

**SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS**

October 4, 2016

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session October 4, 2016 at 1:03 p.m. at the Government Center in Austin, Minnesota.

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

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to approve the agenda with the addition of the introduction of Steve Rothmeier, Property Appraiser Trainee. Motion carried.

Joy Kanne, introduced the new Property Appraiser Trainee, Steve Rothmeier, to the Board.

Under Committee Reports there was a brief update on the status of the recycling center addition and the 2015 audit exit conference with the auditors.

A Public Hearing was held in regard to CUP #839 of Hormel Foods Corporation c/o Andy Klenner, landowners, and Tyler Hulsebus, Vice President - Engineering, petitioner, to allow a private, non-commercial bike trail on the property located in Section 26, Lansing Township. The bike trail is to be primarily used for competitive events including school competitions and not available to the general public.

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

A representative for the Petitioner was present and requested clarification regarding the parking on the roadway limitations. A discussion followed that included talking to the County Engineer by phone. No additional persons spoke for or against CUP #839.

**Date: October 4, 2016**

**Res. #56-16**

**RESOLUTION**

On motion of Commissioner Ankeny, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held October 4, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #839 of Hormel Foods Corporation c/o Andy Klenner, landowners, and Tyler Hulsebus, Vice President - Engineering, petitioner, who have petitioned the Mower County Board of Commissioners to allow pursuant to the Mower County Zoning Regulations for the site to be used for a private, non-commercial bike trail which will primarily be used for competitive events including school competitions and not available to the general public; and

**WHEREAS**, the proposed use is to be located on a 38.2 acre parcel, located in Section 26, Lansing Township (T103N-R18W), and legally described as (2 parcels):

All that part of the NW1/4 of the SW1/4 of Section 26, Township 103 North, Range 18 West, which lies East of the Center line of the main channel of the Red Cedar River as it flowed in the month of December 1970 (*Deeded Acres: 19.1000*)

AND

That part of the SW1/4 of the SW1/4 of Section 26 lying S of Out Lot 1 in Maple View Addition to the Town of Lansing, also described as the West 20 rods of the South 327 feet of the S1/2 of the SW1/4 of the SW1/4 of said Section 26

... and also ...

Commencing on the South line of Section 26, Township 103 North, Range 18 West, 20 rods East from the SW corner of said Section, thence North parallel with the West line of said Section 40 rods, thence East parallel with the South line of said Section 60 rods, thence South along the East line of the SW ¼ of the SW ¼ of said Section 40 rods to the South line of Section 26, thence along said section line West 60 rods to the place of beginning, containing 15 acres more or less, subject to a 10 foot right of way easement along the East line of said tract granted the Tri-State Telephone Company, Mower County, Minnesota (*Deeded Acres: 19.1100*)

Mower County, Minnesota on parcels identified per tax records as 08.026.0140 AND 08.026.0170 respectively; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on September 27, 2016, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition;

**WHEREAS**, Notice having been duly given, a public hearing was held on October 4, 2016 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; and
2. Applicant/landowner/event host shall be responsible, at their cost, for traffic control to ensure the safe crossing of its recreational event attendees or participant who are parking on the east side of CSAH 16 (aka 11<sup>th</sup> Street NE) and then participating in the event or event activities held on the west side the above named street; and
3. Applicant/landowner shall mitigate and reduce any areas of the proposed trail which may due to excessive or repetitive use cause erosion of any shoreland or floodplain areas which can affect the Cedar River; and
4. Applicant/landowner shall follow any requirements of the Soil Water Conservation District regarding the Wetland Conservation Act; and
5. 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, environmental or safety hazard from the proposed use, 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.
8. For clarification: This bike trail shall be allowed exclusively for (non-motorized) bicycles only;
9. The trail must entirely be located on Hormel property; and
10. No parking north or south of the bicycle trail crossing on either side of the road for 500 feet. A loading zone at the trailhead for bike and gear drop off and a bus drop off (loading and unloading area) for 200 feet is allowed only on the west side of CSAH 16 (100 feet north and south of the trailhead).

This permit is in accordance with Article II Division 2 Agricultural District; Division 4 Urban Expansion, Division 9, Shoreland Management Overlay, Article III Floodplain Section Sections 14-51 ( c ) & 14-61 ( e ) & Division 9- Shoreland Management Overlay Regulations & Article III Floodplain Ordinance; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 4<sup>th</sup> day of October, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the minutes of September 27, 2016. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to approve the following Commissioner warrants for payment: less the \$172 portion of the Mower County Shopper with the Coordinator having discretion in processing that portion of the bill. *(included in warrants upon satisfactory explanation)*

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Davidson Septic Service LLC	2,966.86	Regents Of The University Of Minnesota	17,220.24
Department Of Corrections	9,340.00	Ronco Engineering Sales, Inc.	2,605.10
Mower County Shopper	3,044.00	School District 492	2,198.72
Office Of Mn It Services	3,963.76	42 Payments less than 2000	19,661.56
		<b>Final Total:</b>	<b>61,000.24</b>

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to re-appoint Joy Kanne as the Mower County Assessor for a four year term effective January 1, 2017 through December 31, 2020. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to adjourn the meeting at 1:55 p.m. Motion carried. The next meeting is scheduled for October 11, 2016 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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