

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

August 2, 2016

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session August 2, 2016 at 1:01 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 following addition: approve / deny the Joint Powers Agreement between the Bureau of Criminal Apprehension and the Mower County Sheriff's department for internet crimes against children task force. Motion carried.

The County Attorney, Kristen Nelsen, introduced new department employees, Lori Summerfield, Legal Assistant, and Scott Springer, Lead Criminal Attorney, to the Board.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett to approve the minutes of July 26, 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>
180 Degrees Inc	6,851.37	Mille Lacs Academy	12,190.50
Anoka County Human Services	5,310.00	Mower County Soil & Water Cons	2,227.50
Austin Utilities	8,065.49	Olmsted County Community Services	10,360.00
Charles R Hansen Irrevocable Trust	3,240.00	Parenting Resource Center DbA	20,722.76
Dell Marketing L P	2,639.73	Path	5,148.00
Department Of Corrections	21,635.00	Prairie Lakes Youth Programs	12,310.28
Freeborn County Co-Operative Oil Co.	16,566.93	Road Machinery & Supplies Co.	4,130.12
Integrity Collision & Recovery	3,008.20	Rochester Sand And Gravel, Inc	9,621.29
Jakes Custom Mow ing	16,000.00	Veolia Environmental Services Inc	6,861.96
Midw est Clinical Psychologists	2,250.00	Village Ranch Inc	5,273.10
Midw est Monitoring & Surveillance	7,263.11	50 Payments less than 2000	16,487.11
		<b>Final Total:</b>	<b>198,162.45</b>

Motion carried.

**Date: August 2, 2016**

**Res. #40-16**

**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 August 2, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, on August 2, 2016 the Mower Council for the Handicapped presented a request for a Minnesota Lawful Premises Gambling Permit for gambling to be conducted at the Lansing Corners, Austin, Minnesota.

**BE IT RESOLVED THAT**, the Mower County Board of Commissioners do hereby approve the issuance of a Minnesota Lawful Premises Gambling Permit to the Mower Council for the Handicapped for gambling at Lansing Corners, Austin, Minnesota.

Passed and adopted this 2<sup>nd</sup> day of August, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

**Date: August 2, 2016**

**Res. #41-16**

**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 August 2, 2016 at the Government Center, Austin, Minnesota.

WHEREAS, the Bureau of Criminal Apprehension and the Mower County Sheriff's Office have joined together in a multi-agency task force intended to investigate and prosecute crimes committed against children and the criminal exploitation of children that is committed and/or facilitated by or through the use of computers, and to disrupt and dismantle organizations engaging in such activity; and

WHEREAS, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is providing a federal grant to assist law enforcement in investigating and combating the exploitation of children which occurs through the use of computers; and

WHEREAS, non-local funding allows local units of government to provide these necessary services;

THEREFORE BE IT RESOLVED That the Mower County Board of Commissioners hereby approves renewing the joint powers agreement with the Bureau of Criminal Apprehension and authorize the Sheriff, the Chair of the Board and the County Coordinator to sign the agreement on behalf of the county.

Passed and approved this 2<sup>nd</sup> day of August, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to the County's intention to amend the Solid Waste Management Ordinance to modify the Mower County Point System for Solid Waste Management Service Charges.

Craig Oscarson, County Coordinator reviewed the proposed modifications to the Solid Waste Ordinance service charge schedule.

The Chair asked for public input. No one spoke for or against amending the Solid Waste Management Ordinance to modify the Mower County Point System for Solid Waste Management Service Charges.

**Date: August 2, 2016**

**Ord. #03-16**

**ORDINANCE**

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held August 2, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending the Solid Waste Management Ordinance (*Section 6 of the Code of the County*) to modify the Point System for Solid Waste Management Service Charges was published in the *Austin Daily Herald* on July 12 and July 19, 2016; and

**WHEREAS**, the County Board held a public hearing on said amendment on August 2, 2016; and

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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**WHEREAS**, the Mower County Finance Committee recommended amending the Solid Waste Management Ordinance to modify the Mower County Point System for Solid Waste Management Service Charges previously established in 1992;

**BE IT ORDAINED** that the Solid Waste Management Ordinance (*Section 6 of the Code of the County*) is amended to include an Appendix associated with Division 4 Service Fees of the Ordinance to establish the following Point System for Solid Waste Management Service Charges effective January 1, 2017:

**Appendix – Solid Waste Management Ordinance Division 4 Service Fees  
Point System for Solid Waste Management Service Charges  
Effective January 1, 2017**

Multiple property types (and points) may be applicable to one parcel

<b>Property Type</b>	<b>Points</b>	<b>Category</b>	<b>Price Code</b>
Single Family Dwelling (includes HRA) & Mobile Homes			101, 102
Multi-Unit Housing – Duplex & Triplex (includes HRA)			103, 104
• Non Curbside	5 points	A1	105, 106
• Curbside	8 points	A2	
Apartments with 4 or more units (includes HRA)			107, 108
• Non Curbside	5 points per unit	B1	109, 110
• Curbside	8 points per unit	B2	702
Nursing Home/Assisted Living/Memory Care	1 point per unit	C1	708, 726
Bare Land	½ point	D1	111
• Residential vacant lots			666
• Residential lots with structures that are NOT dwellings			777
• Ag Land			888
• Ag Land with structures that are NOT dwellings			999
• Commercial vacant lots			
Campgrounds	1 point per site	E1	927
Restaurant/ Cafe	20 points	F1	302, 304
Bar/ Lounge	20 points	G1	303
Restaurant/Bar	40 points	H1	302
Fast Food	20 points	J1	301
Golf Course/Clubhouse	5 points	K1	305, 705
• Clubhouse – Add additional points for restaurant/ bar where applicable			801
Service Stations			
• Auto repair	5 points	L1	403, 404
• With or without bays			408
• With Car Wash	10 points	L2	
Auto/Implement showroom, sales, and service	15 points	M1	401, 402
Car/Truck Wash	5 points	N1	405, 406
• Drive through			407
• Full Service			
• Self-Service			
Bank	5 points	P1	506
• Main branch			
• Auto bank			
Bowling Alley			
• Alley only	5 points	Q1	710
• Alley with kitchen facility	25 points	Q2	
• Alley with kitchen facility and bar/lounge	45 points	Q3	
No Points	NO POINTS	O0	709
• Daycare Center			
• Senior Center			
• Churches			

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Property Type	Points	Category	Price Code
<ul style="list-style-type: none"> <li>Schools</li> <li>Municipalities</li> <li>Landfills</li> <li>Tax Forfeited</li> <li>DNR Land (not federal land)</li> </ul>			
Feed Mill	5 points	R1	820
Fertilizer Storage	5 points	S1	712
Service Club/ Fraternal Building	20 points	T1	817
Funeral Home	5 points	U1	715
Grain Elevator/Annex	15 points	V1	809, 810
Green house	5 points	W1	706
Hotel/Motel/ Boarding Room <ul style="list-style-type: none"> <li>Add additional points for restaurant/bar where applicable</li> </ul>	1 point per unit	X1	704, 705
Laundromats	5 points	Y1	208
Livestock Buying/Sale Barn	5 points	Z1	722
Lumber Yard/ Lumber Storage Shed	15 points	AA1	707
Manufactured Home Park	5 points	BB1	703
Manufacturing, Industrial, and Shop <ul style="list-style-type: none"> <li>Category 1 (≤20,000 SF)</li> <li>Category 2 (20,001 SF – 49,999 SF)</li> <li>Category 3 (50,000 SF – 89,999 SF)</li> <li>Category 4 (≥90,000 SF)</li> </ul>	15 points 150 points 400 points 600 points	CC1 CC2 CC3 CC4	607, 608 609, 610 711, 713, 727
Meat Locker	5 points	DD1	724
Office/ Medical/ Dental/ Veterinary/ Post Office (based on Gross Area Office Space) <ul style="list-style-type: none"> <li>Category 1 (≤2,500 SF)</li> <li>Category 2 (2,500 SF – 4,999 SF)</li> <li>Category 3 (5,000 SF – 9,999 SF)</li> <li>Category 4 (≥10,000 SF)</li> </ul>	5 points 15 points 25 points 100 points	EE1 EE2 EE3 EE4	501, 502 511, 604 721
Retail Stores/ Beauty/ Barber/ Shopping Center (based on Gross Area Retail Space) <ul style="list-style-type: none"> <li>Category 1 (≤10,000 SF)</li> <li>Category 2 (10,001 SF – 49,999 SF)</li> <li>Category 3 (50,000 SF – 89,999 SF)</li> <li>Category 4 (≥90,000 SF)</li> </ul>	5 points 25 points 250 points 400 points	FF1 FF2 FF3 FF4	201, 202 205, 206 209, 213, 611, 612, 613
Grocery Store <ul style="list-style-type: none"> <li>Category 1 (≤10,000 SF)</li> <li>Category 2 (10,001 SF – 49,999 SF)</li> <li>Category 3 (50,000 SF – 89,999 SF)</li> <li>Category 4 (≥90,000 SF)</li> </ul>	5 points 25 points 250 points 400 points	GG1 GG2 GG3 GG4	203
Convenience Store with or without gas pumps <ul style="list-style-type: none"> <li>No kitchen</li> <li>With kitchen</li> <li>With Car Wash</li> </ul>	5 points 25 points Add 5 points	HH1 HH2 HH3	204
Warehouse/ Quonset/ Mini Storage/ Hoop Structure	5 points	JJ1	601, 602 603, 614 701, 707 716, 821 925, 927

Unique Properties

Hormel	1,372.50 points	KK1	
Hormel Historic Home	15 points	MM1	222
YMCA	15 points	NN2	333
Austin Utilities	400 points	PP1	444
Skating Rink	5 points	QQ1	111
Exempt	NO POINTS	OO	555

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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Curbside Service

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City of Adams	City of Austin	Seven Springs	Austin Township (select subdivisions)
City of Brownsdale	City of Grand Meadow	City of Taopi	
City of Leroy	City of Mapleview	Turtle Creek	

Passed and approved this 2<sup>nd</sup> day of August, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #830 of Ronald D. & Deborah P. Larson, land owners and petitioners, to provide a venue to be used in the same general character as a church - weddings, receptions, meetings, bingo, catered meals, fund raising, and music events in Section 7, Racine Township.

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

The Petitioners were present and spoke on their own behalf. No additional persons spoke for or against CUP #830.

Motion made by Commissioner Bennett to accept the findings of fact and approve CUP #830 with the conditions initially proposed when initially presented before the Planning Commission. Commissioner Glynn called two times for a 2<sup>nd</sup> to the motion. Hearing none, the Chair passed the gavel to Vice Chair Gabrielson and Commissioner Glynn seconded the motion. The Commissioners voted as follows: Commissioner Ankeny nay, Commissioner Reinartz nay, Commissioner Bennett aye, Commissioner Glynn aye, Commissioner Gabrielson nay. Motion failed 2-3.

Vice Chair Gabrielson passed the gavel back to the Chair.

**Date: August 2, 2016**

**Res. #42-16**

**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 August 2, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS,** The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #830 of Ronald D. & Deborah P. Larson, land owners and petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

To provide a venue to be used in the same general character as a church - weddings, receptions, meetings, bingo, catered meals, fund raising, and music events.

Location: on a 7.99 acre parcel, located in Section 7 , Racine Township (T104N-R14W), and described from tax records as: Section 07 Township 104 Range 014 E647FT S538FT N1381.68FT E1/2 NW1/4 7.99AC Deeded Acres: 7.9900, Mower County, Minnesota on a parcel identified per tax records as 15.007.0010; and

**WHEREAS,** Notice having been duly given, a public hearing held on the matter on June 28, 2016 and July 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 July 5, 2016 and August 2, 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 the Mower County Board denies said petition in accordance with the Mower County Zoning Ordinance due to the fact that an event center (a venue to be used for weddings, receptions, meetings, bingo, catered meals, fund raising, and music events) is not a permitted use and it is not a permitted use as a conditional use permit in an agricultural district.

This permit is denied in accordance with Section 14-50 (Permitted Uses) and Section 14-51 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2<sup>nd</sup> day of August, 2016 with a vote of 3 – 2. The Commissioners voted as follows: Commissioner Gabrielson aye, Commissioner Ankeny aye, Commissioner Reinartz aye, Commissioner Bennett nay, and Commissioner Glynn nay.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #836 of Darren L. Wendt ETAL with Life Est. to Edward W. & Jeanette Wendt and Lonnie & Perry Wendt, ETAL, land owners, and Darren L. Wendt, petitioner, to add a second dwelling to an existing rural building site in the Agricultural District and also requesting relief from the subdivision ordinance requirement for platting, in Section 9, Pleasant Valley Township.

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

The Petitioner's brother, Lonnie Wendt, was present and spoke on Darren's behalf. No additional persons spoke for or against CUP #836.

**Date: August 2, 2016**

**Res. #43-16**

**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 August 2, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #836 of Darren L. Wendt ETAL with Life Est. to Edward W. & Jeanette Wendt and Lonnie & Perry Wendt, ETAL, Landowners, and Darren L. Wendt, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

add a second dwelling to an existing rural building site in the Agricultural District. Also requesting relief from the subdivision ordinance requirement for platting.

Location: on a 160 acre parcel, located in Section 9, Pleasant Valley Township (T104N-R15W), and legally described as: Legal: Section 09 Township 104 Range 015 SW1/4, Deeded Acres: 160. SEE FULL LEGAL, Mower County, Minnesota on a parcel identified per tax records as 14.003.0020; and

**WHEREAS**, Notice having been duly given, a public hearing held on the matter on July 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 August, 2, 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 federal, state and local regulations regarding the proposed use; and
2. A Zoning Permit and ISTS Permit must be obtained prior to construction of the residence and/or any other structure; and
3. 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
4. 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.
5. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction; and
6. 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.
7. Survey of the properties shall be required and shall be recorded with the Deed in the Office of the Mower County Recorder; and
8. A conditional use permit shall become void if the use is established, but then discontinued for a period of one (1) year. (Refer Section 14-36 Discontinuance); and
9. 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
10. 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
11. 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 2 Agricultural 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 this 2<sup>nd</sup> day of August, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Angie Knish, Environmental Services Supervisor, provided the Board with an update on the clean-up request on the Leuning property. The condition of the property has been declared public health nuisance and notices to the property owner have not resulted in sufficient property clean-up.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to direct Environmental Services to proceed with acquiring bids for the clean-up of the Leuning property (PIN 28.001.0960) and authorize the clean-up to the low bidder and have the cost of the clean-up and all other associated costs to be assessed to the property. Motion carried.

The Board recessed at 2:17 p.m. and reconvened at 2:25 p.m.

Mike Hanson, Public Works Director, presented bid information received for project SAP 50-597-006 for the removal and reconstruction of the Oakland Avenue Bridge.

Motion made by Commissioner Bennett, seconded by Commissioner Ankeny to award the bid on project SAP 50-597-006 (Oakland Avenue Bridge *Oakland Place SE, Austin*) to the low bidder Icon Constructors, LLC with a low bid of \$2,591,550.79 and have the project commence. Motion carried. (Mower County's portion of the project with the City of Austin is \$2,182,606.38). Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to approve the 2016 Emergency Management Performance Grant in the amount of \$26,839.00. (Grant No. A-EMPG-2016-MOWERCO-053). Motion carried.

Motion by Commissioner Reinartz, seconded by Commissioner Ankeny to adjourn the meeting at 2:43 p.m. Motion carried. The next meeting is scheduled for August 9, 2016 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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