

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 7, 2016

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 7, 2016 at 1:02 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 Ankeny, seconded by Commissioner Reinartz to approve the agenda with the following additions: 1) Set letting date for project SAP 050-597-006 / replace Bridge 5063 on Oakland Place in Austin; 2) liquor license application for On Sale & Sunday of Austin Windows and Windrift Lounge and 3) Fireworks permit application for a display on July 2 at Deer Creek Speedway. Motion carried.

Under Building Committee Reports the Board received an update on minor fairground projects.

The Solid Waste committee reviewed the bids received on the Recycling Remodel / Addition and recommended awarding the project to the low bidder.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to award the bid to the low bidder Wagner Construction with a low bid of \$297,000 for the Recycling Center Remodel / Addition project and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

In addition, the Solid Waste provided an update on the progress of a new solid waste ordinance. A partial draft has been received for the committee's initial review. A complete ordinance draft will be completed following the SONAR study.

A Public Hearing was held in regard to CUP #824 of The Pettibone LLC, landowners, and The Lansing Chapel LLC, petitioner, for a church / event center in Section 10, Lansing Township.

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

The Petitioner was present and spoke on her own behalf. No spoke in favor of CUP #824 and two persons spoke against CUP #824.

Date: June 7, 2016

Res. #27-16

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 7, 2016 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #824 of The Pettibone LLC, Landowners, and The Lansing Chapel LLC, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

Church / Event Center; including weddings, anniversaries, commitment ceremonies, birthday, family reunions, baby showers, holidays, clubs, meetings, banquets, memorials, church services, garage sales; includes outside food catering/alcohol catering; signage.

Location: on a 0.59 acre parcel, located in Section 10, Lansing Township (T103N-R18W), and legally described as: that part of Lots 1, 2, 3, 4, 5 and 6, Block 5, of the Village of Lansing, as that same is platted in recorded in the office of the County Recorder of Mower County MN; which lies east of the east right-of-way etc., Mower County, Minnesota on a parcel identified per tax records as 08.039.0114; and

WHEREAS, Notice having been duly given, a public hearing held on the matter on 5/31/2016, 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 June 7, 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. Applicant shall follow all state, federal, and township regulations regarding the proposed use, which may include approvals or review from such entities, but not limited to, the MN Department of Health, State Fire Marshall; MN Board of Architects and Engineering, Handicap Accessibility standards, proper road authority, MPCA, and/or Lansing Township, and others depending on the use of the facility; and

2. Any changes, alterations, future additions to the structure(s) shall be designed by a licensed architect or engineer within the State of Minnesota as regulated by the Board of Architecture and Engineering. A zoning permit shall be required by Mower County and must include the name and licensure of the architect or engineer. An as-built plan shall be submitted stating that that the building or addition was completed to those standards; and
3. Public facilities shall meet or exceed handicap accessibility and fire code requirements; and
4. The Owner/ Applicant shall obtain any necessary permits from the Department of Health for food and beverage service; and
5. No live music, bands or other loud venues which may cause nuisances to the adjacent residential area. MPCA Noise standards must be met or exceeded. Should this issue become of concern, the landowner/ owner/ operator shall bear the burden of proving they meet or exceed this condition at their own expense upon the request of the Mower County Board of Commissioners; and
6. The event center shall be designed to accommodate no more than 100 people or less based from an acceptable parking plan that is approved by Mower County; and
7. Parking and signage shall meet or exceed the Mower County zoning ordinance. If at any time the county or township determines that no parking signage shall be required to mitigate issues resulting from this use of this property; the signage and labor for installation shall be paid for by the applicant. Variances may need to be obtained if requirements cannot be met; and
8. The hours of operation for the facility shall be no earlier than 8 AM and shall end not later than 10 PM Sunday thru Thursday, and 8 AM to 12 AM Friday, Saturdays, and Holidays, New Year's Eve 8 AM to 1 AM; and
9. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
10. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary. The owner/applicant shall provide regularly scheduled garbage pickup; and
11. There shall be no outside storage allowed; and
12. Owner/ operator shall provide a plan, to be approved by Mower County, which outlines emergency services and allows for appropriate entrance to the facility in emergency events. Consideration shall be provided for appropriate fire lanes, and/or location for medical emergency personnel to get to any victim in a timely and orderly fashion; and
13. Owner/applicant shall provide a plan which will address how minors will be prevented from entering areas in which alcohol is being served and/or sold; 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. Any change in operation or use of the facility shall require review of the Conditional Use Permit by the Planning Commission and the County Board of Commissioners; and
16. 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

17. 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 Section Section 14-103.3 (a) churches, cemeteries, memorial buidlings, schools, libraries and museums & (c) commercial uses including those listed in the "B" District under permitted uses, on and off sale liquor establishments and agriculturally oriented business; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 7th day of June, 2016 with a vote of 3 to 2. The Commissioners voted as follows: Commissioner Gabrielson ay, Commissioner Ankeny ay, Commissioner Reinartz ay, Commissioner Bennett ay, and Commissioner Glynn ay.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Angie Knish, Environmental Services Supervisor, introduced Paul Hunter, Environmental Technician.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to set the project letting date to July 14, 2016 at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for County project SAP 050-597-006 replacing Bridge 5063 on Oakland Place in Austin, MN. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to approve the minutes of May 17, 2016. Motion carried.

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

| <u>Vendor Name</u> | <u>Amount</u> | <u>Vendor Name</u> | <u>Amount</u> |
|--|---------------|-------------------------------------|-------------------|
| 180 Degrees Inc | 8,879.78 | Nelson Auto Center | 55,675.90 |
| Advanced Correctional Healthcare Inc | 10,814.11 | Northland Business Systems | 2,882.00 |
| Austin Utilities | 3,385.79 | Office Of Mn It Services | 5,853.40 |
| Bruening Rock Products Inc | 9,711.07 | Olmsted County Community Services | 10,915.00 |
| Dave Lucas Consulting | 3,416.20 | Schmitz Electric Co Inc | 23,770.71 |
| Donnelly Law Firm/Daniel | 4,426.35 | Thomson Reuters-West Payment Center | 2,020.61 |
| Independent Emergency Services | 8,311.21 | Towmaster Truck Equipment | 5,842.00 |
| Mayo Clinic Health System-Albert Lea & | 2,296.00 | Vanguard Appraisals Inc | 18,200.00 |
| Minnesota Counties Intergov'tal Trust | 2,003.00 | Welcome Center Inc | 4,900.00 |
| Motorola Solutions Inc | 8,246.16 | 103 Payments less than 2000 | 38,597.33 |
| | | Final Total: | 230,146.62 |

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to approve the liquor/beer/wine licenses effective July 1, 2016 through June 30, 2017 as follows:

- a. Beaver Trails Campground & RV Park – 3.2 Beer
- b. Cedar River Country Club – On Sale & Sunday
- c. Meadow Greens Golf Course – 3.2 Beer
- d. Austin Windows & Windrift Lounge – On Sale & Sunday

Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve the application of Deer Creek Speedway for a fireworks/pyrotechnic special effects display on July 2, 2016 and authorize the Chair to approve a rain date, if needed. (Chair approved a rain date of August 27, 2016, if needed.) Motion carried.

The Board received a report from Craig Oscarson and Tim Gabrielson concerning the discussion topics at the AMC District IX meeting which included optional sales tax funding, buffer law and the Granny law.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to adjourn the meeting at 2:29 p.m. Motion carried. The next meeting is scheduled for June 14, 2016 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

A

adjourn, 98
agenda as amended, 94
award bid
 Recycling Center Remodel / Addition
 Wagner Construction \$297,000., 94

F

fireworks display permit
 Deer Creek Speedway, 98

L

liquor/beer/wine licenses
 Austin Windows & Windrift Lounge, 98
 Beaver Trails Campground, 98
 Cedar River Country Club, 98
 Meadow Greens Golf Course, 98

M

minutes 5-17-16, 97

P

Public Hearing
 CUP #824 Pettibone/Lansing Chapel – church event center, 94

R

Res. #27-16 CUP #824 Pettibone/Lansing Chapel, 95

S

set letting date
 SAP 050-597-0006
 7-14-16 @ 1pm, 97

W

warrants
 Commissioner, 97