

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

May 16, 2017

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session May 16, 2017 at 8:30 a.m. at the Government Center in Austin, Minnesota.

All Members present, viz:

Tim Gabrielson, Chair
Jerry Reinartz
Tony Bennett
Mike Ankeny
Polly Glynn
Craig Oscarson, County Coordinator

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny to approve the agenda with the addition of 1) 3.2 On/Off Liquor License application of Adventure Bound – Yogi Bears Jellystone Park, Austin, MN effective upon approval through June 30, 2017; 2) Full On Sale and Sunday Liquor License Cedar River Country Club Liquor effective July 1, 2017 through June 30, 2018 and 3) Tobacco License for Lake Geo Plaza effective July 1, 2017 through June 30, 2018. Motion carried.

The Board continued the Public Hearing from May 2, 2017 regarding the following:

- * Intent to repeal the current Solid Waste Ordinance in its entirety and adopt a new Solid Waste Ordinance related to the regulation of waste within the County and accept the Statement of Need and Reasonableness (SONAR) document regarding solid waste and the proposed ordinance; and
- * Intent to adopt a new fee structure to support the proposed ordinance

Angie Knish, Environmental Services Supervisor, reviewed the changes made to the SONAR and proposed ordinance in response to the public input on May 2, 2017.

No additional public input was received regarding the proposed ordinance.

Date: May 16, 2017

Ord. #01-17

**Ordinance
Solid Waste Management**

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held May 16, 2017 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, Mower County's current Solid Waste Management Ordinance (ORD I-92) was initially adopted by the Mower County Board of Commissioners on February 25, 1992; and

WHEREAS, the County realizes that ORD I-92 is outdated and lacking in provisions necessary to effectively regulate and manage solid waste in a manner that is protective of the state's water, land, air, and other natural resources, and the public health; and

WHEREAS, the County initiated a comprehensive review and study of its official solid waste controls; and

WHEREAS, to allow for a reasonable time to conduct this comprehensive review and study of its official solid waste controls, the County Board, on May 26, 2015, adopted an Interim Ordinance (ORD 01-15), placing a one year moratorium on the siting and establishment of new solid waste facilities, and the expansion of existing solid waste facilities; and

WHEREAS, the County Board, on May 3, 2016, adopted Resolution #21-16 authorizing a one-year extension of ORD 01-15 to allow for additional necessary time to complete the comprehensive review and study, and to provide for amendments to ORD I-92; and

WHEREAS, the County retained the services of consultants to assist in the comprehensive review and study of its official solid waste controls, and to draft various reports, provide recommendations, prepare necessary amendments to ORD I-92, and to prepare a Statement of Need and Reasonableness (SONAR) in support of such amendments; and

WHEREAS, the County Board and Solid Waste Study Group conducted a joint Workshop session on March 22, 2017 to review the SONAR and proposed amendments to ORD I-92; and

WHEREAS, the County Board has considered the SONAR for Section 6.0 Solid Waste Licensing, Section 7.0 Solid Waste Facility Fees and Deposits, and Section 8.0 Solid Waste Landfills and incorporates the SONAR into the findings; and

WHEREAS, the County solicited input from local stakeholders throughout the comprehensive review and study of its official solid waste controls; and

WHEREAS, the County Board considered the testimony and information received during its April 17, 2017 Public Hearing, and continued the public hearing until May 2, 2017 allowing further written comments to be received until April 24, 2017; and

WHEREAS, the County Board considered the testimony and information received during its continued public hearing on May 2, 2017 and then tabled for continuation the SONAR, Solid Waste Ordinance and Fee Schedule public hearing until May 16, 2017;

BE IT ORDAINED That Mower County Ordinance I-92 (dated February 25, 1992) Divisions 1 through 3 and Divisions 5 through 12 are hereby repealed and replaced in their entirety with Chapter 21 Solid Waste Management Ordinance summarized as follows:

Section 1	Purpose, Authority and Policy	Section 11	Transfer Stations
Section 2	Definitions	Section 12	Processing Facilities
Section 3	General Provisions	Section 13	RDF Processing Facilities
Section 4	Collection and Transportation of Solid Waste	Section 14	Waste Incinerators
Section 5	Abatement, Disposal and Storage of Solid Waste on Real Property	Section 15	Infectious Waste Facilities
Section 6	Solid Waste Facility Licensing	Section 16	Household Hazardous Waste Facilities
Section 7	Solid Waste Facility Fees and Deposits	Section 17	Land Application or Treatment of Wastes
Section 8	Solid Waste Landfills	Section 18	Existing Non-Conforming Sites or Facilities
Section 9	Industrial Solid Waste Management	Section 19	Inspections, Violations and Hearings
Section 10	Composting Facilities	Section 20	Effective Date
		Section 21	Repealer

BE IT FURTHER ORDAINED THAT: the Statement of Need and Reasonableness (SONAR) in regard to the Mower County Solid Waste Management Ordinance for Solid Waste Landfill Regulations and Solid Waste Facility Fees and Deposits is adopted and on file with Ordinance #01-17 Chapter 21 Solid Waste Management Ordinance on file in the offices of the County Auditor-Treasurer and Public Works.

BE IT FURTHER ORDAINED THAT: this ordinance is effective upon publication and the County Coordinator shall publish the following summary of Chapter 21 Solid Waste Management Ordinance pursuant to Minn. Stat. §§ 375.51 and 331A.01:

The Mower County Board of Commissioners, at its May 16, 2017 meeting amended Mower County Ordinance I-92 (dated February 25, 1992) Divisions 1 through 3 and Divisions 5 through 12 by repealing and replacing the sections in their entirety with Chapter 21 Solid Waste Management Ordinance. The amended ordinance reorganizes the solid waste management ordinance and provides for new standards and provisions governing solid waste facilities in the County. The new ordinance also provides for the County Board to establish Fees and Deposits as part of a facility's license, and requires additional financial assurance for landfills located within the County. The full text of the new ordinance (Chapter 21 Solid Waste Management Ordinance) is available for review at Mower County Public Works Department at 1105 8th Avenue NE, Austin, Minnesota 55912.

BE IT FURTHER ORDAINED THAT: in addition to the summary of the new ordinance indicated above, the County Coordinator shall also publish this adopted Ordinance #01-17.

Passed and approved this 16th day of May, 2017.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Date: May 16, 2017

Res. #33-17

RESOLUTION

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 May 16, 2017 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 Minn. Stat. §§ 115A.919 and 400.16 and as part of the County's authority and mandate from the State to manage solid waste, and regulate and license solid waste facilities, the County is authorized to establish a system of fees and deposits to mitigate the substantial adverse effects associated with landfilling various solid wastes at solid waste facilities located within the County; and,

WHEREAS, the County Board amended its solid waste management ordinance (Ordinance #1-17) to establish a system of fees and deposits to compensate the County for and protect the County against the costs, expenses and risks associated with locating a solid waste landfill within the County; and,

WHEREAS, the County has considered the May 16, 2017 Statement of Need and Reasonableness relating to Fees, Deposits, and Surcharges, and incorporates the SONAR into the findings; and,

WHEREAS, the County recognizes that its fees, deposits, and surcharges have, for several years, have been insufficient to account for the costs of administering the County's solid waste program and to mitigate the direct, indirect and potential impacts that solid waste facilities have on the County and its residents; and,

WHEREAS, the Solid Waste Study group conducted significant research into the various fees, deposits, and surcharges imposed at other solid waste facilities within the state, and

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

concluded that there is an apparent market disparity between Mower County and that of other MN counties; and,

WHEREAS, as identified within the SONAR, the County's purpose and goals for establishing fees, deposits, and surcharges are, without limitation, as follows:

- To ensure that a sufficient fund balance is established to offset the potential collective post-closure and response actions costs for all solid waste landfills within the County to ensure that such costs are not borne by taxpayers;
- ensure that solid waste is managed appropriately;
- develop programs to reduce the dependence on landfilling, and thereby increase life of existing permitted landfills;
- mitigating the risks, costs and other potential adverse effects associated with hosting a landfill; and,
- ensuring that the cost associated with necessary closure, contingency and response actions do not have to be funded primarily by Mower County taxpayers;
- generate revenue for Department programs and staffing to administer the County's solid waste programs, further the County's solid waste policy and protect the County's natural resources and public health; and,
- to generally compensate the County for the costs and expenses associated with the administration, monitoring, inspection and enforcement related to the disposal of solid waste generated and collected within and outside of the County, and to compensate the County for the additional impacts to infrastructure and other short-term and long-term adverse effects.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Minn. Stat. §§ 115A.919, 115A.923, and 400.16, Ordinance #1-17, and the Statement of Need and Reasonableness, fees, deposits and surcharges for solid waste shall be set as follows (and as on file in Mower County Public Works):

Facility License Fees			
Application Fees		Facility License Fee (Annually)	
MSW Landfills	\$4,000	MSW Landfills	\$4,000
ISW Landfills	\$4,000	ISW Landfills	\$4,000
C&D Landfills	\$3,000	C&D Landfills	\$3,000
Waste Incinerator Ash Landfills	\$2,500	Waste Incinerator Ash Landfills	\$2,500
Transfer Stations	\$1,500	Transfer Stations	\$1,500
Waste Incinerators	\$2,500	Waste Incinerators	\$2,500
RDF Processing Facilities <i>(Refuse Derived Fuel)</i>	\$2,000	RDF Processing Facilities <i>(Refuse Derived Fuel)</i>	\$2,000
Solid Waste Compost Facility	\$2,000	Solid Waste Compost Facility	\$2,000
Source Separated Organics Compost Facilities	\$2,000	Source Separated Organics Compost Facilities	\$2,000
Yard Waste Compost Facility		Yard Waste Compost Facility	
Facilities that accept 0 to 10,000 cubic yards of YW/yr *	\$300	Facilities that accept 0 to 10,000 cubic yards of YW/yr *	\$300
Facilities that accept >10,000 to 50,000 cubic yards of YW/yr *	\$500	Facilities that accept >10,000 to 50,000 cubic yards of YW/yr *	\$500
Facilities that accept >50,000 cubic yards of YW/yr *	\$750	Facilities that accept >50,000 cubic yards of YW/yr *	\$750
<i>* or its equivalent in tons</i>		<i>* or its equivalent in tons</i>	
Privately owned and operated HHW Facilities	\$1,250	Privately owned and operated HHW Facilities	\$1,250
Infectious Waste Facilities	\$4,000	Infectious Waste Facilities	\$4,000
Solid Waste Processing Facilities		Solid Waste Compost Facility	
Facilities that accept 0 to 10,000 tons of SW/year	\$600	Facilities that accept 0 to 10,000 tons of SW/year	\$600
Facilities that accept >10,000 to 50,000 tons of SW/year	\$1,250	Facilities that accept >10,000 to 50,000 tons of SW/year	\$1,250
Facilities that accept >50,000 tons of SW per year	\$2,000	Facilities that accept >50,000 tons of SW per year	\$2,000
Proposed Landfill Fees & Deposits			
MSW Base Fee	\$ 3.50/ton		
MSW Out-of-County Fee (in addition to Base Fee)	\$ 1.75/ton		
Construction and Demolition Waste (C&D) Fee	\$ 0.50/ton		
Industrial Waste Trust Account Deposits	\$ 0.60/ton		
Municipal Solid Waste Combustor Ash Trust Account Deposits	\$ 1.50/ton		

BE IT FURTHER RESOLVED that the fees shall be effective upon the publication of Ordinance #1-17 adopting Chapter 21 Solid Waste Management Ordinance.

Passed and approved this 16th day of May, 2017.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Bennett, seconded by Commissioner Glynn to approve the 3.2 Beer On/Off Sale liquor license effective today through June 30, 2017 for Adventure Bound BT, LLC d/b/a Yogi Bears Jellystone Park, Austin, MN. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the Liquor On Sale and Sunday license effective July 1, 2017 through June 30, 2018 for Cedar River Country Club. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Bennett to approve the tobacco license effective July 1, 2017 through June 30, 2018 for Lake Geo Plaza. Motion carried.

Motion by Commissioner Ankeny, seconded by Commissioner Glynn to adjourn the meeting at 9:46 a.m. Motion carried. The next meeting is scheduled for May 23, 2017 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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