

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

October 3, 2017

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session October 3, 2017 at 1:00 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 Ankeny, seconded by Commissioner Glynn, to approve the agenda with the deletion of the ordinance amendment(s) public hearing. Motion carried.

Commissioner Glynn reported on the new location for SEMA Equipment. The company is going to consolidate other area stores and open one large sale, service and parts store near Grand Meadow.

A Public Hearing was held in regard to CUP #855 of Craig A. and Katie J. Shaw, land owners, and applicants, petitioner, for a family dwelling and accessory building in Section 34, Dexter Township.

Angie Lipelt, Environmental Services Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #855.

Date: October 3, 2017

Res. #77-17

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 October 3, 2017 at the Mower County Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #855 of Craig A. & Katie J. Shaw, Land owners and Petitioners, to be issued pursuant to the Mower County Zoning Regulations for:

for one additional single-family dwelling and accessory buildings. Dwelling will be constructed in wooded area.

Location: on a 46.53 acre parcel, located in Section 34, Dexter Township (T103N-R16W), and legally described as: Section 34 Township 103 Range 016 N58AC W1/2 SW1/4 N & W OF HWY EXC 11.47 AC HWY, Mower County, Minnesota on a parcel identified per tax records as 05.034.0050; and

WHEREAS, Notice having been duly given, a public hearing held on the matter on 9/26/2017, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition; and

WHEREAS, Notice having been duly given, a public hearing was held on October 3, 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 Approval, 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 secondary 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 Public Works Dept. before construction; if the site is not already 911-addressed; and
6. If the applicant is constructing within the shoreland overlay the applicant shall raise the building site a minimum of 3 (three) feet above the OHWL (ordinary high water level) an elevation certificate shall be require to show the minimum elevation occurred; and
7. The owner is also put on notice that portions of this property contain shoreland overlay. Shoreland overlay has higher zoning standards that must be adhered to for permitting. Permits may also be required for vegetation removal, grading, clearing etc. Please check with the local zoning authority prior to such activities or permitting for specifics; and
8. 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.

9. 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
10. 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
11. 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
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 2 Agricultural District Section 14-18.4(a)(1)(a) Density Factors & 14-18.4(d)(1) Additional Single Family Dwellings may be allowed by conditional use provided site locations shall be limited to areas which are wooded with healthy and mature trees and not currently used for agricultural; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 3rd day of October 2017.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #856 of Matthew A. & Stephanie K. Steele, land owners, and petitioner, for one additional single dwelling in Section 16, Waltham Township.

Angie Lipelt, Environmental Services Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was present. Petitioner spoke in favor of CUP #856. Eugene Anderson, township official, spoke in favor of the permit. No other persons spoke for or against CUP #856.

Date: October 3, 2017

Res. #78-17

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held October 3, 2017 at the Mower County Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #856 of Matthew A. & Stephanie K. Steele, Land owners, and Petitioners, to be issued pursuant to the Mower County Zoning Regulations for:

one additional single-family dwelling per quarter section.

Location: on a 6.07 acre parcel, located in Section 16, Waltham Township (T104N-R17W), and legally described as: W550FT E1165FT N507FTNW1/4 EXC W57FT N251FT Section 16 Township 104 Range 017, Mower County, Minnesota on a parcel identified per tax records as 19.016.0050; and

WHEREAS, Notice having been duly given, a public hearing held on the matter on 9/26/2017, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition; and

WHEREAS, Notice having been duly given, a public hearing was held on October 3, 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 Approval, 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 secondary 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. 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
6. 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
7. 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
8. 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 2 Agricultural District Section 14-18.4(a)(1)(a) Density Factors & 14-18.4(d)(1) Additional Single Family Dwellings may be allowed by conditional use provided site locations shall be limited to areas which are wooded with healthy and mature trees and not currently used for agricultural; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 3rd day of October 2017.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Aaa Striping Service Company	128,859.20	Syverson Truck Center/Dave	2,619.43
Complete Automotive Services	4,413.57	Zahl Equipment Service Inc	6,920.95
M-R Sign Company Inc	3,438.47	48 Payments less than 2000	19,792.94
		Final Total:	166,044.56

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the minutes of September 26, 2017. Motion carried.

The Mower County Auditor/Treasurer's office informed the Board of the need to amend Resolution #61-17 adopted August 22, 2017, to reflect a charge of \$1.00 per parcel instead of the "Free of Charge" reference. The acquired tax forfeited properties will be rehabilitated and will not be used for public use.

Motion made by Commissioner Reinartz, seconded by Commissioner Bennett, to amend Resolution #61-17 adopted August 22, 2017 to replace the language "free of charge" with "a purchase price of \$1.00 for each parcel". Motion carried.

Commissioner Gabrielson reminded the other commissioner of the District IX Regional Meeting on October 30 in Faribault. Craig has this information.

Recessed at 1:43 p.m. Board will reconvene at 2:00 p.m.

Craig Clark, City of Austin Administrator, and John Garry, Director of Development Corporation of Austin, presented to the Board a request for County participation in the Grow Austin Initiative. This is a small business initiative program that would combine City of Austin, Austin Public Utilities and potentially Mower County resources. The initial contribution by the County would be \$30,000 with an annual maximum exposure of \$150,000 by the County.

Motion made by Commissioner Ankeny, second by Commissioner Glynn, to table the request for County participation in the Grow Austin Initiative to October 10, 2017. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny, to adjourn the meeting at 2:29 p.m. Motion carried. The next meeting is scheduled for October 10, 2017 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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