

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

March 6, 2017

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session March 6, 2017 at 1:32 p.m. at the Government Center in Austin, Minnesota.

Members present, viz:           Tim Gabrielson, Chair  
  Tony Bennett  
  Polly Glynn  
  Craig Oscarson, County Coordinator

Members absent:                 Jerry Reinartz  
  Mike Ankeny

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to approve the agenda with the following modifications: 1) Public Works director – no business today and 2) Finance Director – add discussion / approval of reimposing special assessments on certain properties for a total \$12,666.86. Motion carried.

**HUMAN SERVICES BOARD:**

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to approve payment to vendors for Human Services Accounts Payable. Motion carried.

Chris Swatfager provided health plan updates: Medica leaving at the end of April and UCare starting May 1<sup>st</sup>, 2017.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to authorize the Chair and the Director to sign the following Purchase of Service Agreements:  
*Extended Employment*

- Cedar Valley Services – approve amendment to contract for Extended Employment Services, effective January 1, 2016 to December 31, 2017.

*Group Residential Housing:*

- Colony Home (Carlson Home) - approve agreement for GRH Services, effective July 1, 2015 to June 30, 2017.

*Guardian/Conservator:*

- Hope Guardianship Services (Janine Marks) - approve agreement for Guardian/Conservator Services, effective January 1, 2017 to December 31, 2017.

Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to approve the Social Service Actions. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to adjourn the Human Services Board meeting at 1:40 p.m. Motion carried.

**COUNTY BOARD**

The Special Session of the Board was reconvened at 1:43 p.m. for regular business items.

A Public Hearing was held in regard to CUP #845 of Kelly & LaRae Oxley, landowners and petitioners, to subdivide the property for a dwelling creating an approximate 5 acre (+/- but less than 10 acres) parcel in Section 32, Clayton Township.

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

The Petitioner was present. No one spoke for or against CUP #845.

**Date: March 6, 2017**

**Res. #15-17**

**RESOLUTION**

On motion of Commissioner Glynn, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 6, 2017 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #845 of Kelly and LaRae Oxley, Land owners and Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

to be subdivided for the purposes of a dwelling. The parcel to be created will be 5 acres +/- but less than 10 acres.

Location: on a 160 acre parcel, located in Section 32, Clayton Township (T102N-R15W), and legally described as: Section 32 Township 102 Range 015 SE1/4 Deeded Acres: 160.0000, Mower County, Minnesota on a parcel identified per tax records as 04.032.0010; and

**WHEREAS**, Notice having been duly given, a public hearing held on the matter on February 28, 2017, at 7:00 p.m. in the Mower County Government Center, 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 March, 6, 2017 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.
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.
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.
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.
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 Sec 14-51(bb) & Sec: 14-18.4 Residential Density Standards (d)(1)&(2) additional dwellings by CUP in mature wooded areas. Subdivision Ordinance. Section 13-129 Small Subdivision;

relief from platting requirements requested; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 6<sup>th</sup> day of March, 2017.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #846 of Bruce & Pamela Speer, landowners and petitioners, for a second dwelling on the same 40-acre parcel without subdivision or creating a separate parcel in Section 24, Sargeant Township.

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

The Petitioner was present and spoke on his own behalf. No other person spoke for or against CUP #846.

**Date: March 6, 2017**

**Res. #16-17**

**RESOLUTION**

On motion of Commissioner Bennett, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 6, 2017 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #846 of Bruce and Pamela Speer, Land owners and Petitioners, to be issued pursuant to the Mower County Zoning Regulations for:

a second dwelling on the same 40-acre parcel without subdivision or separate parcel being created.

Location: on a 40 acre parcel, located in Section 24, Sargeant Township (T104N-R16W), and legally described as: Legal: Section 24 Township 104 Range 016 SW1/4 SW1/4 Deeded Acres: 40.0000, Mower County, Minnesota on a parcel identified per tax records as 17.024.0010; and

**WHEREAS**, Notice having been duly given, a public hearing held on the matter on February 28, 2017, at 7:00 p.m. in the Mower County Government Center, 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 March, 6, 2017 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 must be obtained prior to construction of the residence/shed and/or any other structure.
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.
4. 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.
5. The use of the shed/dwelling structure shall be limited to temporary guests to include family and friends of the landowners. The use of the structure shall not be allowed as rental property on a long-term basis. The use is being limited to coincide with the intent and purpose of the zoning district.
6. The additional dwelling/shed shall have a habitable capacity not to exceed 2 individuals with the alternative capacity that up to 5 individuals may stay there, but shall not exceed 14 days in any given year beginning January 1 and ending December 31 (so as not to overload the septic system as designed).
7. Subdivision:
  - a. Subdivision of the shed/dwelling as a separate parcel shall not be allowed.
  - b. Subdivision of the shed/dwelling may be allowed in the future by platting if the landowner chooses to sever the primary and secondary dwelling that is being allowed by this conditional use permit.
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.
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.
  12. The solid waste material shall be cleaned up, removed from the site, and properly disposed of prior to the issuance of a zoning permit for construction of the shed/house.

This permit is in accordance with Article II Division 2 Agricultural District Section Sec 14-51(bb) & Sec: 14-18.4 Residential Density Standards (d)(1)&(2) additional dwellings by CUP in mature wooded areas. Subdivision Ordinance. Requesting 2nd dwelling on one parcel; relief from subdivision/platting; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 6<sup>th</sup> day of March, 2017.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

The Board recessed at 1:55 p.m. and reconvened at 2:00 p.m.

Chuck Schwartau, Sharon Davis and Deanne Bergstrom provided an extension update to the County Board.

Thomas Stevens, Executive Director, Grand Meadow Senior Living, appeared before the Board requesting a Letter of Support to delicense five skilled nursing beds.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to approve a letter of support for the delicensing of 5 skilled nursing beds at the Grand Meadow Senior Living and authorize the chair to sign. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to approve the minutes of February 28, 2017. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Motion made by Commissioner Glynn, 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>
Advanced Correctional Healthcare Inc	13,267.64	Metro Sales Inc	2,620.01
Austin Utilities	7,747.92	Midwest Clinical Psychologists	3,000.00
ESRI	4,266.85	National Business Systems Inc	9,870.00
Henricksen Psg	8,942.00	Office Of Mn It Services	2,349.91
Laursen Asphalt Repair Equipment Sales	7,103.75	50 Payments less than 2000	13,675.44
		<b>Final Total:</b>	<b>72,843.52</b>

Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to approve out-of-state travel for Sheriff Department staff to attend a broad band training session. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to approve making application for a Safe & Secure Courthouse Initiative grant with a 50/50 match in the amount of \$4,265 and authorize the sheriff to sign the grant, if approved. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to reimpose the special tax assessment in the amount of \$12,666.86 for tax years 2014 & 2015 one year – no interest due to a clerical error. The special tax assessments reimposed are as follows:

34.916.0111	Briggs, Barbara	\$1,420.20	34.185.0160	Murphy, Daniel	\$ 789.39
34.900.0300	Davidson, Gary	544.84	34.185.0330	Novak, Joseph	229.55
34.600.1070	Anderson, Dean	122.03	34.185.0410	Novak, Joseph	219.47
34.885.0190	Bennett Properties	3,510.96	34.185.0420	Carlson, Richard	488.10
34.885.0191	Sollie, Stephen	3,314.95	34.185.0450	Knauer, Mark	753.02
34.185.0130	Carney Ventures, Inc.	799.23	34.636.0060	Groh, Chad	475.12
				Total \$	12,666.86

The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Bennett abstained, Commissioner Gabrielson aye. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to adjourn the meeting at 2:49 p.m. Motion carried. The next meeting is scheduled for March 21, 2017 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Chairperson**

**Attest:**

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

**Clerk/Coordinator**

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