

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 4, 2019

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session June 4, 2019 at 1:00 p.m. at the Government Center in Austin, Minnesota.

Members present, viz: Mike Ankeny, Chair
 Jeff Baldus
 Tim Gabrielson
 Jerry Reinartz
 Trish Harren, County Administrator

Member absent: Polly Glynn

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz, to approve the agenda adding 1) an action item under Personnel Committee regarding the Assistant Public Works Director position; 2) approve K&H Classic Stop renewal Tobacco License and deleting General Business item regarding the Four Daughter's Liquor License renewal. Motion carried.

On behalf of the Personnel Committee, Commissioner Reinartz informed the Board that two search attempts took place for an Assistant Public Works Director, neither of which led to hiring an Assistant Public Works Director. The Personnel Committee recommends reinstatement of the former Public Works Supervisor classification and filling the position with an internal candidate.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson, to reinstate the position of Public Works Supervisor effective May 14, 2019 and update the approved 2019 staffing levels to reflect the change. Motion carried.

Commissioner Baldus questioned if the decision was prudent in terms of succession planning for filling the position of Public Works Director. A brief discussion followed.

Commissioner Baldus provided the Board with a brief update regarding the Association of Minnesota Counties District IX meeting. Other counties are facing the same issues as Mower in terms of EMS funding, inmate mental health, transport of inmates and transportation funding.

A Public Hearing was held in regard to CUP #883 of Carlton E. Reuter, land owner, and Colten Reuter, applicant, for an additional single family dwelling in wooded quarter section (160Ac) on a parcel to be created which will be approximately 18-20 acres in size in Section 28, Nevada Township.

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

The Petitioner was not present. No one spoke for or against CUP #883.

Date: June 4, 2019

Res. #55-19

RESOLUTION

In Re: Carlton E. Reuter, land owner, and Colten Reuter, applicant, made application on 4/17/2019, requesting Conditional Use Permit # 883 for an additional single family dwelling in quarter section (160Ac) on a parcel to be created which will be approximately 18-20 acres in size

On motion of Commissioner Reinartz, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 4, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #883, by Carlton E. Reuter, land owner, and Colten Reuter, applicant, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for an additional dwelling in quarter section (160Ac) on a parcel to be created which will be approximately 18-20 acres in size; and

WHEREAS, The proposed use is to be located on a current 191.48 parcel, located in Section 28, Nevada Township (T101N-R17W), and legally described as: S1/2 NE1/4 N400FT E1674FT W716FT & EXC W 5AC & EXC N1153FT W183FT; N1/2 SE1/4 EXC 10 SQ RDS NE COR; S152FT W145FT N1305FT S1/2 NE1/4; SW1/4 SE1/4, Mower County, Minnesota on a parcel identified per tax records as 13.028.0015; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on May 28, 2019, 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 4, 2019 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 primary and secondary TYPE I system 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. 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
5. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction; if the site is not already 911-addressed; 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; and
7. 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
8. 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
9. 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
10. 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 4th day of June, 2019.

Angela Lipelt, Environmental Services Supervisor, informed the Board that the Watson Recycling, LLC and Root River Recycling applications for solid waste facility licenses were in order and that approval was recommended.

Date: June 4, 2019

Res. #56-19

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 4, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota counties are required by law to manage solid waste in a manner that protects the state's land, air, water, and other natural resources, and public health by ensuring that certain reduction, separation and recovery, resource recovery, and proper disposal methods of solid waste is set forth in an ordinance; and,

WHEREAS, Pursuant to the Mower County Solid Waste Management Ordinance (ORD-21), the County requires any person or entity operating any solid waste facility to first obtain, and maintain, a license for the design, construction, and operation of a solid waste facility; and,

WHEREAS, Watson Recycling, LLC submitted a Mower County Solid Waste Facility Application on January 10, 2019, and a revised application on January 21, 2019 for Construction and Operation of a solid waste facility; and,

WHEREAS, after review, this application was deemed complete on January 21, 2019 contingent upon Watson Recycling, LLC providing proper Financial Assurance and Certificates of insurance in accordance with ORD-21; and,

WHEREAS, on November 6, 2018, the County Board adopted resolution #110-18, establishing financial assurance requirements for all solid waste facilities currently in operation within the County; and

WHEREAS, Financial assurance requirements for Watson Recycling, LLC is a \$25,000 Letter of Credit payable to the County.

NOW, THEREFORE, THE MOWER COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES: issue Watson Recycling, LLC a Solid Waste License as prepared, and approved as to form by the County Attorney's office, providing for operation of a Processing Facility and Storage Facility, with a term that will expire on June 4, 2020.

Passed and approved this 4th day of June, 2019.

Date: June 4, 2019

Res. #57-19

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 4, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota counties are required by law to manage solid waste in a manner that protects the state's land, air, water, and other natural resources, and public health by ensuring that certain reduction, separation and recovery, resource recovery, and proper disposal methods of solid waste is set forth in an ordinance; and,

WHEREAS, Pursuant to the Mower County Solid Waste Management Ordinance (ORD-21), the County requires any person or entity operating any solid waste facility to first obtain, and maintain, a license for the design, construction, and operation of a solid waste facility; and,

WHEREAS, Root River Recycling submitted a Mower County Solid Waste Facility Application on October 19, 2018, and a revised application on November 13, 2018 for Construction and Operation of a solid waste facility; and,

WHEREAS, after review, this application was deemed complete on November 24, 2018 contingent upon Root River Recycling providing proper Financial Assurance and Certificates of insurance in accordance with ORD-21; and,

WHEREAS, on November 6, 2018, the County Board adopted resolution #110-18, establishing financial assurance requirements for all solid waste facilities currently in operation within the County; and

WHEREAS, Financial assurance requirements for Root River Recycling is a \$25,000 Letter of Credit payable to the County.

NOW, THEREFORE, THE MOWER COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES: issue Root River Recycling a Solid Waste License as prepared, and approved as to form by the County Attorney's office, providing for operation of a Processing Facility, with a term that will expire on June 4, 2020.

Passed and approved this 4th day of June, 2019.

The Commissioners briefly discussed with Ms. Lipelt the status of some properties that are / or may be scheduled for clean-up. Some property owners are classified as having hoarding tendencies; whereas, others are classified as collectors.

Michal Hanson, Public Works Director, presented to the Board a request from the City of Dexter for the closure of County Road 7 on June 15 for Sunflower Daze.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to approve the temporary closure of County Road 7 on June 15, 2019 (to 1:00 a.m. June 16) in Dexter for Sunflower Daze and authorize the Engineer to provide the appropriate signage for the temporary closure. Motion carried.

Due to a fatal accident at the intersection of County Roads 28 and 29 South of Austin and calls received from constituents, the Engineer reported that the intersection had been reviewed. There is adequate visibility and signage. A speed study could be done but appears unnecessary as a response to this accident. A discussion followed without Board action.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson, to approve the minutes of May 28, 2019. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
HD Supply Construction and Industrial	5,899.38	Vanguard Appraisals Inc	18,725.00
Specialty Personnel Services	2,045.31	37 Payments less than 2000	11,109.07
Stantec Consulting Services Inc.	26,932.88	Final Total:	64,711.64

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Baldus, to approve the 2009 Coats 1250 wheel balancer in the Highway Department as surplus property for disposal. Motion carried.

Date: June 4, 2019

Res. #58-19

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 4, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, on June 4, 2019 the LeRoy Rod & Gun Club presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the LeRoy Rod & Gun Club, 10293 St. Hwy 56, LeRoy Township, Minnesota on August 10, 2019.

BE IT RESOLVED THAT, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to the LeRoy Rod & Gun Club for gambling at the LeRoy Rod & Gun Club on August 10, 2019.

Passed and adopted this 4th day of June, 2019.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz, to approve the Product Lease Agreement with Mantronics Mailing Systems for a Hasler postage meter along with a TotalFunds agreement for postage and Equipment Maintenance Agreement. Motion carried.

A request has been received by Joseph Landherr for a potentially dangerous dog appeal hearing for his 3 yellow labs, Lonie, Bella and Lucy. The County Board has been established as the Appeal Board for Dangerous Dog Hearings. A discussion followed concerning possible dates for a hearing and if outside legal counsel could be obtained to attend a hearing. Phone calls were made to possible attorneys during the meeting.

Motion made by Commissioner Baldus, seconded by Commissioner Gabrielson, to set June 10 at 10:00 a.m. for the potentially dangerous dog appeal hearing for the dogs owned by Joseph Landherr contingent upon the availability of all parties involved and legal counsel – potentially Lee Bjorndal. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz, to approve the tobacco renewal license effective July 1, 2019 through June 30, 2020 for NuWay K & H Cooperative d/b/a K & H Classic Stop - LeRoy. Motion carried.

The AMC District IX meeting update continued. County Administrator Harren informed the Board that over the last decade, counties have become more involved in economic development as a means to spread cost across a wider base of taxpayers. Traditionally counties have relied on cuts, systematic changes to service delivery, and/or increasing the levy to address service cost increases. Those three strategies are no longer enough to address funding that is not keeping up with increasing costs, as well as direct cost shifts. Counties are collaborating with other community partners in recruitment of business development and in supporting the retention and expansion of existing business. Rice County is an example of a county that has successfully developed a broad strategy and is actively recruiting domestic and international investors for business development. They currently have business investment from Japan, Germany, and France. Administrator Harren noted that she attended her first Austin Area Chamber of Commerce Government Affairs Committee meeting. Harren indicated there is a need for the county to stay tuned to business needs and for the county to share information with the business community regarding county activities.

Lee Bjorndal called during the meeting and indicated that he is not available to conduct the dangerous dog appeal hearing. A discussion followed in which a county attorney could possibly conduct the appeal hearing but the June 10 date would not work. The makers of the motion amended the action taken earlier to set the dangerous dog appeal hearing at 10:30 a.m. on June 11. The modified motion unanimously carried is as follows:

Motion made by Commissioner Baldus, seconded by Commissioner Gabrielson, to set June 11, 2019 at 10:30 a.m. for the potentially dangerous dog appeal hearing for the dogs owned by Joseph Landherr contingent upon the availability of all parties involved in the dog incident. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson, to adjourn the meeting at 2:34 p.m. Motion carried. The next meeting is scheduled for June 11, 2019 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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