SPECIAL SESSION OF THE MOWER COUNTY BOARD OF COMMISSIONERS

September 6, 2016

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session September 6, 2016 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All Members present, viz: Polly Glynn, Chair

Tim Gabrielson Jerry Reinartz

Tony Bennett – arrived 1:10 p.m.

Mike Ankeny

Craig Oscarson, County Coordinator

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to approve the agenda with one addition under Personnel to modify the interpreter job description. Motion carried.

At the request of Commissioner Ankeny, the Human Resources Director (Sherry Roth), provided the detail for each recommended action item on the agenda under Personnel Committee.

Sherry Roth reported that the Public Works Director had requested of Personnel to modify the Sign Technician job description to add certain engineering technician certifications. The addition of these tasks will permit the Sign Tech position to help with testing and plant inspection duties related to road construction. The required certifications for this position can typically be obtained within one year. The Human Resources Director had suggested to the Personnel Committee that a "trainee" position be established until the certifications have been passed. Upon completion of all of the certifications, the incumbent's job title changes to Sign/Highway Technician.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to create the positions titled Sign/Highway Technician Trainee as well as Sign/Highway Technician (*modification to Sign Technician*) and to revise the County Job Descriptions listings to include Sign/Highway Technician Trainee and Sign/Highway Technician. Motion carried.

Sherry Roth reported that she had worked with the incumbent Interpreter to update the job description to reflect the current tasks being performed by the Interpreter. The significant revisions to the position included the elimination of supervisory duties and cultural diversity as the position no longer maintains a list of interpreters for the County and does not serve as a cultural diversity coordinator.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the revised Interpreter job description and revise the County Job Descriptions listings to include this revised position. Motion carried.

Sherry Roth reported that the Health and Human Services Director had requested of the Personnel Committee to add a new job description. This new job description is not an addition to the current quantity of positions; the position defines the community health function that has been performed by the SHIP Nurse. The revision expands the qualifications for the position which opens up the candidate pool. It is expected this position will be graded the same as the PHN position.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the Community Health Specialist job description and have the position added to the current list of County Job Descriptions/Staffing levels. It was noted that this is not an additional position but creating a job description that defines the community health function that has been performed by the SHIP nurse. Motion carried.

Sherry Roth reported that the Health and Human Services Director also requested of the Personnel Committee to add two new social worker positions which would be fully covered by reimbursements. One social worker would work as a CADI Case Manager and the other would work as the MSHO Care Coordinator. The mandates from the Minnesota Department of Human Services (DHS) have added more work than what can be done in a timely fashion with current staffing levels. In the spring of this year there were changes made internally which streamlined the process, but this still has not been enough to keep up with the timelines mandated by DHS.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the addition of a Social Worker for the CADI Case Manager position and a Social Worker or Public Health Nurse for the MSHO Care Coordinator position; amend the 2016 HHS budget for the expenses related to the addition of these two positions; and amend the County Staffing Level list to reflect the addition of these positions. Motion carried.

Commissioner Bennett arrived at 1:10 p.m.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to approve the minutes of August 23, 2016. Motion carried.

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

Vendor Name	<u>Amount</u>	Vendor Name	<u>Amount</u>
Austin Utilities	2,619.72	Minnesota Department Of Corrections	30,132.75
Brock White Co Llc	2,432.79	Olmsted County Community Services	17,175.00
Davidson Septic Service LLC	2,340.94	Petroblend Corp.	2,219.72
Department Of Corrections	16,445.00	Pomp's Tire Service, Inc	4,438.44
Freeborn County Co-Operative Oil Co.	17,203.30	Thomson Reuters-West Payment Center	2,096.85
Mayo Clinic Health System-Albert Lea &	11,547.05	Ulland Brothers Inc.	4,725.00
Meigs Paving Asphalts & Emulsions	182,518.75	Zenk,Read,Trygstad & Associate	8,400.00
Minnesota Auto License Dept	7,593.81	Ziegler, Inc	4,120.89
Minnesota Counties Computer Co	5,408.00	71 Payments less than 2000	34,294.36
		Final Total:	355,712.37

Motion carried.

Date: September 6, 2016 Res. #47-16

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2016 at the Government Center, Austin, Minnesota.

WHEREAS, on September 6, 2016 the Mower County Habitat & Pheasants Forever presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the Cedar Valley Conservation Club on September 24, 2016.

BE IT RESOLVED THAT, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to Mower County Habitat & Pheasants Forever for gambling at the Cedar Valley Conservation Club on September 24, 2016.

Passed and adopted this 6th day of September, 2016.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By:	
•	Chairperson
By:	
•	Clerk/Coordinator

Motion made by Commissioner Bennett, seconded by Commissioner Reinartz to approve the quote of Avaya in the amount of \$87,983.03 for a new phone switch. Motion carried.

A Public Hearing was held in regard to CUP #837 of Jeff Witt, landowner and petitioner, for an Ag oriented business, repair and fabrication shop in Section 21, Udolpho Township.

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

The Petitioner was present. No one spoke for or against CUP #837.

Date: September 6, 2016 Res. #48-16

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 September 6, 2016 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #837 of Jeff Witt, Landowner and Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

Ag oriented business, repair & fabrication shop

Location: on a 73.00 acre parcel, located in Section 21, Udolpho Township

(T104N-R18W), and legally described as: Abbr Legal: Sec 21

Township 104 Range 018 S1234FT SW1/4 EXC N121FT E OF RR & EXC RR BK 325-70 Deeded Acres: 73.0, Mower County, Minnesota

on a parcel identified per tax records as 18.021.0171; and

WHEREAS, Notice having been duly given and a public hearing held on the matter on August 30, 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 September 6, 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:

- Applicant shall apply for and follow all federal state and local Statutes, Rules,
 Ordinances, or other regulations regarding the proposed use and any bi-products of
 the proposed use. This includes but shall not be limited to MPCA permits, proper
 handling and disposal of waste products, and proper recycling or disposal of waste
 implements, parts or vehicles; and
- 2. This permit does not allow for the site to be used as a junkyard, graveyard or solid waste facility. Waste materials shall not be allowed to accumulate upon this property. Waste material must be properly disposed of according to appropriate or regulated methods. Any waste material that is maintained on the premises for future disposal must be contained indoors or fully screened from the public so not to create a nuisance. Removal of the waste material shall be at least one time per year or more frequently as needed. The county may ask for proof or receipt of disposal at a licensed facility. The owner shall maintain such records and have them available upon request; and
- 3. Additional construction or expansion of this business will require an amended Conditional Use Permit application; and;

- 4. If applicant will store used equipment vehicles on the premises the materials shall allow for passage and access by vehicular fire equipment, the landowner shall consult with the fire chief of the appropriate service area and store materials accordingly.
- 5. Please note previous CUP #561 issued June 6, 2000 has expired due to non-use in accordance with Mower County Zoning Ordinance Section 14-36, Discontinuance; and
- 6. There shall not be any human habitation allowed at this facility; and
- 7. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
- 8. Items held for sale will be arranged in an orderly fashion with reasonable efforts made to provide a visually appealing display and a minimizing of visual effects; and
- 9. Customer density is not expected to exceed 15 vehicles at one time; and
- 10. The Owner/Applicant shall work cooperatively with Mower County to mitigate any issues brought to the attention of the County that are found to create a nuisance to adjoining landowners or any issues that are found to be in violation of any Mower County Ordinance, and
- 11. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around so as to not create a nuisance or hazard to the traveling public. Vehicles used or related to this CUP application cannot be parked or backed onto the premises from the road or its right-of-way; and
- 12. 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
- 13. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
- 14. No burying of waste material is allowed and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
- 15. There shall be no washing of the garbage trucks that he repairs at this site;
- 16. The antique tractors will be moved to storage within 6-monts of granting of this permit;
- 17. 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. 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
- 18. 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
- 19. 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 Division 2. "A" Agricultural District Section 14-51; 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 September, 2016.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By:	
	Chairperson
By:	
-	Clerk/Coordinator

A Public Hearing was held in regard to CUP #838 of Kenneth and Sharon Strum, landowners, and Milestone Materials c/o Andrew J. Peters P.G., petitioner, to extract sand and gravel from a portion of the property, processing of aggregates - including washing and screening in Section 7, Racine Township.

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

The Petitioner was present and spoke on his own behalf requesting a change in condition number 11 related to the duration of seasonal hours. No one else spoke for or against CUP #838.

Date: September 6, 2016 Res. #49-16

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 September 6, 2016 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #838 of Kenneth and Sharon Strum, Landowners, and Milestone Materials c/o Andrew J. Peters P.G. Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To extract sand and gravel from a portion of the property, processing of aggregates - including washing and screening.

Location: on a 79 acre parcel, located in Section 7, Racine Township (T104N-

R17W), and legally described as: Legal: Section 07 Township 104 Range 014 E1/2 SE1/4 EXC W 131/3 RDS S 12 RDS Deeded Acres: 79.0000, Mower County, Minnesota on a parcel identified per tax

records as 15.007.0100; and

WHEREAS, Notice having been duly given and a public hearing held on the matter on August 30, 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 September 6, 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. A Restoration Bond in the Amount of \$8,442.50 (\$2,000.00 Restoration Bond for the first acre, plus \$750 for each additional stripped or activated acre or part of an acre based upon 0.5 acres increments.) must be posted with the County Auditor and valid through the life and operation of the pit; and
- 2. A "No trespassing sign shall be posted at the entrance; a gate shall be placed at the entrance; and
- 3. Extraction of materials shall be limited to the area provided on the exhibit map as outlined. Extraction beyond or outside of the depicted area will require a new or amended CUP application; and
- 4. Extraction of materials shall remain at least thirty (30) feet from all adjoining property lines and thirty (30) feet from the road right-of-way (as required by Ordinance); and
- 5. Blasting is not allowed; and
- 6. No refueling storage tanks are allowed in the lower levels of the extraction site; and
- 7. Secure MPCA NPDES Permit and submit copy to Mower County Planning Department before beginning operation; and
- 8. Dust control may be required during high traffic volumes and shall be provided by the applicant, owner or lessees (not to utilize used oil, as it is an illegal use); and
- 9. Access driveway costs are to be bore by the petitioner; and
- 10. Petitioner/Owner shall be required to cure any violations under procedures of the Mower County Zoning Ordinance as it exists or may be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable Statutes; and
- 11. The Conditional Use Permit allows the Owner/Operator to utilize the pit Monday through Saturday from 6AM to 9PM seasonally (seasonally means May thru November when using white noise instead of the beeps) and on Sunday's from 9AM to 3PM. Other times during the year for operation will be between 7 am-7 pm M-F and Sundays from 9 am to 3 pm. Exception shall be made to these time restrictions for emergency purposes. The owner/operator shall be responsible for informing the county of the emergency that precipitates the need outside of normal business hours.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

- 12. Any mud, dirt or debris transported to public roads shall be cleared, scraped or removed immediately so as not create a public health or safety risk to the traveling public; and
- 13. The use of the site for temporary placement of an asphalt or bituminous material is periodic and does not expire unless the CUP lapses as determined below; and
- 14. This Conditional Use Permit shall lapse, and shall be no longer valid upon <u>two</u>-years of non-use; and
- 15. Applicant shall follow all state and federal regulations regarding the proposed use; and
- 16. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
- 17. 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
- 18. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around so as to not create a nuisance or hazard to the traveling public. The trucks cannot be parked or backed onto the premises from the road or its right-of-way; and
- 19. 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
- 20. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
- 21. No burying of waste material is allowed within the pit area and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
- 22. 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 Article IV, Excavation of Earth Products & Division 2, Section 14-51 (i); 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 September, 2016.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By:	
•	Chairperson
By:_	
•	Clerk/Coordinator

Date: September 6, 2016 Res. #50-16

RESOLUTION

On motion of Commissioner Bennett, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2016 at the Government Center, Austin, Minnesota.

WHEREAS Mower County has adopted a comprehensive land use plan and a supporting zoning ordinance which requires permits for various land uses; and

WHEREAS the Mower County Board of Commissioners has the authority to set fees for those land use practices which require land use permits; and

WHEREAS the Mower County Board of Adjustment and Planning Commission have been experiencing a growing number of land use permits being presented to them after-the-fact, meaning that the structure has been or is in process of already being constructed; and

WHEREAS the Mower County Board of Adjustment and Planning Commission would like the Mower County Board of Commissioner's to discourage this practice by implementing a penalty on those who fail to obtain land use permits prior to construction; and

WHEREAS the Mower County Planning Commission recommends that such penalty shall be effect January 1, 2017; and

WHEREAS the Mower County Planning Commission recommends that the public be put on notice of this change in policy via newspaper of general circulation in Mower County as soon after adoption of this resolution as possible; and

WHEREAS citizens who did not properly obtain permits for structures in Mower County are encouraged to do so before the date this policy is to become effective (1/1/2017) without additional penalty;

NOW THEREFORE BE IT RESOLVED the Mower County Board of Commissioners establishes an after-the-fact penalty fee effective January 1, 2017 of three times (3X) the standard fee(s) set by the Mower County Board of Commissioners, which shall be paid by any landowner who fails, or has failed, to obtain a zoning related permit prior to construction, as in accordance with the Mower County Zoning Ordinance. Zoning related permit, for the purpose of this resolution, includes: Zoning Permit, Conditional Use Permit or Variance.

Passed and approved this 6th day of September, 2016.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By:	
	Chairperson
By:	
•	Clerk/Coordinato

Angie Knish, Environmental Supervisor, provided the Board with a brief update on the status of the Northern Country Coop Environmental Assessment Worksheet (EAW).

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to approve the assessing agreements for the townships of Windom, Lodi, Lyle, Austin & Nevada and the Cities of Grand Meadow, Elkton, Adams, Mapleview and Dexter for assessment year 2017. Motion carried.

A Public Hearing was held in regard to a Housing Tax Abatement request of Matt Laack, applicant, to construct a single family home on 12th Avenue SW, Austin, Minnesota.

Jon Erichson, Austin Housing & Redevelopment, reviewed the application and the recommendation is to approve the application.

The Petitioner was not present. No one spoke for or against the Laack housing tax abatement application.

Date: September 6, 2016

Res. #51-16

RESOLUTION APPROVING TAX ABATEMENT FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813

On motion of Commissioner Gabrielson, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held September 6, 2016 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 469.1813 gives authority to the County of Mower to grant an abatement of property taxes imposed by the County if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, Mower County has adopted the Tax Abatement Policy for new construction of Single and Multi-family homes which includes criteria which must be met before an abatement of taxes will be granted; and

WHEREAS, Matt Laack is the owner of certain property within Mower County, legally described as follows:

W100 FT Lot 4, Block 4, Austin Homesteads, Austin, Minnesota

WHEREAS, Matt Laack has made application to Mower County for the abatement of taxes as to the above-described parcel; and

WHEREAS, Notice having been duly given, a public hearing was held on September 6, 2016 before the Mower County Board of Commissioners, on said application.

WHEREAS, Matt Laack has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision 1(1) and Subdivision 2(i) as well as Mower County's criteria for tax abatement;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MOWER COUNTY, MINNESOTA:

- 1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of the single-family home.
- 2. The tax abatement will be for no more than five years commencing with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, on the first year of taxes payable for the assessed value(s) related to the capital improvements outlined in Paragraph 1.
- 3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 30th of that calendar year.
- 4. The tax abatement shall be for up to the full amount of the real estate taxes collected from added tax base of the newly constructed housing/home annually. Land values and the current base value are not eligible and will not be abated.

Passed and approved this 6th day of September, 2016 with a vote of 4-1. The Commissioners voted as follows: Commissioner Gabrielson <u>aye</u>, Commissioner Ankeny <u>aye</u>, Commissioner Reinartz <u>nay</u>, Commissioner Bennett <u>aye</u>, and Commissioner Glynn <u>aye</u>.

By:

THE MOWER COUNTY BOARD OF COMMISSIONERS

Chair person
By:
Clerk/Coordinator
Dr. Reichard and Monica Kendall of the Southern Minnesota Regional Medical Examiner's Office presented to the Board a semi-annual medical examiner's report.
Motion by Commissioner Reinartz, seconded by Commissioner Ankeny to adjourn the meeting at 2:23 p.m. Motion carried. The next meeting is scheduled for September 13, 2016 at 8:30 a.m.
THE MOWER COUNTY BOARD OF COMMISSIONERS
BY:
Chairperson
Attest:
By:
Clerk/Coordinator



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