

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

June 12, 2018

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session June 12, 2018 at 8:30 a.m. at the Government Center in Austin, Minnesota.

All members present, viz:     Jerry Reinartz, Chair  
  Tony Bennett, Vice-Chair  
  Mike Ankeny  
  Polly Glynn  
  Tim Gabrielson  
  Craig Oscarson, County Coordinator

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the agenda. Motion carried.

Sherry Roth, Human Resources Director, provided the Board with a department update regarding the newly adopted classification study, process of developing a form for new employee requests, number of positions filled since first of the year and estimated retirements through 2019.

It was noted under the Finance Committee Report that the 2019 budget process has started with department head meetings being scheduled in July.

The Building Committee updated the Board on the remaining items needed for approval to move ahead on the Sheriff's impound facility. Staff is obtaining quotes for the building itself, the type of flooring is still under discussion and quotes on the electrical component are ready for Board action.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson, to award the low quote of Austin Electric with a low quote of \$15,595 for the electrical work for the new impound facility. Motion carried.

Dorothy Meyer, Public Health Nurse, was recognized for retirement from Mower County with 16 years of service.

**HUMAN SERVICES BOARD:**

Motion made by Commissioner Bennett, seconded by Commissioner Glynn, to approve payment to vendors for Human Services Accounts Payable. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the Purchase of Service Agreement for Daycare Licensing in Mower County. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett, to authorize the Director of Mower County Health and Human Services to sign the memorandum of agreement with the College of Saint Scholastica to provide clinical experiences to students in their social work program. Motion carried.

Lisa Kocer introduced the new Eligibility Worker, Teiler Tovar.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to authorize the Chair and the Director to sign the Chemical Use Assessments and Funeral Assistance Purchase of Service Agreements:

Chemical Use Assessments

- Mayo Clinic Health System (Fountain Center) – renew agreement for Chemical Use Assessment Services, effective January 1, 2018 to December 31, 2018.

Funeral Assistance:

- Cremation Services of Minneapolis/St. Paul – approve agreement for Funeral Assistance Services, effective May 15, 2018 to December 31, 2019

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to authorize the Director to sign the Group Residential Housing Purchase of Service Agreements.

Group Residential Housing:

- Adams Home Health Agency – renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Austin Manor - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Cardinal of Minnesota, Ltd. - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Cenneidigh, Inc. - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Glendalough of Austin - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Hanson, Diane - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Independent Management Services, Inc. (Steve Thorson) - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.

- MSOCS - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Our House, LLC - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Primrose of Austin - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Quality Community Services, Inc. - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Sacred Heart Care Center, Inc. - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.
- Whispering Pines Ranch - renew agreement for Group Residential Housing Services, effective July 1, 2018 to June 30, 2019.

Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Glynn, to approve the Social Service Actions. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to adjourn the Human Services Board meeting at 9:24 a.m. Motion carried.

**COUNTY BOARD**

The Special Session of the Board was reconvened at 9:28 a.m. for regular business items.

Motion made by Commissioner Gabrielson, seconded by Commissioner Glynn, to approve the minutes of June 5, 2018. Motion carried.

Motion made by Commissioner Gabrielson, 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>
American Solutions For Business	3,959.44	Freeborn County Co-Operative Oil Co.	9,544.15
Cedar Valley Services, Inc	51,797.70	Midwest Monitoring & Surveillance	7,864.21
Dave Lucas Consulting	7,433.05	Veolia Environmental Services Inc	5,482.82
Donnelly Law Firm, PLLC	5,603.97	Village Ranch Inc	16,931.94
Falk Construction Co./L.R.	9,349.87	Zack's, Inc.	2,879.09
FREEBORN COUNTY	7,204.22	48 Payments less than 2000	17,194.23
		<b>Final Total:</b>	<b>145,244.69</b>

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the Grand Meadow Properties, Inc. (SEMA Equipment, Inc.) tax abatement agreement. Motion carried.

The County Coordinator informed the Board that permission has been granted for the green space north of the Justice Center to be used for the Austin Artworks Festival again this August.

The Board recessed at 9:35 a.m. and reconvened at 9:48 a.m.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to approve the purchase of a 2019 Freightliner 114SD Tandem, Box and Appurtenant Equipment to replace the existing unit (#21) in accordance with the approved Capital Equipment Budget. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to amend the SSTS Loan Program Policy effective today, June 12, 2018, to 1) amend the lending limits, 2) establish that loan payments will be made by special assessment, 3) add subordination parameters and 4) add a provision of ineligibility for property owners who have filed bankruptcy within the last five years by deleting all current language and replacing it with the following new language for the Sewage Treatment System Loan Program as follows:

### **SSTS Loan Program Policy**

#### **SECTION 1 – PURPOSE OF POLICY**

1.1 This Individual Sewage Treatment System (SSTS) Loan Policy establishes guidelines and procedures for administration of the Mower County SSTS Program.

#### **SECTION 2 – DEFINITIONS**

##### **2.1 SSTS LOAN**

SSTS Loan or “Loan” means the commitment of funds on behalf of recipient(s) for the purpose of making eligible improvements to eligible properties as described in this policy. Loans will be installment, as an assessment against the subject property which requires repayment of the principle at 3 percent interest per year within a 10 year term.

##### **2.2 RECIPIENT**

“Recipient” means an individual, legal entity, or household meeting the requirements of this policy who applies for and receives a loan.

##### **2.3 LOAN PACKAGE**

The “Loan Package” consists of a loan application and all other information required by the Minnesota Department of Agriculture and/or Mower County.

##### **2.4 RESIDENT**

“Resident” means a person, other than a renter, living in the household for at least 9 months of the year.

##### **2.5 MOWER COUNTY ENVIRONMENTAL SERVICES DEPARTMENT**

Mower County Environmental Services Department is the Administrative Agency for Subsurface Sewage Treatment System loan funds. The Environmental Services Department as administrator will assume responsibility for soliciting, collecting, and processing applications, determining financial obligations of property owners, monitoring construction and approving disbursements of funds to contractors.

##### **2.6 PROJECT**

As used in this document: “project” means the replacement of an existing, failing/non-compliant septic system meeting the eligibility requirements in accordance with this policy.

## 2.7 LIEN WAIVER

Lien waiver is a document from a contractor, subcontractor, materials supplier, equipment lessor or other party to the construction project stating they have received payment and waive any future lien rights to the property for the amount paid.

## SECTION 3 – ELIGIBILITY

### 3.1 VERIFICATION

The Mower County Environmental Services Department must verify the following information from the Register of Deeds regarding each property:

- The full names of all owners of record, including first name, last name, middle name, or initial and any additional names which may appear in the records, such as maiden names.
- Subject parcel is properly identified.

### 3.2 OWNERSHIP

Upon obtaining this information, the Mower County Environmental Services Department must determine that the applicants individually or in the aggregate have qualifying interest in the property consisting of the least:

- A valid life estate; life estates must be recorded and must appear in the records of the County;
- A 1/3 interest in the fee title; Such interest may be subject to mortgage, or
- A 1/3 interest as a purchaser in a contract of deed with respect to the structure being improved;
- All individuals having an ownership interest in such structure must join in the loan application.

### 3.3 ELIGIBILITY OF THE PROPERTY

To be eligible, the property to be improved:

- Must conform to all applicable zoning ordinances and possess all appropriate use permits.
- Must be used primarily for residential purposes.
- Must be a permanent structure. Mobile homes and trailers are eligible ONLY if the wheels and axles are removed and are taxed as real property.
- Must lie outside cities that have a municipal sewer system or be deemed not feasible to connect to the municipal sewer system.
- Must be within Mower County, Minnesota.

### 3.4 ELIGIBILITY OF IMPROVEMENTS

Replacement or repairs needed to bring into compliance an existing, failing or non-conforming individual sewage treatment system and any necessary plumbing.

- Site evaluation completed by a MPCA licensed designer.
- Design of new system (plans & specs) shall be prepared by MPCA licensed designer.
- In-place abandonment of existing failed, non-conforming or substandard systems.
- Construction costs of new system by a MPCA certified septic contractor.
- Easements (for cluster systems).
- Land purchase for drain fields.
- Individual or cluster systems.
- Mower County SSTS application fee.

### 3.5 INELIGIBLE IMPROVEMENTS

- SSTS for a new dwelling, additional bedrooms or new building construction which increases capacity above and beyond the existing system.
- Limitation. Loans may not be used to facilitate new building construction. As used in this subdivision, “facilitate new building construction” includes increasing capacity of an individual sewage treatment system beyond what is reasonably required to serve existing buildings and lots in existing recorded plats.
- Connection to municipal sewer.

**3.6 CONTRACTOR REQUIREMENTS:**

Contractors must be a Minnesota Pollution Control Agency (MPCA) licensed SSTS designer, installer or evaluator, whichever applies to the work conducted. The contractor shall be responsible for providing an "as-built" drawing of the system to Mower County Environmental Services. The as-built must be received by the department before request for assessment, by the Environmental Services Department, will be made to the County Board. Following approval of the County Board of the assessment, the assessment shall be entered into the tax record, and then a check will be processed for payment.

**3.7 APPLICABILITY OF CODES:**

SSTS improvement must be made in compliance with the MPCA 7080 Code and Mower County Ordinance.

**3.8 ASSUMPTION:**

The loan is not assumable and shall be satisfied before a property transfer of ownership.

**3.9 SUBORDINATION:**

Mower County, via County Board approval, may choose to subordinate the SSTS loan in the following event:

- for refinancing of a mortgage by the original borrower(s) who applied for the SSTS loan based on the following condition:
  - Refinancing of pre-existing mortgage amount shall be in an amount either equal to or less than the original mortgage at the time of SSTS loan application was approved. The borrower(s) shall be responsible to provide this information to the county from the lender(s).

**3.10 SALE:**

The recipient shall notify the county immediately upon the sale, transfer, or conveyance of the subject property.

**3.11 PROPERTY TAX:**

Taxes on the property must be current. Properties which are Delinquent or in Confession of Judgement are ineligible for the loan. Property Tax Delinquency and Confession of Judgement status will be determined in accordance with Minnesota Statutes Chapters 277 and 279.

**3.12 BANKRUPTCY:**

Property owners who have filed bankruptcy within the past five years are ineligible for this loan.

**SECTION 4 – RESPONSIBILITIES OF ADMINISTERING ENTITIES**

**4.1 OUTREACH AND PUBLIC INFORMATION**

The Mower County Environmental Services Department will be primarily responsible for the promotion of the loan program at the local level. The Mower County Environmental Services Department will exercise care in avoiding any advertising or outreach methods which may be deemed to systematically exclude potentially eligible applicants. Access to program materials may not be denied to any person for any reason.

**4.2 APPLICATION SELECTION AND APPROVAL**

The following factors will be considered in selection:

- Applicants will be accepted throughout the entire length of the program or until available funds are exhausted.
- No eligible applicant shall be selected or rejected on the basis of nationality, ethnic origin, race, color, creed, religion (or lack thereof), language, gender or lifestyle.
- Applications will be rated on a first come first serve basis per date of completed application.
- Letters of rejection will be issued to applicants who are not selected stating the reason(s) for rejection.

#### 4.3 APPEALS

Appeals for rejection can be made to the Mower County Environmental Services Department. The appeal must be in writing and no later than 15 calendar days after the date of the rejection letter.

#### 4.4 COMPLAINTS

Mower County will work with all applicants to resolve complaints.

#### 4.5 INSPECTION OF PROPERTIES

The Mower County Environmental Services Department shall be responsible for carrying out a minimum of one inspection of each approved project.

After all work is finished, the inspection shall take place to determine that all work has been completed in a satisfactory manner and in compliance with MPCA 7080-7083.

#### 4.6 PREPARATION OF INDIVIDUAL SEWAGE TREATMENT SYSTEM SITE EVALUATION

The County shall require the completion of an Individual Sewage Treatment System site evaluation. The site evaluation must be completed by a MPCA licensed designer. The applicant has six months after submitting the loan application to provide site evaluation and design plans to the County Environmental Services Department. If not received within this time, applicant will be removed from the list and the next person will be contacted. Mower County reserves the right to extend or rescind the loan application based on project progression moving forward or any lack thereof.

#### 4.7 PREPARATION OF LOANS

The Mower County Environmental Services Department shall be responsible for the thorough and accurate completion of all program documents.

The Mower County Environmental Services Department will provide assistance to applicants in the preparation of any program forms which are necessary for packaging the loans.

#### 4.8 FUND DISBURSEMENT

Disbursement of funds may be authorized by the Mower County Environmental Services Department after:

- An final SSTS inspection is conducted;
- It is determined that the specific work for which payment is requested have been completed in a satisfactory manner;
- The County Board consents to the assessment;
- A Lien Waiver has been submitted.

### **SECTION 5 – FILE CONTENTS**

The Mower County Environmental Services Department shall maintain the following items in the Loan File.

- Applicant(s) loan documents
- Lien Waiver
- Property Title Verification
- Tennessen warning, data privacy rights, data privacy statement

Original documents will be maintained in the applicant's files of the Mower County Environmental Services Department.

### **SECTION 6 – LOAN**

#### 6.1 Terms of the loan:

- 3% interest on the unpaid balance.
- Up to 10 years for repayment.
- The loan is not assumable.
- Principal and interest payments will be collected on property taxes unless prepaid each year to the Mower County Treasurer before December 31<sup>st</sup>.

- The county will lend up to \$11,000 for an in-ground (trench) system or up to \$14,000 for an at-grade or mound system, per project. The loan may be used to pay for site evaluation, system design, installation and county permit fees. Any cost over the loan limit for each system will be the responsibility of the property owner.
- Assessments. Any amount lent under the loan program, including accruing interest, shall be assessed against the property or properties benefited unless the amount is prepaid. The loan amount will be specially assessed against the property;
- The right of the property owner to prepay the entire assessment;
- The public official to who repayment must be made;
- The time within which repayment must be made without the assessment of interest;
- The rate of interest to be accrued if the assessment is not prepaid within the required time period;
- The period of the assessment;
- Property owners have the right to prepay the assessment without penalty.

**SECTION 7 – AMENDMENT**

These policies may be amended by motion of the Mower County Board of Commissioners

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to approve a contract with Dave Lucas Consulting for inspection and investigation services related to the Solid Waste Ordinance with agreement on file in the office of Environmental Service / Public Works. Motion carried.

Justin Hanson and Mike Merten, Cedar River Watershed District, provided the Board with an annual report / update on the Cedar River Watershed District activities.

Tim Ruzek, Soil & Water Conservation District, provided the Board with an AIS update including information concerning the very successful Canoemobile activity.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett, to adjourn the meeting at 10:45 a.m. Motion carried. The next meeting is scheduled for June 26, 2018 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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



**INDEX**

**A**

adjourn, 129  
adjourn Human Services Board, 124  
agenda, 122  
award quote  
    sheriff impound facility  
        electrical--Austin Electric, 122

**D**

Dave Lucas Consulting contract  
    Solid Waste Ordinance Inspections & Investigations,  
    129

**H**

Human Services Accounts Payable, 122

**M**

memorandum of agreement  
    College of St. Scholastica for Social Work clinical  
    experiences, 123  
minutes 6/5/18, 124

**P**

purchase freightliner, 125  
Purchase of Service Agreement  
    Daycare Licensing, 123  
Purchase of Service Agreements  
    Chemical Use Assessments  
        Mayo Clinic Health (Fountain Center), 123  
    Funeral Assistance  
        Cremation Services of Mps/St. Paul, 123

Group Residential Housing  
    Adams Home Health, 123  
    Austin Manor, 123  
    Cardinal of MN, 123  
    Cenneidigh, 123  
    Glendalough of Austin, 123  
    Hanson, Diane, 123  
    Independent Mgmt-Steve Thorson, 123  
    MSOCS, 124  
    Our House, LLC, 124  
    Primrose of Austin, 124  
    Quality Community Services, 124  
    Sacred Heart Care Center, 124  
    Whispering Pines Ranch, 124

**R**

retirement  
    Meyer, D., 122

**S**

Social Service Actions, 124  
SSTS Loan Program Policy amended, 125

**T**

tax abatement agreement  
    SEMA Equipment / Grand Meadow Properties, Inc.,  
    124

**W**

warrants  
    Commissioner, 124