the mound can damage or limit the system's ability to function properly. This barrier shall be established no later than 10/1/2015; and
 - d. Grass or other acceptable vegetation shall be sustained over the system to act as insulation during the winter months. In addition, the health of the plants can act as an indicator of how well, or bad, the system is functioning; and
 - e. Pumping of this system must occur no less than monthly by a licensed maintainer or as outlined in the anticipated systems operating permit. Pumping records shall be submitted to the Mower County Environmental Services Office and shall become part of the CUP file; and
 - f. Any additional expenses incurred to the county for monitoring, reviewing reports, or evaluating or reviewing this system itself shall be at the expense of the owner of the system. Mower County does not currently employ nor have, nor do they intend to have an Advanced Designer/Inspector on staff and will have to contract specifically for services associated to this system; and
 - g. The operating permit is not transferrable; and
 - h. A certified service provider must be under contract at all times; and
 - i. Alarms shall not be shut off or rendered inoperable; and
6. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
 7. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include barrier fencing around garbage collection area; and
 8. 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
 9. The Owner/Applicant shall be required to provide dust control (not to utilize used oil (illegal) so as not to create a nuisance to neighboring property from the additional traffic; and
 10. The owner /applicant shall provide adequate area onsite to park, back, turn-around or contain other vehicular maneuvers on site so as not to create a nuisance or hazard to the traveling public. Vehicles shall not be parked within the road-right-of way nor shall they be backed onto the premises from the right-of-way; and
 11. The owner applicant shall be required to apply for a new access permit from MNDOT should they choose to have continued access to the state highway; and
 12. Any change in operation, or use of the facility, including additional expansion, shall require an amended and revised CUP which shall go through the normal and customary Conditional Use Permit process; and
 13. A Conditional Use Permit shall become void two (2) years after being granted by the County Board unless used. If the established use is discontinued for a period of three-hundred and sixty-five (365) consecutive days the CUP permit becomes void; and
 14. 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 May, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson to authorize the Chair to send a letter to Vision 2020 regarding the Roosevelt Bridge graffiti and cover-up artwork. Motion carried.

The Board recessed at 1:30 p.m. and reconvened at 2:10 p.m.

Priscilla Mork, Mower County Toward Zero Deaths Coordinator, provided the Board with an update on the current educational WAVE towards Zero Deaths – “Click It or Ticket.”

Nancy Schnable, Austin Convention & Visitor’s Bureau, presented to the Board the bureau’s 2014 annual report.

The Moose Lodge’s request to lease the adjacent tax forfeited property was referred to Finance for a review and recommendation.

The Board recessed at 2:40 p.m. and reconvened at 2:59 p.m.

Ann Hutton, SELCO Regional Director, as well as the Mower County Library Directors (Ann Hokanson, Austin; Deb Smith, Brownsdale; Alicia Baugh, Grand Meadow; Rhonda Barnes, LeRoy) provided the Board with an update on the local libraries services and activities.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to adjourn the meeting at 3:18 p.m. Motion carried. The next meeting is scheduled for May 12, 2015 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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