

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 7, 2017

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session December 7, 2017 at 3:00 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 Glynn, seconded by Commissioner Ankeny, to approve the agenda. Motion carried.

Under Committee Reports the Board received information concerning other county interest in recycling programs and a possible new joint solid waste plan and topics covered at the Association of Minnesota Counties' annual conference.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the minutes of November 28, 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>
Anoka County Human Services	12,171.28	Mayo Clinic	3,600.00
Austin Utilities	2,662.03	Mayo Clinic -Rochester	3,600.00
Axon Enterprise, Inc	3,421.24	Midwest Clinical Psychologists	2,250.00
Bustad Dozing And Excavating Inc	5,915.35	Olmsted County Community Services	11,840.00
Cliftonlarsenallen	2,943.75	Rupp,Anderson,Squires & Waldspurger Pa	2,799.31
Compass Minerals	10,540.77	WASTEQUIP INC	6,160.00
Cps Technolgy Solutions	4,619.99	77 Payments less than 2000	28,874.06
Jones Haugh & Smith Inc	2,118.10		
		Final Total:	103,515.88

Motion carried.

A Public Hearing was held in regard to a zoning ordinance amendment request of Jason Korfhage; Dune Acquisitions, for modifications to the SSTS Ordinance to allow for Type IV Septic Systems.

Angie Lipelt was not available. Craig Oscarson and Commissioner Ankeny provided the detail and the Planning Commission recommendations.

The Petitioner was present and spoke in favor of amending the Subsurface Sewage Treatment System Ordinance. No other persons spoke for or against the ordinance amendment.

Date: December 7, 2017

Ordinance # 07-17

SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE AMENDMENT

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Ordinance amendment was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held December 7, 2017 at the Government Center, Austin, Minnesota.

WHEREAS, a public notice of intention to consider amending the SSTS Ordinance to allow for Type IV Septic Systems was published in the Mower County's official newspaper, the Austin Daily Herald on November 17, 2017; Copies were also placed in the Mower County Independent and the Grand Meadow Area News. Notice was published on November 16, 2017 in the Mower County Independent and on November 15, 2017 in the Grand Meadow Area News; and

WHEREAS, notices were made by first class mail to the adjoining land owners in accordance with the Mower County Zoning Ordinance on November 17, 2017. An official list is kept on file in the office of the Environmental Services; and

WHEREAS, a public hearing was completed on the matter on November 28, 2017 at 7:00 p.m. in the Mower County Government Center, Board Room, before the Mower County Planning Commission at which 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 Subsurface Sewage Treatment System Ordinance; and

WHEREAS, Notice having been duly given, a public hearing was held on December 7, 2017 before the Mower County Board of Commissioners at which any concerned citizen was given an opportunity to speak on the matter;

BE IT ORDAINED that the Mower County Board of Commissioners amend Chapter 11 Subsurface Sewage Treatment System Ordinance to allow Type IV Septic Systems by incorporating the following language changes in Subdivisions 1 and 5 of the Ordinance as follows:

Subdivision 1.90

Delete paragraph 8

~~8. Type IV Systems are prohibited in Mower County.~~
and renumber subsequent paragraphs.

Subdivision 5.60

Retitle the subdivision to include both Holding Tanks and Type IV Systems and incorporate the current language under subdivision 5.61 Holding Tanks and add new language in subdivision 5.62 Type IV Systems as follows:

5.60 HOLDING TANKS & TYPE IV SYSTEMS

5.61 – HOLDING TANKS:

1. Holding tanks may *Current language through....*
- ⋮
7. All tanks used as holding tanks must be tested for water tightness.

5.62 TYPE IV SYSTEMS

1. **Type IV systems shall be allowed for high strength waste;**
2. **Type IV systems for existing dwellings may be allowed by the Department where it is determined that a Type I system cannot be installed on the property.**
3. **Type IV systems for existing developed parcels may be allowed by the Department as a modification to an existing septic system so as to preserve and protect the parcel's only secondary site when it is deemed there is no other location to allow for future septic system placement. The sole secondary site shall be protected by the landowner from development, compaction, excavation or other damage which would render the secondary site useless for a replacement septic system.**
4. **Type IV systems are not allowed on newly created lots for residential use.**
5. **Type IV system owners shall continually retain a contracted (MN licensed) Service Provider who will be providing maintenance and services specified in the operating permit in compliance with MN Rules 7080 or 7081. A copy of the current and most recent contract shall be placed on file with the Environmental Services Office.**
6. **Operating permits are not transferrable from landowner to landowner;**
7. **Type IV systems may be subject to an annual fee for operating permit;**
8. **Type IV systems shall meet the requirements of MN Rules 7080.2350.**
9. **All other requests for Type IV systems shall be subject to a variance request and the criterion established by Statute for granting of variances.**

BE IT FURTHER ORDAINED that this ordinance is effective upon publication.

Passed and approved this 7th of December, 2017. The Ordinance shall become effective upon publication.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Steve Reinartz, County Auditor-Treasurer, provided information concerning tax forfeited parcels that did not sell at the prior public auction and requested that the Commissioners set new minimum sales prices on parcels and to set a date for another public auction.

Date: December 7, 2017

Res. #92-17

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 7, 2017 at the Government Center, Austin, Minnesota.

WHEREAS on September 5, 2017 by Resolution #67-17 the Mower County Board of Commissioners set the basic sales price of certain forfeited properties on the Auditor-Treasurer's List of Tax-Forfeited Lands #2017-1 dated September 5, 2017 and on file with the Auditor-Treasurer to be initially offered for sale on September 29, 2017; and

WHEREAS not all tax forfeited parcels on Auditor-Treasurer's Certified List of Tax-Forfeited Lands #2017-1 dated September 5, 2017 were sold; and

WHEREAS the Auditor-Treasurer has requested that the Mower County Board of Commissioners reappraise and set new minimum basic sales prices on the unsold tax-forfeited lands and set a date for public sale; and

WHEREAS the Auditor-Treasurer requests tax forfeited parcel 28.001.0950 forfeited in 2013 be included with a basic sales price set; and

NOW, THEREFORE, BE IT RESOLVED that Mower County Board of Commissioners hereby approves and sets the reappraised basic sale price of each of the following tax forfeited parcels with authorization for a public sale of this land pursuant to M.S. 282.01; and

Parcel ID	Address	Legal Description	Appraised Value	Basic Sale Price Set 9/5/17	Reappraised Basic Sale Price Set 12/7/17	Assessments Subject to Reassessment
02.052.0040	19423 546th Ave	S60FT OUTLOT 2 EXC E33FT ROAD IN OUTLOTS IN N1/2 SE1/4 SEC. 14-102-18 Austin, Township	\$55,200.00	\$25,000	\$10,000	\$0.00
09.006.0020	Vacant Lot	W12RDS S8RDS SW1/4 SW1/4 SEC. 6-101-14 LeRoy Township	\$7,000.00	\$3,500	\$630	\$0.00
13.003.0060	59756 155th St	5AC S½ S½ NE¼ SEC. 3-101-17 Nevada Township	\$70,000.00	\$40,000	\$8,700	\$0.00
23.012.0120	Vacant Lot	LOT 2 BLOCK 2 SHAW'S 2 ND ADDN, Dexter, MN	\$11,500.00	\$5,000	\$2,000	\$0.00
23.012.0130	Vacant Lot	LOT 3 BLOCK 2 SHAW'S 2 ND ADDN, Dexter, MN	\$11,500.00	\$5,000	\$2,000	\$0.00
23.012.0140	Vacant Lot	LOT 4 BLOCK 2 SHAW'S 2 ND ADDN, Dexter, MN	\$11,500.00	\$5,000	\$2,000	\$0.00
25.003.0240	412 1 st St SW	LOT 9 BLOCK 5 PEARCES ADDN, Grand Meadow, MN	\$28,500.00	\$5,000	\$2,000	\$478.50 <i>does not include interest Interest rate is 5.1%</i>
26.001.1360	107 W Main St	LOT 16 & NETRLY 46FT RR ADJ BLOCK 12 ORIGINAL VILLAGE, LeRoy, MN	\$22,000.00	\$7,500	\$5,000	\$0.00

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Parcel ID	Address	Legal Description	Appraised Value	Basic Sale Price Set 9/5/17	Reappraised Basic Sale Price Set 12/7/17	Assessments Subject to Reassessment
26.001.1780	314 E Main St	LOTS 5-6 & N25FT STREET ADJ ON SW BLOCK 18 ORIGINAL VILLAGE, LeRoy, MN	\$9,700.00	\$3,500	\$1,000	\$23,700
28.001.0950	116 Graham St. Vacant Lot	W104FT LOTS 15 & 16 BLOCK 2, Mapleview, MN	\$52,800.00	\$10,000	\$2,000	\$495.36
34.165.0380	1406 8 TH St NE	LOT 3 BLOCK 2 CRANE 2 ND ADDN, Austin, MN	\$14,400.00	\$7,000	\$2,000	\$0.00
34.193.0520	1100 24th Ave SW	LOT 31 BLOCK 2 DINSMOOR ACRES, Austin, MN	\$45,800.00	\$20,000	\$10,000	\$4,455.48 <i>does not include interest Interest rate is 6.5%</i>
34.193.0530	Vacant Lot	LOT 32 BLOCK 2 DINSMOOR ACRES, Austin, MN	\$7,200.00	\$4,500	\$2,000	\$4,455.48 <i>does not include interest Interest rate is 6.5%</i>
34.520.0170	803 6 th Ave SE	LOT 20 BLOCK 1 OAK PARK ADDN, Austin, MN	\$28,200.00	\$10,000	\$5,000	\$2,195.36
34.725.0080	2014 E Oakland Ave	LOT 8 BLOCK 2 SUNLAND ADDN, Austin, MN	\$60,500.00	\$30,000	\$15,000	\$81.03
34.895.0330	Vacant Lot	.44AC S½ SW¼ E OF OL24 OF NORMAN PARK 2ND ADDN	\$29,000.00	\$10,000	\$1.00	\$14,804.18

BE IT FURTHER RESOLVED that said public sale will be held on January 17, 2018, at 10:00 a.m. by the Mower County Auditor-Treasurer in the Vault/Ballroom Conference Room (Room 169) of the Mower County Government Center at Austin, Minnesota, and parcels shall be sold to the highest bidder but for not less than the basic sale price – plus any special assessments authorized between date of forfeiture and the actual sale of the property – and that payment for all sales shall be consistent with the Payment Terms in the County Tax-Forfeited Land Policy on file in the office of the Auditor-Treasurer.

Passed and approved this 7th day of December, 2017.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Tim Ruzek, Water Plan & Outreach Coordinator Soil and Water Conservation District, presented to the Board a proposed 2018 AIS budget along with a program update.

Date: December 7, 2017

Res. #93-17

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 7, 2017 at the Government Center, Austin, Minnesota.

WHEREAS, 2014 Session Law Chapter 308 enacted by the Legislature provides Minnesota counties a County Program Aid grant for Aquatic Invasive Species (AIS) prevention. The amount designated for each county is based on the number of watercraft trailer launches as well as the number of watercraft trailer parking spaces within each county; and

WHEREAS, the legislation requires that Mower County must establish, by resolution or through adoption of a plan, guidelines for the use of the proceeds which are to prevent the introduction or limit the spread of aquatic invasive species at all access sites within the county; and

WHEREAS, the County may appropriate the proceeds directly or may use any portion of the proceeds to provide funding for a joint powers board or cooperative agreement with another political subdivision, a soil and water conservation district in the county, a watershed district in the county, or a lake association located in the county. Any money appropriated by the county to a different entity or political subdivision must be used as required under this section; and

WHEREAS, the County utilizes the 2014 AIS Prevention Aid Funds and sequential years as intended and described by state statute; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of Mower County adopt the following 2018 Aquatic Invasive Species work plan and budget using 2018 County Program Aid AIS funds and, if necessary, designated AIS reserves from prior year AIS allocations:

1. AIS Coordinator and Staff time for related work and AIS surveying	\$ 2,000
2. AIS Awareness / Prevention advertising in various media forms	2,000
3. Canoe mobile programming with land and water based AIS education for 4 th and 5 th graders from Mower County public and private schools	8,000
2018 Adopted Work Plan and Budget	<u>\$12,000</u>

Passed and approved this 7th day of December, 2017.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard Tax Abatement Request of SEMA Equipment for a sales and equipment repair facility in Grand Meadow, Minnesota.

Craig Oscarson reviewed the application along with the Finance Committee's recommendation. Tom Wozney, President of SEMA, reviewed the company's request for the tax abatement and the company's plans for relocating to Grand Meadow.

The Chair requested public input. Nine people spoke in favor of the abatement. Four persons spoke against the abatement.

Date: December 7, 2017

Res. #94-17

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 7, 2017 at the Government Center, Austin, Minnesota.

WHEREAS, SEMA Equipment has submitted a request for a fifteen (15) year tax abatement to consolidate its Spring Valley, LeRoy and Austin locations along with its Rochester Business office to a new sales and equipment repair facility in Grand Meadow, MN; and

WHEREAS, MS 469.1813 provides the authority to grant the abatement request subject to a public hearing; and

WHEREAS, on November 28, 2017 a scheduled public hearing was tabled to December 7, 2017;

WHEREAS, on December 7, 2017 a public hearing held in regard to said request;

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board of Commissioners finds the request to be in the public interest by providing a long-term increase in tax base and by providing employment opportunities; and

BE IT FURTHER RESOLVED, that the Mower County Board of Commissioners approves a fifteen (15) year tax abatement of the County's portion of real property taxes as follows:

- a) The taxes abated shall be equal to the full taxes assessed on the improved assessed value of the site as determined by the Mower County Assessor in good faith and using customary valuation methods; and
- b) The period of the abatement shall begin for tax assessment year 2019 payable 2020.

AND subject to an approved tax abatement development agreement with the following conditions:

1. Years 1 through 10 the company will be required to maintain 40 jobs with each qualified job needing to pay at least the poverty level for a family of 4 as it exists for that particular

abatement year. If the jobs fall below that, the abatement will be reduced or eliminated. If the job numbers are between 35 and 39 the abatement for that year will be 35/40. At 30 to 34 jobs the abatement will be 30/40. At 25 to 29 jobs the abatement will be at 25/40. If the jobs dip below 25 then there will be no abatement for that year.

2. For years 11 through 15 the company will be required to employ 50 or more qualified employees to receive an abatement for each of those years. Anything below that number will result in a zero (0) abatement for that particular year.
3. The abatement will be for the improved value only based on new construction.
4. There will be a clause to the effect that during the abatement period there will be a minimum value imposed based on what the Assessor initially lists in year one of the abatement. If the company files for tax court during the abatement period and has the value changed there will be a penalty. The penalty is equal to the tax reduction gained. This is to address a concern that if they do not meet the job criteria and receives less than the "full" abatement that they cannot gain any financial benefit while receiving a public tax abatement subsidy.
5. Once the abatement period is over, a clause to the effect that the value in the last year of the abatement will be the minimum value for the next five (5) years as to any tax court issues. If the company appeals their value and is awarded a value below that minimum then the company would not see a financial tax gain during those five (5) years as a penalty.

Passed and approved this 7th day of December, 2017. The Commissioners voted as follows: Commissioner Bennett ay, Commissioner Reinartz ay, Commissioner Glynn ay, Commissioner Ankeny ay, and Commissioner Gabrielson ay. Motion carried 4-1.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the Human Services Accounts Payable. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to ratify the Professional Services Agreement between Minnesota Counties Computer Cooperative Strategic Technologies Incorporated (MnCCC) for the maintenance and support of MCAPS for the County Attorney's office effective January 1, 2018 through December 31, 2020. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett to adjourn the meeting at 4:59 p.m. Motion carried. The next regularly scheduled Board meeting is scheduled for December 19, 2017 at 8:30 a.m. The Annual Budget and Levy Hearing is scheduled for this evening at 6:00 p.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

INDEX

A

adjourn, 277
agenda, 269

H

Human Services Accounts Payable, 276

M

Minnesota Counties Computer Cooperative Strategic Technologies
MCAPS maintenance & support agr -- County Attorney, 276
minutes 11.28.17, 269

O

Ord. #07-17 SSTS Ordinance Amt for Type IV Septic Systems, 270

P

Public Hearing
SSTS Ordinance Amendment for Type IV Septic Systems, 269
Tax Abatement
SEMA Equipment, 275

R

Res. #92-17 tax forfeited parcels re-value basic sale prices and set sale date, 272
Res. #93-17 AIS 2018 work plan and budget, 274
Res. #94-17 tax abatement – 15 yr – SEMA Equipment, 275

W

warrants
Commissioner, 269