

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

February 7, 2006

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session February 7, 2006 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

All members present, viz:     David Hillier, Chair  
  Dick Lang  
  Garry E. Ellingson  
  Richard Cummings  
  Raymond Tucker  
  Craig Oscarson, County Coordinator

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to approve filling a .5 Office Support Specialist position in Public Health. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Lang to amend the agreement with the Austin Daily Herald for legal publisher by reducing the rate from \$3.35 per column inch to \$2.65 per column inch. The reduction is based on eliminating the Herald Shopping News from the distribution. Motion carried.

At this time a Public Hearing was held in regard to CUP #693 of John and Lori Smith for construction of an additional dwelling in a quarter section of the property.

Craig Oscarson, County Coordinator, reviewed the permit and the Planning Commission recommendations.

No one spoke for or against CUP #693.

**Date: February 7, 2006**

**Res. #09-06**

**RESOLUTION**

On motion of Commissioner Tucker, seconded by Commissioner Cummings, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 7, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #693 of John and Lori Smith, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

Construction of an additional dwelling on the property.

Location: SE ¼ SW ¼ , Section 16, Adams Township, T101N R16W,  
Mower County, Minnesota.

Notice having been duly given and a hearing held February 7, 2006, on said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas; and

**BE IT FURTHER RESOLVED**, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. The new dwelling is to retain a separate lot.
2. A Zoning Permit and ISTS Permit must be obtained prior to construction.
3. The CUP shall become void on 12/31/08 if no construction has begun or the use has not been established.
4. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
5. Owner 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.
6. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
7. 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.

This permit is in accordance with Section 14-18.4 of the Mower County Zoning Ordinance.

Passed and approved this 7<sup>th</sup> of February, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

At this time a Public Hearing was held in regard to CUP #694 of James and Debra Garrison for display and sale of up to ten vehicles.

Craig Oscarson, County Coordinator, reviewed the permit and Planning Commission recommendations. Daryl Franklin, Environmental Services Director, informed the Board that the petitioner had made a request for a variance for up to thirty vehicles, but it was denied by the Board of Adjustment.

No one spoke in favor of CUP #694. One person spoke in opposition to a CUP for thirty vehicles, but was not opposed to ten vehicles.

**Date: February 7, 2006**

**Res. #10-06**

**RESOLUTION**

On motion of Commissioner Cummings, seconded by Commissioner Ellingson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 7, 2006 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, Petition No. CUP #694 of James and Debra Garrison, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

To display and sell up to ten vehicles.

Location: N 265 ft. W 627.34 ft. S ½ N ½ NW ¼ , Section 13, Austin Township, T102N R18W, Mower County, Minnesota.

Notice having been duly given and a hearing held February 7, 2006, on said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas; and

**BE IT FURTHER RESOLVED**, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. No more than ten vehicles may be stored inside or outside the fenced area.
2. No inoperable vehicles will be allowed on the site.
3. No parts may be stored outside.

This permit is in accordance with Section 14-51(y) of the Mower County Zoning Ordinance.

Passed and approved this 7<sup>th</sup> of February, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Ellingson, seconded by Commissioner Tucker to approve the minutes of January 20, 2006 and January 24, 2006. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Lang to approve the following miscellaneous bills for immediate payment:

Steven Clark	\$90,585.06
Jeffrey and Valerie Moldenhauer	27,230.60
Washington Mutual	122,628.44

Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to appoint Ann Hanson to the Senior Advisory Council effective February 21, 2006. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Tucker to set the following liquor license fees:

3.2 Beer Off Sale	\$72.00
3.2 Beer On and Off Sale	\$80.00

Motion carried.

Motion by Commissioner Tucker, seconded Commissioner Cummings to approve cancellation of the following checks as requested by the County Treasurer and in accordance with the check cancellation policy:

Board bills and counter checks:

Check #42964 --	\$152.00
Check #43112 --	20.00
Check #44174 --	275.00
Check #44590 --	37.50
Check #44969 --	112.50
Check #45693 --	82.50

Payroll:

Check #20662 --	\$65.00
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Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to table the amendment Resolution #01-06, dated January 3, 2006, to delete the general fund appropriation to Grand Meadow Senior Citizens in the amount of \$600.00 to February 14, 2006. Motion carried.

Motion by Commissioner Ellingson, seconded by Commissioner Lang to increase the quarterly stipends to the Assistant County Coroners to \$250.00 per quarter and to reduce the County Coroner's quarterly stipend to \$250.00 per quarter retroactive to the fourth (4<sup>th</sup>) quarter of 2005. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to send a letter to Minnesota Legislators in support of an ethanol facility being built in Mitchell County, Iowa. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Ellingson to award the bid for SAP 50-602-023 and SAP 50-602-024 to the apparent low bidder, Mathiowetz Construction in the amount of \$2,515,134.64. A detailed abstract of bids is on file in the County Auditor's office. Motion carried.

Motion by Commissioner Tucker, seconded by Commissioner Lang to set a letting date of March 21, 2006 at 2:00 for bids on the radio tower/building project. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Tucker to approve a license agreement with Union Oil Company for a monitoring well to be placed on the Highway Department site contingent on review by County Attorney. Motion carried.

Motion by Commissioner Cummings, seconded by Commissioner Ellingson to set a letting date of March 6, 2006 at 1:00 p.m. for CP 50-06-01, CP 50-06-02, CP 50-06-03, CP 50-06-04; and CP 50-06-07 (all seasonal bids). Motion carried.

At this time a discussion was held in regard to the acquisition of land for the Shooting Star Trail segment between Taopi and Adams. The County Engineer updated the Board and public on the status of the project to this point. Fourteen landowners have been made final offers based on the appraised value of the property. Seven landowners have accepted the offer. The County Coordinator discussed options available to the County Board and are summarized as follows: 1) Abandon project and return federal grant funds; 2) Increase offers as high as necessary to obtain land; 3) Start process for "quick take" of land. The Coordinator also discussed the pros and cons of each option.

The Chair requested public comment in regard to the Shooting Star Trail. Two people spoke in favor of continuing the project. There was no further public comment.

**Date: February 7, 2006**

**Res. #11-06**

**RESOLUTION**

On motion of Commissioner Ellingson, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 7, 2006 at the Courthouse, Austin, Minnesota.

**WHEREAS**, Alternative transportation trails are a recognized means of multi-modal transportation, and

**WHEREAS**, The development of the Shooting Star Alternative Transportation Trail corridor between LeRoy and Austin is an important ongoing concern of the County, and

**WHEREAS**, The County has accepted a Federal grant in the amount of \$416,000 for the development of Phase III of the Shooting Star Alternative Transportation Trail, between Taopi and Adams, and

**WHEREAS**, It is in the best interest of the County that the development and construction of said Phase III be completed during 2006, to provide for the continued development of the Trail corridor and avoid the termination of the Federal grant, and

**WHEREAS**, All reasonable attempts at direct negotiations with landowners for the purchase of a portion of the parcels needed to develop and construct Phase III have been exhausted and are deemed to be unsuccessful.

**NOW THEREFORE, BE IT RESOLVED THAT:** The County Attorney, as counsel for the Mower County Board, is requested and hereby directed to obtain ownership of certain parcels from the following landowners as further described in the attachments hereto; for purposes of multi-modal transportation pursuant to MS 117 and all related statutes:

- Herb Kiefer – Exhibit A
- Raymond Kiefer – Exhibit B
- Kevin Williams – Exhibit C
- Kenneth and Elaine Williams – Exhibit D
- Sheldon and Charlotte Gee – Exhibit E
- Paul and Brenda Heimer – Exhibit F

Passed and approved this 7<sup>th</sup> day of February, 2006.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion by Commissioner Lang, seconded by Commissioner Tucker to adjourn the meeting at 3:07 p.m. until February 14, 2006 at 8:30 a.m. Motion carried.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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