

**SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS**

June 6, 2017

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 6, 2017 at 1:00 p.m. at the Government Center in Austin, Minnesota.

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

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to approve the agenda with the addition of a resignation recognition for Emily Miller, Social Services Supervisor. Motion carried.

Emily Miller, Social Services Supervisor, was acknowledged for 17 years of service with Mower County and the County Board wishes her the best on her future employment endeavors.

A Public Hearing was held in regard to CUP # 851 of John G. and Candace R. Drees for an additional single-family dwelling in quarter section, Section 18, Red Rock Township, Mower County, Minnesota.

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

The Petitioner was present and spoke on his own behalf. No one else spoke for or against CUP #851.

Date: June 6, 2017

Res. #37-17

RESOLUTION

In Re: John G. and Candace R. Drees, applicants and landowners made application on 4/24/2017, requesting Conditional Use Permit # 851 for an additional single-family dwelling in the quarter section.

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 6, 2017 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners CUP #851, by John G. and Candace R. Drees as applicants

and as land owners have, petitioned the Mower County Board of Commissioners to allow for an additional single-family dwelling in the quarter section; and

WHEREAS, The proposed use is to be located on a 8.28 parcel, located in Section 18, Red Rock Township (T103N-R17W), and legally described as: Section 18 Township 103 Range 017 E1/2 NE1/4 S OF RR & N191.89FT NE1/4 SE1/4 E OF RR & N OF CREEK, Mower County, Minnesota on a parcel identified per tax records as 16.018.0025; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on May 30, 2017, 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 June 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; and
4. The prior issued Variance from 1997 is null and void for non-use; and
5. 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
6. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction; if the site is not already 911-addressed; and
7. Applicant shall raise the building site a minimum of 2 feet above the current ground elevation; an elevation certificate shall be require to show the minimum elevation occurred; and
8. The owner is also put on notice that portions of this property contain shoreland overlay. Shoreland overlay has higher zoning standards that must be adhered to for permitting. Permits may also be required for vegetation removal, grading, clearing etc. Please check with the local zoning authority prior to such activities or permitting for specifics; and
9. 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.
10. 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

11. 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.
12. 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
13. 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 Section 14-49 (Agricultural District) and 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 6th day of June, 2017.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #852 of Richard D. & Tina L. Boyd to eliminate an existing driveway and construct a new one in Shoreland Overlay area in Section 15, Lansing Township, Mower County, Minnesota.

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

The Petitioner was present and spoke on his own behalf. One other person spoke in favor of CUP #852 and no one spoke against the CUP.

Date: June 6, 2017

Res. #38-17

RESOLUTION

In Re: Richard D. & Tina L. Boyd, as applicants and landowners made application on 5/1/2017, requesting Conditional Use Permit # 852 for elimination of existing driveway plus construction of a new driveway in Shoreland Overlay area which will allow for the movement of more than 50 cubic yards of material.

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

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #852, by Richard D. & Tina L. Boyd applicants and landowners who have, petitioned the Mower County Board of Commissioners to allow for elimination of existing driveway plus construction of a new driveway in Shoreland Overlay area which will allow for the movement of more than 50 cubic yards of material; and

WHEREAS, The proposed use is to be located on a 3.19 parcel, located in Section 15, Lansing Township (T103N-R18W), and legally described as: Section 15 Township 103 Range 018 E353.07FT W878.07FT S511.097FT SW1/4 NW1/4 S OF RIVER (TRACT B), Mower County, Minnesota on a parcel identified per tax records as 08.015.0367; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on May 30, 2017, 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 June 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 local, state and federal regulations regarding the proposed use. Permits may also be required from this Township and/or the Cedar River Watershed District; and
2. A zoning permit shall be obtained prior to construction; and
3. The applicant shall work with the SWCD/Cedar River Watershed District to determine if a soil erosion control plan is needed and if so, shall implement that plan; and
4. The smallest amount of bare ground shall be exposed for the shortest time possible;
5. Ground cover, such as mulch, shall be used for temporary bare soil coverage and permanent ground cover, such as sod, shall be established where applicable; and
6. Methods to prevent erosion and trap sediment during construction shall be employed; and
7. Fill shall not be placed so as to create unstable slopes; and
8. This CUP is for the driveway project as proposed and shall not be subject to any other activity or permit requested into the future; and
9. Impervious surface of the parcel shall not exceed 25% without a variance being issued prior to exceedance; 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 be legitimate and valid that may create a nuisance to adjoining landowners from the proposed use, and
11. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around or etc. so as to not create a nuisance or hazard to the traveling public during this project. Vehicles shall not be parked or backed onto the premises from the road or its right-of-way; and

12. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
13. 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
14. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
15. 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 Section 14-56 (Rural Management) which refers to Sections 14-49 (Agricultural District) and 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 6th day of June, 2017.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Representatives from Lansing Township made a request for the Board to waive the county application fee for a conditional use permit to amend the County Zoning Ordinance to re-zone some properties in Lansing Township from Rural Management to Rural Service Center.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny to approve the request of Lansing Township by waiving the conditional use permit application fee for Lansing Township for the purpose of amending the Mower County Zoning Ordinance to rezone some Lansing Township parcels from rural management to rural service center. Motion carried.

Dr. Reichard & Monica Kendall from the Southern MN Regional Medical Examiner's Office presented to the County Board the 2016 Medical Examiner Report.

The Finance Committee reported to the Board that a request has been received for a tax abatement for an assisted living facility in Brownsdale. There is a party interested in purchasing the Brownsdale School and turning it into a 32 unit assisted living facility and is asking for a tax abatement to help finance the project.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz to set a public hearing on June 27, 2017 at 10:00 a.m. for the consideration of a fifteen year tax abatement for the former Brownsdale School converted to an assisted living facility in Brownsdale, Minnesota. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn to approve the minutes of May 23, 2017 subject to the review and approval of the chair. Motion carried.

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>
Baudoin Oil Company	14,467.37	Olmsted County Community Services	10,915.00
City Of Austin	5,334.00	Rupp,Anderson,Squires & Waldspurger Pa	6,352.08
Complete Automotive Services	4,371.67	School District 492	4,528.20
Dell Marketing L P	5,153.96	South Central College	2,787.54
Election Systems & Software	17,157.90	Vanguard Appraisals Inc	18,142.00
Freeborn County Environmental Services	3,647.88	76 Payments less than 2000	37,573.31
Motorola Solutions Inc	136,628.16	Final Total:	267,059.07

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn to approve the On Sale and Sunday liquor license effective July 1, 2017 through June 30, 2018 for Austin Windows & Windrift Lounge LLC, d/b/a Windrift Lounge. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz to approve the temporary road closure of County Road 16 in the 27000 block, north of County Road 2, Brownsdale, MN for the burning of a building as a training exercise. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the request of the Izaak Walton League for a map identifying feedlots and questionable septic systems in the Cedar River Watershed in Mower County at no cost. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny to amend/modify Resolution #44-16 in regard to the August 1, 2017 date and set the date of June 27, 2017 to discuss additional transportation funding from the State of Minnesota and any impact on the approved local option sales tax related to Resolution #44-16. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to adjourn the meeting at 2:50 p.m. Motion carried. The next meeting is the County Board of Appeal and Equalization on June 12, 2017 at 6:30 p.m. and the next regular meeting is scheduled for June 13, 2017 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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