

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 5, 2020

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session May 5, 2020 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All members present, viz: Jeff Baldus, Chair
Polly Glynn
Tim Gabrielson (via phone)
Jerry Reinartz
Mike Ankeny
Trish Harren, County Administrator

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the agenda. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Ankeny aye, Commissioner Gabrielson aye, and Commissioner Baldus aye. Motion carried 5-0.

Commissioner Glynn reported that the Finance Committee had met and reviewed the Cedar Valley Services March billing. A negotiated adjustment had been reached and the adjusted bill is included with the warrants for approval.

Commissioner Ankeny reported that he would be attending the Fair Board meeting. To date the Mower County Fair Board intends to host the fair unless directed not to hold the gathering.

It was noted under Solid Waste committee reports that the Recycling Center is open and curbside services have resumed and the center has been busy.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to approve the minutes of April 28, 2020. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Ankeny aye, Commissioner Gabrielson aye, and Commissioner Baldus aye. Motion carried 5-0.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the following Commissioner warrants for payment with the amended amount for Cedar Valley from \$53,313.80 to \$39,267.21:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
American Solutions For Business	15,312.31	Emergency Automotive Technologies, Inc	23,217.42
AUSTIN AUTOMOTIVE LLC	2,725.27	ESRI	9,696.00
Cedar Valley Services, Inc	39,267.21	REDI Transports, LLC	2,975.00
Consolidated Correctional Foodservice	13,805.20	41 Payments less than 2000	19,460.49
Department Of Transportation	9,665.33	Final Total:	136,124.23

The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Ankeny aye, Commissioner Gabrielson aye, and Commissioner Baldus aye. Motion carried 5-0.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the February 2020 investment report. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Ankeny aye, Commissioner Gabrielson aye, and Commissioner Baldus aye. Motion carried 5-0.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny to approve the Customer Agreement / Service Agreement between Mower County and Transworld Systems, Inc. (TSI) for Inmate payment of room and board (Pay to Stay). The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Ankeny aye, Commissioner Gabrielson aye, and Commissioner Baldus aye. Motion carried 5-0.

A Public Hearing was held in regard to CUP #895 of Unisite LLC; Janice Wilson Revocable Trust to amend CUP #553 for existing telecommunication tower by changing a ground lease to a perpetual easement, located in Section 2 of Windom Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

Dave Tracy, Unisite representative, spoke in favor of CUP #895. No other person spoke for or against CUP #895.

Date: May 5, 2020

Res. #35-20

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 5, 2020 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #895 of Janice Wilson Revocable Trust, Landowners, and Unisite LLC., Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

to amend CUP 553, for existing telecommunication tower by changing a ground lease to a perpetual easement.

Location: The communication tower is located in the just south of Interstate 90 in the NE corner, and part of a 140.69 acre parcel located in Section 2, Township 102 Range 17, Mower County, Minnesota on a parcel identified per tax records as 20.002.0030; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter via teleconference due to the outbreak of COVID-19 virus, on April 28, 2020, 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 May 5, 2020 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. With the exception of condition # 6 of the original CUP # 553, granted 10/5/1999 by resolution # 75-99; all other conditions of that CUP remain in effect with this CUP amendment request; and
2. Condition # 6 of the original CUP #553 (dated 10/5/1999) shall no longer apply. The use of the property for a 250 ft. guyed cellular communications tower shall exist until the use is discontinued. Once the use is discontinued for a period of one year any and all land use(s) allowed shall comply with the ordinances in effect at that time; and
3. If for any reason this 140.69+/-acre parcel is subdivided; subdivision of the parcel into smaller tracts, parcels, or lots shall comply with Mower County's subdivision ordinance and any other applicable governmental rules, regulations, and/or procedures in effect at that time. Subdivision is the process of splitting a currently-sized parcel of land into smaller pieces regardless of whether the land is sold or transferred to another party or retained by the owner(s). This is not a "special" condition specific only to this parcel; it is merely composed so that this owner, applicant and all future owners of this property are put on formal notice that Mower County does has a Subdivision ordinance; and it shall apply to land being subdivided.

This permit is issued in accordance with Article II Section The request is to change condition #6 of CUP #553, issued 10/5/1999. The condition refers to a lease term and any renewals or extensions thereof. The Petitioners are changing the lease to a perpetual easement. Amendment required per County Attorney; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Ankeny aye, Commissioner Gabrielson aye and Commissioner Baldus aye. Passed and approved this 5th day of May, 2020.

A Public Hearing was held in regard to CUP #897 of Cedar River Watershed District and Reuter Land LLC for the mining of approx. 35,000 CY of common embankment to construct berm and install structure for regional flood control located in Section 30 of Dexter Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

Cody Fox from Cedar River Watershed District spoke in favor of CUP #897. No other person spoke for or against CUP #897.

Date: May 5, 2020

Res. #36-20

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 May 5, 2020 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, of Reuter Land LLC c/o David Reuter, Landowners, and CRWD c/o Cody Fox, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

Mining of approx. 35,000 CY of common embankment to construct berm and install structure for regional flood control.

Location: on a 152 acre parcel, located in Section 30, Dexter Township (T103N-R16W), and legally described as: NW1/4 of Sec. 30, Mower County, Minnesota on a parcel identified per tax records as 05.030.0040; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter via teleconference due to the outbreak of COVID-19 virus, on April 28, 2020, 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 May 5, 2020 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. Owner/Applicant shall follow any and all local, state and federal regulations and obtain any necessary permits regarding the proposed use; and
2. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; 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. No refueling storage tanks are allowed in the lower levels of the extraction site; and
6. Owner/Applicant to secure NPDES Permit and submit copy to Mower County Environmental Services Department before beginning operation or provide documentation of project exemption; and
7. The Conditional Use Permit allows the Owner/Operator to conduct work on the site from the hours of 6a to 7p M-F, 7a-3p Sat, no work on Sundays. 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; and
8. 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
9. 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
10. 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. No trucks can be parked on or backed onto the premises from the road or its right-of-way; and
11. The Owner/Applicant shall be required to provide dust control (not to utilize used oil (illegal)) so as not to create a nuisance to neighboring property from the additional traffic; 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. 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
16. 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; and
17. Applicant shall contact the appropriate township road authority for access roads used for this project and enter into a road agreement for possible damages which may be caused by this project. This road agreement is at the discretion of the Township Road Authority. If the Township determines a road agreement is not necessary the applicant shall obtain a letter from the road authority that they decline an agreement. Either an executed agreement or a letter an agreement is not required shall be placed on file with the CUP prior to beginning the project.

This permit is issued in accordance with Article II Division 2 Agricultural District Section 14-140.1 - Conditional Use Permit for Excavation of Earth Products >20,000 CY; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Ankeny aye, Commissioner Gabrielson aye and Commissioner Baldus aye. Passed and approved this 5th day of May, 2020 with a vote of 5 - 0.

Commissioner Baldus shared with the Board a letter of commendation received from the Minnesota Department of Human Services (DHS) for the perfect performance in meeting DHS financial reporting requirements. Congratulations to the Mower County Health & Human Services staff responsible for this perfect performance recognition.

Commissioner Gabrielson brought to the Board for consideration a suggestion that Mower County waive alcohol licensing fees for Lansing Township due to COVID 19 hardships endured by the establishments. The Lansing Township Board has acted to waive its fee. It was noted that any accommodations would need to be for the entire county and not just Lansing Township. The matter was referred to the Finance Committee for review and recommendation.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to adjourn the meeting at 1:45 p.m. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Ankeny aye, Commissioner Gabrielson aye, and Commissioner Baldus aye. Motion carried 5-0. The next meeting is scheduled for May 12, 2020 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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