

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 2, 2015

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 2, 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 the Board's consideration of the City of Elkton/County Agreement for project SAP 50-607-038. Motion carried.

Commissioner Gabrielson and Craig Oscarson provided the Board with highlights from the AMC District IX meeting held the previous day.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to approve the minutes of May 26, 2015. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Aaa Striping Service Company	67,573.48	Ratwik,Roszak & Maloney,Atty	3,728.78
Anoka Co Juvenile Center	17,901.48	Strobel M.D./David W	2,912.00
Bustad Dozing And Excavating Inc	4,512.71	Turnkey Corrections	10,916.09
Dalco	2,781.10	Whitewater Wireless Inc	3,919.83
Midwest Clinical Psychologists	2,100.00	57 Payments less than 2000	19,398.01
Northland Business Systems	2,744.00	Final Total:	150,532.48
Olmsted County Community Services	12,045.00		

Motion carried.

Motion by Commissioner Gabrielson, seconded by Commissioner Glynn to approve the following list of surplus property for disposal, donation to units of governments and/or auction:

<u>Quantity</u>	<u>Item</u>	<u>Department</u>
1	6 drawer vertical / legal cardboard filing cabinet	HHS
4	5 drawer vertical legal file cabinets	HHS
22	4 drawer vertical legal file cabinets	HHS
50 boxes	15 / box - T8 Florescent bulbs 28 – 32 watt	Maintenance
1	2009 Ford Crown Victoria	Corrections
varied	Old Environmental Services furnishings including file cabinets and chairs	Public Works

Motion carried.

A Public Hearing was held in regard to CUP #821 of Kenneth A & Diane L. Stockdale, land owners and John Stockdale, applicant for a new single family dwelling within a quarter section that already includes one single family dwelling; by transfer of development right in Section 28, Bennington Township.

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

The Petitioner and landowner were present and spoke on their own behalf.

Date: June 2, 2015

Res. #37-15

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 2, 2015 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #821, by Kenneth A & Diane L. Stockdale, land owners and John Stockdale, applicant who have, petitioned the Mower County Board of Commissioners to allow for a new single family dwelling within a quarter section that already includes one single family dwelling; by transfer of development right.

The proposed use is to be located on a parcel, that will be located in Section 28, Bennington Township (T102N-R14W), and currently identified per tax record as 03.028.0020 & 03.028.0021 NW Quarter Section 28 T102N-R14W, Mower County, Minnesota.

The development right will be taken FROM: 03.022.0040 N1/2 SE Quarter, Sec 22 T102N-R14W, Mower County, MN & 03.022.0050 S1/2 SE Quarter Sec 22 T102N-R14W., Mower County, Minnesota; and

Notice having been duly given and a public hearing being held on the matter on May 26, 2015, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition.

Notice having been duly given, a public hearing was held on June 2, 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. 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 SSTS 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 prior to construction.
4. 911 addressing is required to be obtained through the Mower County Highway Dept. prior to construction.
5. Petitioner 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.
6. 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; unless the property is rezoned. 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.
7. 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. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.
8. A conditional use permit shall become void if the use is discontinued for a period of one (1) year. (Refer Section 14-36 Discontinuance); and
9. A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance and shall automatically terminate the permit (refer Section 14-35 Revocation); and
10. 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 issued 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 2nd day of June, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #820 of Michael E. & Margaret L. Arndorfer, land owners and applicants for a new single family dwelling within a quarter section that already includes one single family dwelling; by transfer of development right in Section 28, Bennington 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 #820.

Date: June 2, 2015

Res. #38-15

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 June 2, 2015 at the Government Center, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #820, by Michael E. & Margaret L. Arndorfer, land owners and applicants who have, petitioned the Mower County Board of Commissioners to allow for one additional single-family dwelling per quarter section.

The proposed use is to be located on a 125 parcel, located in Section 26, Clayton Township (T102N-R15W), and legally described as: Full Legal on file at Mower County Public Works/Environmental Services. Abbreviated: N1/2 SE1/4 & SW1/4 SE1/4 & S 5 AC NE1/4 EXC 1.018 AC HWY ROW AS DESC IN BK 242-553 & BK 299-373, Mower County, Minnesota on a parcel identified per tax records as 04.026.0020; and

Notice having been duly given and a public hearing was held on the matter on May 26, 2015, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition.

Notice having been duly given, a public hearing was held on June 2, 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. 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 SSTS 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 prior to construction.
4. 911 addressing is required to be obtained through the Mower County Highway Dept. prior to construction.
5. Petitioner 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.
6. 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. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.
7. A conditional use permit shall become void if the use is discontinued for a period of one (1) year. (Refer Section 14-36 Discontinuance); and
8. A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance and shall automatically terminate the permit (refer Section 14-35 Revocation); and
9. 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 issued 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 2nd day of June, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to proposed amendments to the Zoning and Septic Ordinances.

Angie Knish, Environmental Services Director, reviewed the proposed amendments.

No one spoke for or against the proposed zoning and septic ordinance changes.

Date: June 2, 2015

Ord. #02-15

**ORDINANCE
Zoning & Septic Ordinance Amendments**

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Ordinance Amendments were unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held June 2, 2015 at the Government Center, Austin, Minnesota.

WHEREAS, with notice having been given, a public hearing was held on May 26, 2015 before the Mower County Planning Commission at 7:00 p.m. for consideration of Mower County Zoning & Septic Ordinance Amendments; and

WHEREAS, with notice having been given, a public hearing was held on June 2, 2015, consideration of Mower County Zoning & Septic Ordinance Amendments summarized as follows:

1. Add definition of "Zoning Permit": Sec. 14-7
2. Change mentions of "building permit(s)" to "zoning permit(s)": refer Sec. 14-16.10, 14-20(e), 14-103.11(c) SSTS Ordinance Subd. 4, 4.10(7)
3. Add exemption to height limitations for "fertilizer plant or fertilizer plant structure(s) to Sec 14-18.1(b), 14-52(c)(2); 14-103.4(c)(2)
4. Height exemptions, as listed, shall not be applicable in airport safety or conical zones of the Austin Municipal Airport: refer Sec 14-18.1(a) & (b), 14-52 (c)(2), 14-62(c)(1), 14-103.4(c)(2)
5. Change "elevator lags" to "elevator legs": refer Sec 14-52(c)(2), 14-103.4(c)(2)
6. Correction to any other minor typographical errors.

BE IT ORDAINED that the following Mower County Zoning and Septic Ordinance Amendments are hereby adopted;

All proposed changes are to the Mower County Zoning Ordinance unless specifically noted:

DEFINITIONS: DIVISION 2, SECTION 14.7

Zoning Permit. A document signed by a zoning officer as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, alteration, conversion, installation or placement of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of Mower County's Ordinances or authorized variance therefrom. The exclusive word "permit", when used, is equivalent to zoning permit.

14-16.10 GREATER THAN 50 PERCENT DAMAGE AND BEYOND 180 DAYS OF PROPERTY DAMAGE:

If any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, as determined by the record of the County Assessor, at the time of damage, and no building zoning permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be conforming.

SECTION 14-20. DUTIES AND POWERS OF THE OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR.

- (e) Issue building zoning permits and maintain records thereof. A record shall be maintained of finished first floor elevations (including basements) and flood-proofing measures for all new structures in flood districts.

SECTION 14-103.11 PHASING AND GUARANTEE OF PERFORMANCE

- (c) The construction and provision of all of the common open space and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Planning Commission shall review all of the building zoning permits issued for the PUD

SUBDIVISION 4, 4.10 GENERAL REQUIREMENTS, INSPECTION REQUIREMENTS (SSTS ORDINANCE)

- 7. The Department may waive, due to frozen soil conditions, the Certificate of Compliance requirement for a building zoning permit or variance for which application, or transfer of property, is made during the period from November 1 to April 30, provided that an inspection of the system is performed by the following June 1.

SECTION 14-18.1. ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS

- (a) Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following.
- (1) Monuments
 - (2) Flag Poles
 - (3) Cooling Towers
 - (4) Grain Elevators

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

- (b) Height limitations set forth elsewhere in this Ordinance may be increased with no limitations when applied to the following:
- (1) Church spires, belfries or domes which do not contain usable space.
 - (2) Water Towers.
 - (3) Chimneys or smokestacks.
 - (4) Radio or television transmitting towers.
 - (5) Essential service structures.
 - (6) Wind generators when located in an "A" Agricultural District.
 - (7) Fertilizer plant or fertilizer plant structure(s)

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

SECTION 14-52. LOT SIZE, WIDTH, YARD, ACCESS AND HEIGHT REQUIREMENTS

Any lot in an "A" Agricultural District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- (c) Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements
- (1) The maximum height of all buildings shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.
 - (2) This height limitation shall not apply to grain elevators, fertilizer plants or fertilizer plant structures, silos, windmills, elevator ~~lags~~ legs, cooling towers, water towers, chimneys, smokestacks and church spires.

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

- (d) Exceptions. Certain uses and locations are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Section 14-18.1.

SECTION 14-57. LOT SIZE, WIDTH, YARD, ACCESS AND HEIGHT REQUIREMENTS

Any lot in an "RM" Rural Residence District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

The lot size, width, yard, setback, access and height requirements for the RM Rural Management District shall be the same as those listed for the "A" Agriculture District.

SECTION 14-62. LOT SIZE, WIDTH, YARD, ACCESS AND HEIGHT REQUIREMENTS

Any lot in an "UE" Urban Expansion District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- (c) Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements
 - (1) Agricultural buildings shall be exempt from the height requirements.

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

SECTION 14-103.4 LOT SIZE, WIDTH, YARD AND HEIGHT REQUIREMENTS

Any lot in an "RC" Rural Service Center District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- (c) Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
 - (1) The maximum height of all buildings shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.
 - (2) This height limitation shall not apply to grain elevators, fertilizer plants or fertilizer plant structures, silos, windmills, elevator ~~lags~~ legs, cooling towers, water towers, chimneys, smokestacks and church spires.

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

- (d) Exceptions. Certain uses and locations are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Section 14-18.1.

BE IT FURTHER ORDAINED that Ordinance 02-15 be effective upon publication.

A copy of the entire Mower County Ordinances are on file in the Mower County Auditor-Treasurer's office.

Passed and approved this 2nd day of June, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: June 2, 2015

Res. #39-15

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 June 2, 2015 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County operates a feedlot program under a delegation agreement with the State of Minnesota, and

WHEREAS, Mower County also adopted a zoning ordinance regarding additional local zoning rules in relation to the feedlot program, and

WHEREAS, Section 14-18.2 subd. (f) of the Zoning Ordinance authorizes the County Board to charge a fee for feedlots,

NOW THEREFORE BE IT RESOLVED that the annual feedlot fee for current feedlots be set as follows for 2015:

0-299 animal units	\$ 42.00
300 + animal units	\$130.00, and

BE IT ALSO RESOLVED that any fees collected as of the date of this resolution shall be considered as paid in full, and

BE IT ALSO RESOLVED that any remaining feedlot operations shall have 30 days from the date of this resolution to pay the 2015 annual fee and failure to pay said fee shall result in revocation of their feedlot permit.

Passed and approved this 2nd day of June, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: June 2, 2015

Res. #40-15

RESOLUTION

On motion of Commissioner Bennett, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 2, 2015 at the Government Center, Austin, Minnesota.

WHEREAS, project number SAP 50-646-005 completed under contract number 21411 by Rud Excavating, 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: \$443,705.40
Final Amount: \$421,906.89 [95.09%]
Final Payment: \$ 21,095.35

Passed and approved this 2nd day of June, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to approve the temporary closure of CSAH 7 on June 20 in Dexter for Sunflower Daze. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to approve the following alcohol licenses effective July 1, 2015 through June 30, 2016:

Meadow Greens Golf Course, Inc. 3.2 On Sale
Cedar River Country Club Liquor - On Sale and Sunday
Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to approve the application of Chateau Raceway, LLC for a fireworks/pyrotechnic special effects display on July 10, 2015. Motion carried.

Motion by Commissioner Bennett, seconded by Commissioner Glynn to adjourn the meeting at 1:58 p.m. Motion carried. The next meeting is scheduled for June 9, 2015 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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