

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

October 6, 2015

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session October 6, 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 Reinartz, seconded by Commissioner Gabrielson to approve the agenda. Motion carried.

The Finance Committee gave a brief report on the 2014 audit results.

A Public Hearing was held in regard to CUP #825 of Roger & Susan Bastyr, land owners, and Joe Bastyr, petitioner, for a site to be used for storage, crushing and processing of asphalt and concrete materials; mixing and storage of salt sand in Section 27, Lansing Township.

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

The Petitioner was present and spoke on his own behalf. Two individuals from the City of Austin spoke against CUP #825.

Date: October 6, 2015

Res. #58-15

RESOLUTION

In Re: Roger & Susan Bastyr, land owners, and Joe Bastyr, applicant, made application on 8/13/2015, requesting Conditional Use Permit #825 for site to be used for storage, crushing and processing of asphalt and concrete materials; mixing and storage of salt sand.

On motion of Commissioner Reinartz, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held October 6, 2015 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #825, by Roger & Susan Bastyr, land owners, and Joe Bastyr, applicant, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for storage, crushing and processing of asphalt and concrete materials;

mixing and storage of salt sand; to be issued pursuant to the Mower County Zoning Regulations; and

WHEREAS, The proposed use is to be located on a 3.64 acre parcel, located in Section 27, Lansing Township (T103N-R18W), and legally described as: See Full Legal on file at Environmental Services, in Mower County, Minnesota on a parcel identified per tax records as 08.048.0010; and

WHEREAS, Notice having been duly given and a public hearing held on the matter on 9/29/2015, at 7:00 p.m. in the Mower County Government Center, Commissioner's Room before the Mower County Planning Commission, on said petition;

WHEREAS, Notice having been duly given, a public hearing was held on October 6, 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, an industrial stormwater permit, solid waste storage standards of the MPCA, and any others that may apply; and
2. Hours of operation shall be Monday through Friday from 7 am – 7 p.m. Saturdays from 8 am – 2 pm. No crushing shall be allowed on the following days: Easter, Independence Day, Thanksgiving or Christmas Day; and
3. Applicant/owner shall maintain a low water mist during crushing operation or provide another acceptable method to the County Board to address dust control during crushing; and
4. Any runoff that would be present from watering or misting of the product shall be contained and disposed by applicant; and
5. When crushing begins; applicant shall notify the Public Works office either by written correspondence, a telephone call or by email so they are made aware the ongoing crushing and for how long it is anticipated to last, in case concerned citizens inquire; and
6. The storage and crushing area shall be contained to the portion of the property located behind the main buildings towards the back portion of the property; and
7. 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
8. 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

9. The Owner/ Applicant shall provide adequate area onsite to park, back, or turn-around so as to not create a nuisance or hazard to the traveling public. Vehicles shall not be parked or backed onto the premises from the road or its right-of-way; 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; and
11. Failure to comply with any and all listed conditions may result in revocation of this conditional use permit; and
12. 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 consecutive days, the CUP permit then becomes void; and
13. Expansion, modification, or additional acreage to this proposed use will require an amendment to the original conditional use permit. Changes or modifications to this use, as granted will also require an amendment to the original conditional use permit.
14. A line of trees shall be established on the southwest and southeast (adjacent to the Cook Farm property) with a fast-growing poplar type tree and an evergreen type tree intertwined within. Trees must be maintained to grow and replaced if they die.
15. The petitioner shall be required to have the property surveyed by a licensed surveyor prior to using the site for the purposes of the CUP and shall provide a copy of the survey to the Environmental Services office which shall then become part of the official file.

This permit is issued in accordance with Article II Division 8 (Industrial District), Section 14-83 conditional uses: B – mining, extraction, processing & storage of sand, gravel, stone or other raw materials, M – Temporary storage, crushing/recycling of concrete and bituminous material; and Article I Division 6, Section 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 6th day of October, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #826 of Josephine Iblings Testamentary Trust c/o Katherine Harte, land owners, and Iblings Family Farm LLC, c/o Michael Harte, petitioner, for a vacation rental property in Section 4, Red Rock Township.

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

The Petitioner was present and spoke on his own behalf.

Date: October 6, 2015

Res. #59-15

RESOLUTION

In Re: Josephine Iblings Testamentary Trust c/o Katherine Harte, land owners, and Iblings Family Farm LLC, c/o Michael Harte, applicant, made application on 8/5/2015, requesting Conditional Use Permit #826 for a vacation rental property.

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 October 6, 2015 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners CUP #826, by Josephine Iblings Testamentary Trust c/o Katherine Harte, land owners, and Iblings Family Farm LLC, c/o Michael Harte, applicant, who have petitioned the Mower County Board of Commissioners to allow for a vacation rental property; to be issued pursuant to the Mower County Zoning Regulations; and

WHEREAS, The proposed use is to be located on a 52.48 acre parcel, located in Section 4, Red Rock Township (T103N-R17W), and legally described as: Section 04 Township 103 Range 017 NE1/4 SE1/4 & N24AC OF SE1/4 SE1/4, EXC 2.89 AC HWY & EXC E645FT S583FT N788FT SE1/4 SE1/4, Mower County, Minnesota on a parcel identified per tax records as 16.004.0100; and

WHEREAS, Notice having been duly given and a public hearing held on the matter on 9/29/2015, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition;

WHEREAS, Notice having been duly given, a public hearing was held on October 6, 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 including Minnesota Rules Chapter 4625, (as may be amended), by the Department of Health; and
2. Because a portion of this property contains shoreland 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 10/30/2015; and

3. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
4. 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
5. 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
6. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
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 issued in accordance with Article II Division 2 Agricultural District, Section 14-51 conditional uses (l) campgrounds or tourist homes and Article I Division 6 Conditional Use Permits, of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 6th day of October, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to amend the July 7, 2015 motion on remodeling the Pioneer building and the Collections building at the Historical Society from \$26,500 to \$32,315 to cover additional expenses related to the sewer line and associated work with the bathroom remodel. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn TO approve county funds to replace the HVAC units in the Administration building at the Historical Society subject to the low quote being at or below the 2015 budget allocations. Motion carried.

Commissioner Reinartz reported on behalf of the Solid Waste Committee that while the single sort initiative for the recycling program was not approved, the initiative created a lot of community discussion for ways to try and improve our current program that resulted in the Solid Waste Committee asking county staff to create a list of ideas to improve the program and increase the volume of recyclables we collect. The committee has met and reviewed a number of changes and in the near future will be making final recommendations to implement some of these changes. The first areas of interest are as follows:

1. Increase the advertising budget by \$20,000 to reach more constituents, better educate the public and look at promotional opportunities to grow the program.
2. Move from every other week curbside collection to weekly collection. It is possible we will also look at providing additional bins or a different sized / type of bin to better serve the public.
3. Add more product line to eligible recyclables we collect. The primary focus is in the plastic area with the possibility of accepting plastics 1 through 7 inclusive.
4. There is a need to replace some items such as a new compactor, trailer and a scale.
5. We are continuing to study methods to replace the remote drop boxes.
6. The recycling coordinator has proposed a building addition to save energy costs as well as providing a more convenient method for the public to drop off recyclables at the Recycling Center. County staff has been instructed to provide a building addition layout and cost estimate.

The committee will be looking into additional staff ideas to improve the system but with the initiatives that appear to be the most necessary there will need to be a slight increase in the annual service charge. Currently a household pays \$16.10 per year to support the existing program. When the county looked into single sort recycling the estimated cost to the homeowner was approximately \$55.00 per year. Based on the potential improvements to the program we wish to fund, the committee is recommending we increase the Service Charge fee from what is currently \$3.22 per point to \$5 per point. This will result in a cost to the homeowner of \$25 per year as each home has 5 points assigned to it.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to set the 2016 Solid Waste Service charge at \$5.00 per point. Motion carried.

Amy Lammey, Emergency Management Coordinator / Safety Director, provided the Board with an update on the recently livestock trailer and the related response training and use of the trailer during livestock emergencies.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to approve the minutes of September 22, 2015. Motion carried.

Motion made by Commissioner Bennett, 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>
Cargill Incorporated	64,247.02	Miller/Richard	9,509.00
City Of Austin	6,996.11	Minn Dept Of Agriculture	69,122.00
Commissioner Of Transportation	2,278.32	Olmsted County Community Services	22,110.00
Department Of Corrections	21,420.00	Regents Of The University Of Minnesota	16,882.50
Douglas C Bathke Const. LLC	22,681.00	Road Machinery & Supplies Co.	51,605.00

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Emergency Automotive Technologies, Inc	3,154.78	Standard Spring & Alignment Services	4,923.32
Etterman Enterprises	2,051.30	Thomson Reuters-West Payment Center	2,372.63
Freeborn County Co-Operative Oil Co.	5,586.96	Thoroughbred Carpets Of Austin Llc	3,093.50
Glaxosmithkline	2,337.61	Turnkey Corrections	6,729.26
Mansfield Oil Company	14,731.86	Ulland Brothers Inc.	6,601.80
Mathy Construction Company	3,576.61	Veolia Environmental Services Inc	6,618.47
Mayo Clinic Health System-Albert Lea &	5,050.00	Wagner Construction Co	5,400.00
Melchert Hubert Sjodin	6,522.74	Ziegler, Inc	6,701.05
Mille Lacs Academy	8,668.22	110 Payments less than 2000	48,375.42
		FINAL TOTAL:	429,346.48

Motion carried.

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

Quantity	Item	Department
1	2003 140H Motorgrader	Public Works
1	1005 Broce RC-300 Sweeper	Public Works

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to approve the Audit Engagement Letter with Clifton Larson Allen for audit years 2015, 2016 and 2017. Motion carried.

Motion made by Commissioner Reinartz seconded by Commissioner Glynn to amend Resolution 06-15 from January 6, 2015 for Auditor warrants by deleting "Marsha Pawluk" and adding "foster care, guardianship and placement care providers." Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to approve the Human Services Accounts Payable. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve a Health & Human Services duplicate warrant in the amount of \$192.83 for previous warrant #85381 without bond or surety. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to amend the jail 2015 budget to move \$126,500 in funds from Reserve Contingency to the Jail Budget to provide the funds for the jail camera upgrade. Motion carried.

Commissioner Ankeny appointed Commissioner Reinartz to the Ad Hoc Committee on Housing for the City of Austin.

By consensus the Board authorized the Chair to send a letter to Gary Stephenson, declining to participate in the Framed Constitution Project.

Motion by Commissioner Glynn, seconded by Commissioner Bennett to adjourn the meeting at 2:43 p.m. Motion carried. The next meeting is scheduled for October 20, 2015 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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