

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

May 17, 2016

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session May 17, 2016 at 8:30 a.m. at the Government Center in Austin, Minnesota.

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

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the agenda. Motion carried.

A Public Hearing was held in regard to CUP #829 of Matelin Lee Wilson Revocable Trust UTA, Landowners, and Vance and Vicki Wilson, Petitioners, for a single family dwelling in Section 8, Clayton Township.

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

The Petitioner was present and spoke on his own behalf. No one spoke for or against CUP #829.

**Date: May 17, 2016**

**Res. #23-16**

**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 May 17, 2016 at the Mower County Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #829 of Matelin Lee Wilson Revocable Trust UTA, Landowners, and Vance and Vicki Wilson, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

Single Family Dwelling

Location: on a 160 acre parcel, located in Section 8, Clayton Township (T102N-R15W), and legally described as: Legal: Section 08 Township 102 Range 015SE1/4. Deeded Acres: 160.00

To create a 2.0 acre parcel for additional dwelling - see surevey provided, Mower County, Minnesota on a parcel identified per tax records as 04.008.0050; and

**WHEREAS**, Notice having been duly given, a public hearing held on the matter on April 26, 2016, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition; and

**WHEREAS**, Notice having been duly given, a public hearing was held on May 17, 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 Approval, 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; and
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. A secondary site shall be found and preserved for both parcels being created; and
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; and
4. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction; and
5. 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; and
6. 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
7. 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

8. 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
9. Applicant shall provide one of the following
  - a. A "No Loss Determination" (meaning no wetlands on site)
  - b. A "Wetland Exemption" (meaning the act does not apply)
  - c. An approved "Wetland Replacement Plan".

This permit is in accordance with Article II Division 2 Agricultural District Section 14-18.4(a)(1)(a) Density Factors & 14-18.4(d)(1) Additional Single Family Dwellings may be allowed by conditional use provided site locations shall be limited to areas which are wooded with healthy and mature trees and not currently used for agricultural; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 17<sup>th</sup> day of May, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #831 of Derek R. Hjelman, Landowner and Petitioner, to construct a 50' x 72' x 16' sidewall, pole type structure for personal storage in Section 22, Austin Township.

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

The Petitioner was present on spoke on his own behalf. No one spoke for or against CUP #831.

**Date: May 17, 2016**

**Res. #24-16**

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 17, 2016 at the Mower County Government Center, Austin, Minnesota.

**WHEREAS,** The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #831 of Derek R. Hjelmen, Landowner and Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

construct a pole-shed which will be 50ft x 72 ft (3,600 sq. ft) with sidewalls of 16 feet high to accommodate an overhead door in order to clear a personal camper. The shed will be used for personal storage (no rental/no farm animals).

Location: on a 2.97 acre parcel, located in Section 22, Austin Township (T102N-R18W), and legally described as: RIVERWOOD ESTATES II Lot 9 Block 1

Deeded Acres: 2.97, Mower County, Minnesota on a parcel identified per tax records as 02.071.0090; and

**WHEREAS,** Notice having been duly given, a public hearing held on the matter on April 26, 2016, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition; and

**WHEREAS,** Notice having been duly given, a public hearing was held on May 17, 2016 before the Mower County Board of Commissioners, on said petition; and

**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 Approval, 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. An ISTS 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 before laying out the permanent location of the shed. The area should be preserved and protected from compaction and/or construction or other damages. The purpose of identifying the secondary septic site location is because septic systems are soils defendant and the intent is to make sure the shed will not be placed on the sole location available for a replacement septic system location. Soils must be reviewed by a licensed septic contractor qualified for soils review.
3. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
4. 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 Article II Division 5 R-1 Rural Residence Section 14-12 Accessory Buildings (b) (4) acc. Blgs shall not exceed 14 feet in height for the sidewall and be no greater than 2500 sq feet or 5% of the lot coverage for all access. Blgs; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 17<sup>th</sup> day of May, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #832 of Harold G. & Armeada Boverhuis, Landowners and Petitioners, to subdivide an existing 2.88 acre parcel into 3 lots to be used for residential purposes in Section 10, Lansing Township.

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

The Petitioner was present and spoke on his own behalf. No one spoke for or against CUP #832.

Commissioner Gabrielson indicated to the Board that he had received a report that there may be garbage, old appliances, etc. buried on the property and that it may be advisable to require a Phase I Environmental Study and a Phase II if necessary. A discussion followed.

Motion made by Commissioner Gabrielson, to approve a Resolution for CUP #832 of Harold G. & Armeada Boverhuis, accept the findings of fact and the proposed 10 conditions with 1 additional condition to do a Phase I environmental study and Phase II, if necessary, following the Phase I. The Chair Glynn called for a second to the motion three times. The motion failed for a lack of a second.

**Date: May 17, 2016**

**Res. #25-16**

**RESOLUTION**

On motion of Commissioner Bennett, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 17, 2016 at the Mower County Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #832 of Harold G. & Armeada Boverhuis, Landowners and Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

To subdivide an existing 2.88 acre parcel into 3 lots to be used for residential purposes. There is an existing dwelling on one lot; the other two lots will be available for development.

Location: on a 2.88 acre parcel, located in Section 10, Lansing Township (T103N-R18W), and legally described as: Legal: Section 10 Township 103 Range 018, S419.26FT SE1/4 NE1/4 E OF RR

Deeded Acres: 2.8800, Mower County, Minnesota on a parcel identified per tax records as 08.010.0025; and

**WHEREAS**, Notice having been duly given, a public hearing held on the matter on April 26, 2016, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition; and

**WHEREAS**, Notice having been duly given, a public hearing was held on May 17, 2016 before the Mower County Board of Commissioners, on said petition; and

**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 Approval, 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 shall provide written verification from Lansing Township (Board) that the newly created parcels will be serviced by the Lansing Community Sewer. This is to make certain that area does not need to be provided for on-site septic; and
3. Wetland Review required: 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.
4. Petitioner, shall provide a disclosure statement regarding easements or other private agreements which will affect future buyers; and
5. Survey of the properties shall be required and shall be recorded with the Deed in the Office of the Mower County Recorder; and

6. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
7. Appropriate Permits shall be obtained prior to construction or installation of structures on the property; 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. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; 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 in accordance with Article II Division 10 Rural Service Center District Section Subdivision Ordinance; Section 13-129 In the case of a small size and minor importance, ...Where conditions are well defined, and where compliance with the foregoing restrictions will create an unnecessary hardship, and failure to comply does not interfere ..; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved 4 - 1 this 17<sup>th</sup> day of May 2016. The Commissioners voted as follows: Commissioner Gabrielson nay, Commissioner Ankeny aye, Commissioner Reinartz aye, Commissioner Bennett aye, and Commissioner Glynn aye.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to a rezone request/ Zoning Ordinance Amendment of Jon Erichson, Reding Family Trust Agreement to rezone the property located at No Situs Address along 28<sup>th</sup> St. SE, Section 18, Windom Township, from Agricultural to Rural Management.

Angie Knish, Environmental Services Supervisor, reviewed the proposed modifications to the Zoning Ordinance noting that the Planning Commission has approved these modifications and recommended approval to the County Board.

The Chair asked for public input. The petitioner was present and spoke on his own behalf. No one spoke for or against amending the Zoning Ordinance.

**Date: May 17, 2016**

**Ord. #01-16**

**ORDINANCE**  
**Zoning Ordinance Amendment**

On motion of Commissioner Bennett, seconded by Commissioner Reinartz, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held May 17, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending the Zoning Ordinance was published in the Austin Daily Herald on May 4, 2016; and

**WHEREAS**, notices were made by first class mail to the adjoining landowners in accordance with the Mower County Zoning Ordinance on April 14, 2016. An official list is kept on file in the office of the Environmental Services; and

**WHEREAS**, a site visit was held on April 20, 2016, in which two of the Planning Commission members and the Mower County Environmental Service Director met with the applicant on site; and

**WHEREAS**, a public hearing was completed on the matter on April 26, 2016, at 7:00 p.m. before the Mower County Planning Commission and on May 17, 2016 at 1:00 p.m. before the Mower County Board of Commissioners, both held at Mower County Government Center, Commissioner's Room, at which any concerned citizens were given an opportunity to speak on the matter; and

**WHEREAS**, the Mower County Planning Commission recommended by a majority to the Mower County Board of Commissioners, to amend the Mower County Zoning Ordinance to grant the Rezone Request of Jon Erichson, applicant, Reding Family Trust Agreement, owner.

**BE IT ORDAINED** that the Mower County Zoning Map be changed to reflect the following legally described parcel 20.018.0040 to be rezoned from Agricultural District to Rural Management District:

An undivided one-half interest in:

All that part of North Half (N1/2) of Northwest Quarter (NW1/4), of Section Eighteen (18), Township One Hundred Two (102) North of Range Seventeen (17) West, lying North of Right of Way of Chicago, Milwaukee, St. Paul and Pacific Railway, and containing 69.5 acres of land, subject to right of way of Interstate Power Company across the premises; and subject to right of way Northwestern Telephone Company, Mower County, MN.

This amendment is in accordance with Article I Division 7 (Amendments/Rezoning) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 17<sup>th</sup> day of May, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to revising the Section 14-18.4 Residential Development and Density Standards of the Mower County Zoning Ordinance.

Angie Knish, Environmental Services Supervisor, reviewed the proposed modifications to the Zoning Ordinance noting that the Planning Commission has approved these modifications and recommended approval to the County Board.

The Chair asked for public input. No one spoke for or against amending Section 14-18.4 of the Mower County Zoning Ordinance.

**Date: May 17, 2016**

**Ord. #02-16**

**ORDINANCE**  
**Zoning Ordinance Amendment (Section 14-18.4)**

On motion of Commissioner Ankeny, seconded by Commissioner Gabrielson, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held May 17, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending Section 14-18.4, Mower County Zoning Ordinance was published in the Austin Daily Herald on May 5, 2016, the Mower County Independent on April 14, 2016 and the Meadow Area Shopper on April 13, 2016; and

**WHEREAS**, the Planning Commission held a public hearing on said amendment on April 26, 2016; and

**WHEREAS**, the County Board held a public hearing on said amendment on May 17, 2016; and

**WHEREAS**, the Mower County Planning Commission recommended by a majority to amend the Mower County Zoning Ordinance;

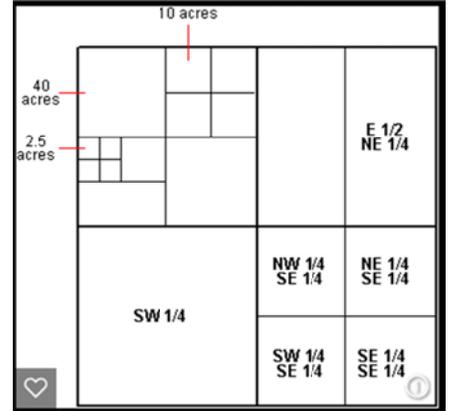
**BE IT ORDAINED** that Section 14-18.4, of the Mower County Zoning Ordinance is amended by replacing the current Section 14-18.4 with the following Ordinance language:

**SECTION 14-18.4 RESIDENTIAL DEVELOPMENT AND DENSITY STANDARDS**

(a) Permitted Dwellings. Where allowed as a permitted use within a District, but required to follow the requirements of this Section, single family dwellings, or lot splits/subdivisions to create lots for single family dwellings, shall be subject to the following conditions:

(1) Density Factors. For the purposes of this Section, the following shall be the density factor for each respective district:

- (a) "A" Agricultural District: One hundred sixty (160) acres or one quarter section. A quarter-section is illustrated in the public land survey system.
- (b) "RM" Rural Management District: Forty (40) acres or one quarter-quarter section. A quarter-quarter-section is illustrated in the public land survey system.
- (c) "UE" Urban Expansion District: Twenty (20) acres.
- (d) The right-of-way of any public road adjacent to when included in the description of the property may be included in the calculation of the density factor.



*For information purposes only; a diagram of the public land survey system is included for reference.*

(2) Minimum Tract Size.

- (a) The tract of land involved shall comprise an area at least equal to the density factor for the District.
- (b) The tract of land involved may include one or more parcels, but the parcels shall be contiguous and in the same, common ownership.

(3) Number of Dwellings Allowed. The number of single family dwellings allowed shall be calculated as follows:

- (a) The total acreage of the tract shall be calculated.
- (b) The density factor for the District shall be subtracted from this total for each existing dwelling unit.
- (c) The result from (a) and (b) above shall be divided by the density factor for the District.
- (d) The result shall be the maximum number of dwellings allowed on the entire tract.
- (e) Additional dwellings may be allowed under certain circumstances by conditional use permit as outlined in 14-18.4 (c) or (d).

(b) Lot and Siting Requirements:

- (1) Each new dwelling shall be retained on a separate lot.
- (2) Lot size, including minimum area, width and depth, is determined by each respective district of the zoning ordinance.
- (3) Smaller lot sizes may be achieved through clustering of dwellings with community sewer systems.

- i. Community sewer systems are defined as 5 homes or more within a half mile of each other which share a combined septic system which is generally maintained by a contracted maintainer or a service provider.
    - ii. Administratively the zoning administrator may allow the reduction of the lot size in the "A", "RM" and "UE" district from 1.5 acres to 1.0 acres or more when connected to a community septic system. Lot size and lot width shall be preserved in accordance with the respective district.
    - iii. Lot reductions, other than allowed by item ii above, shall only be allowed by conditional use permit.
  - (4) Subdivision of land shall comply with the Subdivision Ordinance of Mower County.
  - (5) Dwellings shall not be permitted within 1,000 feet of an existing feedlot, except for dwellings of the feedlot operator or feedlot owner.
  - (6) Prior to subdivision or request for any zoning permit for construction, whichever occurs first, the applicant shall provide one of the following:
    - i. A "No Loss Determination" (meaning no wetlands on site)
    - ii. A "Wetland Exemption" (meaning the act does not apply)
    - iii. An approved "Wetland Replacement Plan".
  - (7) Dwellings shall not be permitted in areas classified as wetlands, floodways, or soils defined by the USDA Soil Survey as peat or muck.
  - (8) For each density/residential lot created; the parcel must be able to support a primary and secondary Type I septic system. Review of the soils shall be completed by a licensed septic contractor and soil logs shall be completed in accordance with the Mower County Septic Ordinance.
    - i. The primary and secondary septic systems sites shall be well defined and shown on a map and kept of file with the homeowner's records.
    - ii. The mapped primary and secondary septic areas shall be preserved and protected from soil compaction, construction or other damage that may render the site(s) unusable for a Type I septic system; unless an alternative site has been provided in accordance with this section.
    - iii. The information listed in item (ii) above shall also be submitted along with the application for any zoning or septic permit for the lot/parcel.
    - iv. If the lot/parcel cannot sustain a Type I septic system for both a primary and secondary site; it cannot be used for density/residential purposes.
- (c) Transfer of Development Rights (TDRs)/Clustering
  - (1) If the owner chooses to transfer the development right(s) from a location other than from which that right is derived; the property owner(s) shall:
    - (a) Sign and record a deed restriction to the remainder of the tract from which the dwelling eligibility was derived:
      - i. The deed restriction shall reflect where the transfer of development right(s) were conveyed by legal description.
      - ii. The restriction shall prohibit any further dwellings or division of land for residential purposes or non-agricultural purposes, with the exception of wind and solar energy where allowed by ordinance, of the remainder of the tract, unless it is rezoned; OR
      - iii. Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as a/an outlot(s) with a deed restriction which shall prohibit any further dwellings or division of land for residential purposes or non-agricultural purposes, with the exception of wind and solar energy where allowed by ordinance, of the remainder of the tract, unless it is rezoned.
      - iv. The purpose of these requirements is to ensure that land may only be used once for the purpose of determining residential density. Land already used

to calculate allowable density may not be combined or reconfigured with any other land for additional residential development purposes.

- (b) All residential development will be subject to the siting criteria listed in Section 14-18.4(b).
- (c) In no case shall the number of lots/dwellings transferred exceed 10 units unless rezoned to a Planned Unit Development.
- (d) Abide by the process required for Transfer of Development Rights (TDR) as prescribed below:

Transfer of Development Rights Within the Same Zoning District:	
Number of TDRs being used or transferred	Process:
1-2	Administrative
3 or more, but less than 10	Conditional Use Permit
10 or more	Area must be rezoned to a Planned Unit Development

Transfer of Development Rights from one zoning district to another: TRD derived from a lower density district being transferred to a higher density district							
<table border="1"> <tr> <th>(Example) From:</th> <th>(Example) To:</th> </tr> <tr> <td>Ag</td> <td>RM, UE</td> </tr> <tr> <td>RM</td> <td>UE</td> </tr> </table>		(Example) From:	(Example) To:	Ag	RM, UE	RM	UE
(Example) From:	(Example) To:						
Ag	RM, UE						
RM	UE						
Number of TDRs being used or transferred	Process:						
1-2	Administrative						
3 or more, but less than 10	Conditional Use Permit						
10 or more	Area must be rezoned to a Planned Unit Development						

Transfer of Development Rights from one zoning district to another: TRD derived from a higher density district being transferred to a lower density district							
<table border="1"> <tr> <th>(Example) From:</th> <th>(Example) To:</th> </tr> <tr> <td>UE, RM</td> <td>Ag</td> </tr> <tr> <td>UE</td> <td>RM</td> </tr> </table>		(Example) From:	(Example) To:	UE, RM	Ag	UE	RM
(Example) From:	(Example) To:						
UE, RM	Ag						
UE	RM						
Number of TDRs being used or transferred	Process:						
1-9	Conditional Use Permit						
10 or more	Area must be rezoned to a Planned Unit Development						

- (d) Additional Single Family Dwellings. Additional single family dwellings in addition to the number allowed in 14-18.4(a)(3) may be allowed by conditional use provided:
  - (1) Site locations shall be limited to areas which are wooded with healthy and mature trees and not currently used for agricultural purposes, or are unsuitable for economical agricultural uses because of poor soils, rough or steep topography, or other natural features.
  - (2) All residential development will be subject to the siting criteria listed in Section 14-18.4(b).
  - (3) This provision is intended to allow landowners with large areas of wooded land or land that is unsuitable for agricultural purposes to accommodate more dwellings than is permitted within the maximum density allowance of the District. It is not intended to be in lieu of the other provisions of this section. Therefore any dwelling built under this provision must count toward the landowner's density allowance and otherwise follow the procedures set forth in this section.
  - (4) In no case shall the number of dwellings built under this provision exceed 10 units unless rezoned to a Planned Unit Development

Passed and approved this 17<sup>th</sup> day of May, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Date: May 17, 2016

Res. #26-16

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 17, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, Mower County has determined that the following bridges are deficient and should be replaced:

Bridge 50503 in Section 26 of Lansing Township; and  
Bridge L5100 in Section 8 of Pleasant Valley Township; and  
Bridge L5134 in Section 31 of Bennington Township; and

**WHEREAS**, Mower County has determined that new structures should be constructed to replace the existing deficient bridges; and

**WHEREAS**, local roads play an essential role in the overall State transportation network and local bridges are the critical component of the local road systems; and

**WHEREAS**, State support for the replacement, rehabilitation, and removal of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the Townships to proceed with the management of deficient bridges; and

**WHEREAS**, Mower County intends to proceed with the replacement of these bridges as soon as possible; now therefore

**BE IT RESOLVED:**

That Mower County commits that it will proceed with the design and contract documents and the replacement of these bridges immediately after being notified that funds are available in order to permit the work to take place.

Passed and approved this 17<sup>th</sup> day of May, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Commissioner Ankeny reported on behalf of the Personnel Committee that the Committee had met with the County Attorney to discuss the increased work load in the County Attorney's office. The County Attorney is requesting an additional legal assistant.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz that effective May 17, 2016 the 2016 Staffing Level is revised to reflect an additional Legal Assistant position in the County Attorney's department and the 2016 County Attorney budget is amended for an additional \$50,000 for payroll related expenses and for an additional \$5000 for office equipment and supplies due to the staffing increase. Motion carried.

Commissioner Ankeny on behalf of the Personnel Committee reported that the Committee had discussed the Hormel's 125<sup>th</sup> Anniversary Celebration that is to occur on July 29, 2016. The festivities are to take place in the downtown area including the green space behind the Justice Center. It is anticipated that 10,000 people will be in attendance. Concerns have been expressed regarding congestion, parking and foot traffic in and out of the buildings for non-County related business. The Personnel Committee is proposing the closure of the County at noon to the public but remain a normal work day for employees. It will be at the discretion of the Departments to manage employee use of flex schedules or PTO/Vacation for the afternoon of July 29. Department Heads will be responsible to notify their customers of the change in business hours for July 29.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to close the County downtown offices (Government Center & Justice Center) to the public at noon on July 29, 2016 but to remain a normal work day for employees with work schedules to be determined by each department head. Motion carried.

There was a brief discussion on the City of Austin proposal for tax abatement. The Finance Committee is continuing to review the proposal.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett to approve the minutes of May 10, 2016. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Austin Newspapers Inc	2,135.82	Mille Lacs Academy	13,423.44
Batteries Plus LLC	2,014.80	Parenting Resource Center Db	28,904.50
Cedar Valley Services, Inc	29,818.92	Prairie Lakes Youth Programs	9,635.00
Freeborn County Co-Operative Oil Co.	6,327.48	Village Ranch Inc	5,273.10
Mayo Clinic Health System-Albert Lea &	5,689.03	36 Payments less than 2000	14,644.98
Melchert Hubert Sjodin	2,657.21	<b>Final Total:</b>	<b>120,524.28</b>

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to approve the Human Services Accounts Payable dated May 24, 2016 subject to review by the chair. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the Commissioner warrants dated May 24, 2016 for payment:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
180 Degrees Inc	2,468.40	Marco Inc	2,800.00
American Solutions For Business	6,315.35	Midstates Equipment & Supply	13,641.88
Anoka County Human Services	4,921.00	Midwest Monitoring & Surveillance	4,568.00
Commissioner Of Transportation	4,342.99	Minn Dept Of Agriculture	79,242.00
Damel Corporation Morem Tree Service	8,346.25	Path	5,148.00
Election Systems & Software	16,085.00	Ruffridge-Johnson Equipment Co	5,042.94
Emergency Automotive Technologies, Inc	2,301.75	Strom/Bruce	6,638.00
Erickson Engineering Co., Llc	18,101.00	Wagner Construction Co	5,570.00
Jones Haugh & Smith Inc	2,755.00	59 Payments less than 2000	25,047.66
		<b>Final Total:</b>	<b>213,335.22</b>

Motion carried.

Craig Oscarson, County Coordinator, had been approached by the SIRT team for a location for a training exercise. The possibility of using one of the tax forfeited houses in Commissioner Gabrielson's district is under consideration.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to authorize tax forfeited property located at 116 Graham Street, Mapleview, MN (28.001.0950), if the redemption period has expired, to be used for a SIRT training exercise once appropriate insurance certification has been provided to the County and then authorize the structure to be demolished. Motion carried.

Motion by Commissioner Gabrielson, seconded by Commissioner Ankeny to approve the tobacco license effective July 1, 2016 through June 30, 2017 for BP Food Shop. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to approve the BP5 PHEP Amendment with the Minnesota Department of Health for the period of June 1, 2016 through June 30, 2017. Motion carried.

Lisa Kocer provided the Board with Community Health updates which included sharing the 2015 Annual Community Health Narrative/Report; MIECHV Home Visiting RFP from MDH and Healthy America funding/grant competitiveness.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to adjourn the meeting at 2:25 p.m. Motion carried. The next meeting is scheduled for June 7, 2016 at 1:00 p.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

**INDEX**

**2**

2016 Staffing Level  
add Legal Assistant, 91

**A**

adjourn, 92

**B**

BP5 PHEP Amendment, 92  
budget amendment 2016  
Attorney  
New position payroll 50000 & office equipment  
5000, 91  
Building Closure to public only (still staff day)  
7-29-16 @ noon for Hormel 125th celebration, 91

**H**

Human Services Accounts Payable (5.24.16), 91

**L**

Legal Assistant  
Add to 2016 Staffing level, 91

**M**

minutes 5.10.16, 91

**O**

Ord. #01-16 Rezone 02.018.0040 Ag to Rural Mgmt  
Erichson/Reding, 85

Ord. #02-16 Amend Section 14-18.4 for residential  
development & density, 86

**P**

Public Hearing  
CUP #829 Wilson, 78  
CUP #831 Hjelman, 80  
CUP #832 Boverhuis, 82  
Zoning Amt Erichson/Reding, 84  
Zoning Ordinance Amt. Section 14-18.4, 86

**R**

Res. #23-16  
CUP #829 Wilson, 78  
Res. #24-16  
CUP #831 Hjelman, 80  
Res. #25-16  
CUP #832 Boverhuis, 82  
Res. #26-16  
Bridge Priority  
Bridge 50503 Sec. 26 Lansing, 90  
Bridge L5100 Sec. 8 Pleasant Valley, 90  
Bridge L5134 Sec. 31 Bennington, 90

**T**

tax forfeited property 28.001.0950  
SIRT training & demolish, 92  
tobacco licenses  
BP Food Shop, 92

**W**

warrants  
Commissioner, 91  
Commissioner (5.24.16), 92