

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

November 1, 2016

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session November 1, 2016 at 1:00 p.m. at the Government Center in Austin, Minnesota.

Members present, viz:           Polly Glynn, Chair  
  Tim Gabrielson  
  Jerry Reinartz  
  Tony Bennett  
  Craig Oscarson, County Coordinator

Member absent:                 Mike Ankeny

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to approve the agenda. Motion carried.

Craig Oscarson, County Coordinator, provided the Board with a brief update on the status of the Recycling Project Addition. Project is nearly complete.

A Public Hearing was held in regard to a Housing Tax Abatement request of Patrick and Angela Harty, applicants, to construct a single family home in Austin, Minnesota.

Craig Oscarson reviewed the application and the recommendation is to approve the application.

The Applicant was present and spoke on his own behalf. No one else spoke for or against the Harty housing tax abatement application.

**Date: November 1, 2016**

**Res. #65-16**

**RESOLUTION APPROVING TAX ABATEMENT  
FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813**

On motion of Commissioner Gabrielson, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2016 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 469.1813 gives authority to the County of Mower to grant an abatement of property taxes imposed by the County if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, Mower County has adopted the Tax Abatement Policy for new construction of Single and Multi-family homes which includes criteria which must be met before an abatement of taxes will be granted; and

WHEREAS, Patrick and Angela Harty is the owner of certain property within Mower County, legally described as follows:

Lot 1, Block 2 and Out Lot C, Cedar Ridge Addition  
Austin, Minnesota  
(PIN 34.139.0040)

WHEREAS, Patrick and Angela Harty has made application to Mower County for the abatement of taxes as to the above-described parcel; and

WHEREAS, Notice having been duly given, a public hearing was held on November 1, 2016 before the Mower County Board of Commissioners, on said application.

WHEREAS, Patrick and Angela Harty has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision 1(1) and Subdivision 2(i) as well as Mower County's criteria for tax abatement;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF **MOWER COUNTY, MINNESOTA**:

1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of a single family home.
2. The tax abatement will be for no more than five years commencing with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, on the first year of taxes payable for the assessed value(s) related to the capital improvements outlined in Paragraph 1.
3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 30<sup>th</sup> of that calendar year.
4. The tax abatement shall be for up to the full amount of the real estate taxes collected from added tax base of the newly constructed housing/home annually. Land values and the current base value are not eligible and will not be abated.

Passed and approved this 1<sup>st</sup> day of November, 2016 with a vote of 3-1. The Commissioners voted as follows: Commissioner Gabrielson aye, Commissioner Reinartz nay, Commissioner Bennett aye, and Commissioner Glynn aye.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to approve the minutes of October 25, 2016. Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve the following Commissioner warrants for payment:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Beckleys	12,677.32	Doors & Floors Inc.	3,063.69
City Of Austin	37,206.40	Ruffridge-Johnson Equipment Co	4,400.00
Commissioner Of Transportation	4,764.19	39 Payments less than 2000	18,507.80
Donnelly Law Firm/Daniel	3,145.10	<b>Final Total:</b>	<b>83,764.50</b>

Motion carried.

A public hearing regarding a request from Jeff Irvin & Scot Janssen, applicants on behalf of Northern Country Cooperative Company, to rezone a portion of the property located at Situs Address, 51714 270<sup>th</sup> Street, Austin MN 55912, Section 10, Lansing Township, so that the entire tract will be zoned Rural Management. Currently a portion of this property is zoned Rural Management and the other portion is zoned Rural Service Center. By allowing this Zoning Ordinance Amendment, the entire tract will be in the Rural Management District.

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

The Petitioner was present and spoke on their own behalf. No other person spoke for or against the ordinance amendment to rezone the property parcels.

Date: November 1, 2016

Ordinance #04-16

**Ordinance**  
**Zoning Ordinance Amendment**

On motion of Commissioner Gabrielson, seconded by Commissioner Reinartz the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, a public notice was published in the Mower County's official newspaper, the Austin Daily Herald on October 9, 2016; and

**WHEREAS**, notices were made by first class mail to the adjoining land owners in accordance with the Mower County Zoning Ordinance on October 13, 2016. An official list is kept on file in the office of the Environmental Services; and

**WHEREAS**, a site visit was held on October 19, 2016, in which two of the Planning Commission members and the Mower County Environmental Service Supervisor met with the applicant on site; and

**WHEREAS**, on October 25, 2016 at 7:00 p.m. a public hearing was held on the matter in the Mower County Government Center Commissioner's Room before the Mower County Planning

Commission and on November 1, 2016 at 1:15 p.m. before the Mower County Board of Commissioners; and

**WHEREAS** at each public hearing any concerned citizen was given an opportunity to speak on the matter, and

**WHEREAS**, the Mower County Planning Commission recommended by a majority vote to amend the Mower County Zoning Ordinance to allow the rezone request of Northern Country Cooperative Company on behalf of Jeff Irvin & Scot Janssen, applicants;

**BE IT ORDAINED** that the Mower County Board of Commissioners hereby adopts an amendment to the Mower County Zoning Map to reflect the following legally described parcel to be rezoned from Rural Service Center to Rural Management.

All that part of the North Half of the Northeast Quarter of Section 10, Township 103 North, Range 18 West, Mower County, Minnesota, described as follows: Commencing at the northeast corner of the Northeast Quarter of said Section 10; thence North 90 degrees 00 minutes 00 seconds West a distance of 981.27 feet, on an assumed bearing on the north line of said Northeast Quarter, to the point of beginning; thence North 90 degrees 00 minutes 00 seconds West a distance of 471.43 feet, on the north line of said Northeast Quarter; thence South 00 degrees 00 minutes 00 seconds East a distance of 462.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 471.43 feet, thence North 00 degrees 00 minutes 00 seconds West a distance of 462.00 feet, to the point of beginning.

Passed and approved this 1<sup>st</sup> of November, 2016

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #842 of Jeff Irvin, petitioner, and Northern Country Cooperative Company c/o Scot Janssen, land owner, to build a new state-of-the-art grain receiving, storage (including existing bunkers) and handling facility including the construction of a unit train loop track located in Section 10, Lansing Township.

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

The Petitioner was present. No one spoke for or against CUP #842.

**Date: November 1, 2016**

**Res. #66-16**

**RESOLUTION**

On motion of Commissioner Bennett, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2016 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #842 of Northern Country Cooperative Company c/o Scot Janssen, Landowner, and Jeff Irvin, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

to build a new state-of-the-art grain receiving, storage (including existing bunkers) and handling facility including the construction of a unit train loop track.

Location: on a 185+/- acre parcel, located in Section 10, Lansing Township (T103N-R18W), and legally described as: PIDs 08.950.0030; 08.010.0045, .0050, .0055 & .0056 - *full legal descriptions on file at Environmental Services*, Mower County, Minnesota on a parcel identified per tax records as 08.950.0030; and

**WHEREAS**, Notice having been duly given, a public hearing held on the matter on October 25, 2016, at 7:00 p.m. in the Mower County Government Center, 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 November 1, 2016 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 state, federal and local regulations regarding the proposed use, which may include, but not be limited to an NPDES Storm water Permit; permits or licensures from the Minnesota Department of Agriculture; permits or licensures from the MPCA; Mower County Zoning and Septic System Permits; and
2. The applicant shall construct buildings in accordance with State Fire Code as required by law; and
3. The applicant shall construct all buildings in accordance with handicap accessibility codes and as required by law; and
4. Unless connecting to Lansing Community Sewer; a septic system shall be designed and installed to support the proposed use in accordance with MN Rules 7080 and the Mower County Subsurface Sewage Treatment System Ordinance. The applicant shall discuss

- their current and possible future needs for the design of the septic system upfront with a licensed contractor so the system can be appropriately designed to the end-use capacity. A secondary site shall also be located on the property for placement of a future septic system, when the first one fails. This site shall be mapped and placed on record with the septic permit. This secondary site shall be protected from development and compaction which would render it useless; and
5. The applicant shall demonstrate prior to opening that appropriate and acceptable measures shall be established for sewer, water and proper waste disposal; and
  6. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition. The site shall not be used as a junk or scrap yard; and
  7. The Owner/Applicant shall properly contain all waste. If any waste material is subject to blowing the applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
  8. The Owner/ Applicant shall provide adequate area onsite to park, back, or turn-around 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
  9. The Owner/Applicant shall be required to provide dust control at their cost (not to utilize used oil, which is illegal) so as not to create a nuisance to neighboring property from the additional traffic, and
  10. 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
  11. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
  12. A new turn lane and a new bypass lane shall be designed and constructed by the applicant, at the applicant's cost, to modify the roadway geometry at the new driveway/site access point. The design shall conform to MN/DOT standards. Plans and specifications for the construction shall be prepared and signed by an Engineer Registered in the State of Minnesota. The signed plans shall be submitted to the County for their review, and shall be modified as necessary subject to the County's review, prior to the construction.
  13. Any new Right of Way, if required, shall be purchased by the applicant and the title transferred to Mower County; and
  14. Any utility locations shall be the responsibility of the applicant; and
  15. 911 Addressing and/or additional driveway access from County Roads must be obtained from the Mower County Highway Department and may include fees; and
  16. An emergency response plan shall be submitted to the local fire department(s), law enforcing agencies, and the Mower County Emergency Management and the Planning and Zoning Office for review and inclusion of department files for the proposed property. Information shall include spill prevention and clean up, taking into account topography, tiles lines, and runoff.
  17. All lighting shall be directed downward to minimize glare to adjacent properties and public roadway. Lighting plans shall be included in the final site plan for review by the zoning administrator prior to signing zoning permits.
  18. Signage must comply with the Mower County Ordinance and must be located out of road right-of-ways. The sign(s) shall be kept in a neat and tidy condition at all times and kept free of any noxious weeds.

19. Parking and loading requirements of the Mower County Zoning Ordinance shall be met or exceeded. Refer to Ordinance Sections 14-14 thru 14-15.
20. Expansion or addition to the facility shall require an amendment to the conditional use permit. This permit shall consist of grain storage and handling of approx. 3.5 million bushels of corn in bins with the possibility of up to two, 2-million bushel ground storage piles inside the loop track, a railroad loop track, an office, storm water pond(s), landscaping and screening, truck staging area(s) vehicle parking and loading area(s) onsite, turn and bypass lanes, grain /truck scale(s), grain receiving and loading facility; and the two existing onsite bunkers; and
21. 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; and
22. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
23. 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
24. 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 3 Rural Management District Section Rural Management references the Agricultural District - SECTION 14-51. CONDITIONAL USES item (m) Agriculturally oriented businesses; 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 November, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #841 of Flatlandherr LLC c/o Joseph Landherr, land owner, and Joe Landherr, petitioner, for a commercial mini storage, maple syrup production and wood splitting operation in Section 35, Windom Township.

Angie Knish, Environmental Services Director, reviewed the permit and Planning Commission recommendations for approval.

The Petitioner was not present. No one spoke for or against CUP #841.

**Date: November 1, 2016**

**Res. #67-16**

**RESOLUTION**

On motion of Commissioner Reinartz, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2016 at the Mower County Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #841 of Flatlandherr LLC c/o Joseph Landherr, Landowners, and Joe Landherr, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

commercial mini storage, maple syrup production and splitting of wood for sale in bundles. The sale of wood and syrup are done at other locations; it is the processing that is intended to occur here.

Location: on a 1.43 acre parcel, located in Section 35, Windom Township (T102N-R17W), and legally described as: Section 35 Township 102 Range 017 W249FT E1339.48FT N250FT NE1/4 Deeded Acres: 1.4300, Mower County, Minnesota on a parcel identified per tax records as 20.035.0018; and

**WHEREAS**, Notice having been duly given, a public hearing held on the matter on October 25, 2016, at 7:00 p.m. in the Mower County Government Center 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 November 1, 2016 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 all state and federal regulations regarding the proposed use; and
2. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
3. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
4. 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
5. Any vermin, flies, or other pests shall be controlled; and



6. Setbacks must be met in accordance with the ordinance or a variance must be granted to construct or continue construction; and
7. A change in use, intensification or expansion shall require an amendment to this CUP, and
8. 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
9. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
10. 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 Division 2, "Agricultural District; Section 14-51 Conditional Uses, items (m) agriculturally oriented business and (t) mini storage; 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 November, 2016.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Commissioner Reinartz, on behalf of the Personnel Committee, reported that the County Coordinator had presented a recommendation to the Committee regarding modifications to Centralized Finance. Upon further review it appears the concept of Centralized Finance in its present form is not currently viable at Mower County.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to accept the recommendation of the County Coordinator in regard to modifications to centralized finance as follows:

1. Transfer direct supervision of the highway accountant and the highway bookkeeper/office support position from the Finance Director to the Public Works Director and to maintain the 50/50 split of work assignments between the Public Works Department and Finance for the bookkeeper/office support position. This transfer is effective 11/2/2016.
2. Transfer the direct supervision of the H&HS accounting staff (5 positions) from the Finance Director to the HHS Director effective 11/2/2016.
3. Direct the County Coordinator to review the office location assignments for the Finance Department, the Auditor/Treasurer's staff and the H&HS telecommuters as well as the current duty assignments of the Finance and Auditor/Treasurer's staff and provide a

recommendation to the Personnel Committee for possible changes based on this review by 12/31/2016.

4. Modify the proposed 2017 budget for items #1 and #2 to be effective 1/1/2017.

Motion carried.

Kristen Nelsen, County Attorney, informed the Board that truancy numbers are increasing. Mandatory meetings for parents and their child/student that is truant are not being attended. The County Attorney's office will be taking the next steps by taking them to court for truancy. It is a big and serious issue.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett to adjourn the meeting at 2:05 p.m. Motion carried. The next meeting is scheduled for November 8, 2016 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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