

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

August 1, 2017

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session August 1, 2017 at 1:03 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 Glynn, seconded by Commissioner Reinartz to approve the agenda. Motion carried.

Under Other Committee Reports it was reported that the LEC Advisory Committee has met to discuss the increase in workload due to the courts requiring transcripts of E911 calls specific to court cases and the request of the department for an additional dispatcher to meet the demand. The topic will be discussed further.

A Public Hearing was held in regard to CUP #854 Cedar River Watershed District c/o Justin Hanson, District Administrator, applicant, and Jeffrey Pederson, Dwane & Beverly Hull and Monica Lukes, applicants and property owners, for grading and placement of fill exceeding fifty (50) cubic yards in a shoreland / floodplain area located in Section 27, Austin Township.

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

Cody Fox, a representative of the Petitioner Cedar River Watershed District, was present and provided information regarding CUP #854. No other person spoke for or against CUP #854.

**Date: August 1, 2017**

**Res. #55-17**

**RESOLUTION**

On motion of Commissioner Reinartz, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 1, 2017 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #854 of Jeffrey Pederson, Dwane & Beverly Hull & Monica Lukes, Landowners, and Cedar River Watershed District c/o Justin Hanson, District Administrator, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

Grading and placement of fill exceeding 50 cu yards in a shoreland / floodplain area.

Location: on various acre parcels, located in Section 27, Austin Township (T102N-R18W), and legally described as: Sec 27 T102NR18W: PIN 02.024.0180 - 991FT SW1/4 NW1/4 N & W OF RIVER 27.24ac; PIN 02.024.0190- N1/2 NW1/4 & S1/2 NW1/4 N OF RIVER EXC W991FT & NE1/4 W OF RIVER 147.87ac; Section 33 T102R018W PIN 02.030.0120 - N1/2 NE1/4 W OF CENTER OF RIVER 61 ac, Mower County, Minnesota on a parcel identified per tax records as 020240180; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on July 25, 2017, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition; and

**WHEREAS**, Notice having been duly given, a public hearing was held on August 1, 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 any and all local, state and federal regulations and obtain any necessary permits regarding the proposed use; and
2. If applicable, secure MPCA NPDES Permit and submit copy to Mower County Environmental Services Department before beginning operation or provide documentation of project exemption; and
3. Any access driveway costs are to be bore by the petitioner; and
4. 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
5. In accordance with the Shoreland Overlay requirements:
  - a. The smallest amount of bare ground is exposed for the shortest time possible;
  - b. Ground cover, such as mulch, is used for temporary bare soil coverage and permanent ground cover, such as sod, is established;
  - c. Methods to prevent erosion and trap sediment during construction are employed;
  - d. Altered areas are stabilized to accepted erosion control standards;

- e. Fill is not placed so as to create unstable slopes;
  - f. Plans to place fill or excavated material on steep slopes are certified by qualified professionals as to slope stability;
  - g. Alterations below the OHWL are authorized by the Commissioner of the Minnesota Department of Natural Resources per Minnesota Statutes, Section 103G.245.
  - h. Placement of natural rock rip-rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the rip-rap is within ten (10) feet of the OHWL and the height of the rip-rap above the OHWL does not exceed three feet.
  - i. Alterations of topography shall only be permitted if accessory to a permitted or conditional use.
- 6. 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
  - 7. 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. Vehicles cannot be parked or backed onto the premises from the road or its right-of-way; and
  - 8. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
  - 9. 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
  - 10. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
  - 11. 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
  - 12. 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 in accordance with Article II Division 9 Shoreland Management Overlay Regulations Section Division 9, Section 11-97 Shoreland Alteration Standards; (d) any grading or filling (omit inapplicable language) ...involving 50 cubic yards of material shall require an erosion and sedimentation control plan and the issuance by the County of a CUP; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1<sup>st</sup> day of August, 2017.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

---

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the minutes of July 25, 2017. 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>
Emergency Automotive Technologies, Inc	4,609.07	Recovery Systems Company, Inc.	6,114.35
Jakes Custom Mowing	16,000.00	Safety Signs	5,280.00
Jones Haugh & Smith Inc	14,377.98	Uhl Company Inc	5,800.00
Minnesota Counties Computer Co	28,177.77	51 Payments less than 2000	22,917.18
Office Of Mn It Services	4,245.34	<b>Final Total:</b>	<b>107,521.69</b>

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to authorize the Environmental Services Supervisor to apply for the SSTS Base Grant and the SSTS Incentive Grant for compliance inspections and addressing unsewered areas. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz to approve contract with U.S. Imaging, Inc. to scan official records from aperture cards for the Recorder's office and authorize the County Recorder to sign the contract. Motion carried.

There was a request that Jeff Weaver present a recycling center update at a future meeting and also schedule the County Public Works Director to provide an update on the road project plans for funding to be received through the approved ½% sales tax and wind farm revenue allocation.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to adjourn the meeting at 1:47 p.m. Motion carried. The next meeting is scheduled for August 8, 2017 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

**INDEX**

**A**

adjourn, 163  
agenda, 160

**M**

minutes 7.25.17, 163

**P**

Public Hearing  
CUP #854 Cedar River Watershed/Pederson, Hull & Lukes, 160

**R**

Res. #55-17 CUP #854 Cedar River Watershed/Pederson, Hull & Lukes, 160

**S**

SSTS Base Grant, 163  
SSTS Incentive Grant, 163

**U**

U.S. Imaging, Inc. contract  
scan aperture cards, 163

**W**

warrants  
Commissioner, 163