

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

April 9, 2019

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session April 9, 2019 at 8:30 a.m. at the Government Center in Austin, Minnesota.

All members present, viz: Mike Ankeny, Chair  
Jeff Baldus  
Polly Glynn  
Tim Gabrielson  
Jerry Reinartz  
Trish Harren, County Administrator

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

Joy Kanne, County Assessor, provided the Board with a department update. Valuation notices have been out a few weeks and the department is responding to calls due to market adjustments and adjustments due to transition from local assessing to true county assessing.

**HUMAN SERVICES BOARD:**

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve payments in the total amount of \$ 131,913.99 to vendors for Human Services Accounts Payable. Motion carried.

Chris Swatfager, Assistant Health & Human Services Director, provided the Board with human services updates which included information that the Department of Human Services 2020 Procurement process has started and requests for proposals have been prepared to solicit a vendor to provide 1) Minnesota Senior Health Options (MSHO) and Minnesota Senior Care Plus (MSC+) medical assistance programs for seniors over the age of 65 and 2) for the Families and Children Medical Assistance programs and MinnesotaCare.

Motion made by Commissioner Baldus, seconded by Commissioner Glynn, to adjourn the Human Services Board meeting at 9:05 a.m. Motion carried.

**COUNTY BOARD**

The Regular Session of the Board was reconvened at 9:07 a.m. for regular business items.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz, to approve the minutes of April 2, 2019. Motion carried.

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>
Baudoin Oil Company	20,787.35	Election Systems & Software, LLC.	2,215.48
Beckleys	2,336.00	Falkstone Llc	16,560.74
Benchmark Behavioral Health	14,725.00	Mayo Clinic -Rochester	29,434.79
Bruening Rock Products Inc	3,490.73	Petroblend Corp.	2,749.07
Cedar Valley Services, Inc	2,212.24	Pro-West & Associates, Inc.	3,787.61
Complete Automotive Services	3,400.54	Stantec Consulting Services Inc.	121,297.70
Dell Marketing L P	27,181.64	60 Payments less than 2000	23,613.21
Department Of Corrections	33,000.00	<b>Final Total:</b>	<b>306,792.10</b>

Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Glynn, to authorize the chair to sign the 2018 Financial Reports for the Subsurface Sewage Treatment Systems Natural Resources Block Grant (SSTS NRBG) (\$18,600) and the Shoreland Natural Resources Block Grant (Shoreland NRBG) (\$3264) certifying that 100% of the grant funds have been utilized as prepared and recommended by the Environmental Services Supervisor. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz, to grant the request of the Southern Minnesota Regional Medical Examiner's office for an increase in the cremation approval fee charged to funeral homes from \$35 to \$50 effective May 1, 2019 in accordance with Mn Statute 390.15. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Baldus, to change/move the budget account line for sexual assault medical examinations from Dept 91 County Attorney's line item 01.091.000.0000.6271 to Dept 13 Court Administration – County Charges account line 01.013.000.0000.6271. Motion carried.

**Date: April 9, 2019**

**Res. #34-19**

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 9, 2019 at the Government Center, Austin, Minnesota.

**WHEREAS**, on April 9, 2019 the Allzin For Alzheimer's presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the Lansing Corners Supper Club on April 28, 2019.

**BE IT RESOLVED THAT**, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to Allzin For Alzheimer's for gambling at Lansing Corners Supper Club on April 28, 2019.

Passed and adopted this 9<sup>th</sup> day of April, 2019.

A Public Hearing was held in regard to a Housing Tax Abatement request of Samuel & Candice Johnson, applicants, to construct a single-family home located on a 6.25 AC bldg site in W½ SE¼ Doc#644649, Section 10, Frankford Twp, MN (PIN 06.004.0030),

Trish Harren, County Administrator, 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 Samuel & Candice Johnson housing tax abatement application.

**Date: April 9, 2019**

**Res. #35-19**

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

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 April 9, 2019 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, Samuel T.F. Johnson and Candice K. Johnson are the owner(s) of certain property within Mower County, legally described as follows:

6.25 AC bldg site in W½ SE¼ Doc#644649, Section 10, Frankford Twp, MN (PIN 06.004.0030)

WHEREAS, Samuel T.F. Johnson and Candice K. Johnson have 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 April 9, 2019 before the Mower County Board of Commissioners, on said application.

WHEREAS, Samuel T.F. Johnson and Candice K. Johnson have 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 the single family home.

2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.
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 real estate taxes to be abated shall be for up to the full amount of the real estate taxes collected due to the added tax base of the newly constructed housing/home annually. The current value of the property is not eligible for the abatement, will not be abated as part of this program and is further defined as the "original value." Any eligible abatement years are calculated on the tax increase due to a value increase over the original value.

Passed and approved this 9<sup>th</sup> day of April, 2019.

A Public Hearing was held in regard to a Housing Tax Abatement request of Nicholas & Samantha Nelson, applicants, to construct a single-family home located at N546.68FT of NE¼ E of RR that is W of E988.83FT, Section 6, Udolpho Twp, MN (PIN 18.006.0010).

Trish Harren, County Administrator, 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 Nicholas & Samantha Nelson housing tax abatement application.

**Date: April 9, 2019**

**Res. #36-19**

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

On motion of Commissioner Gabrielson, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 9, 2019 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, Nicholas and Samantha Nelson are the owner(s) of certain property within Mower County, legally described as follows:

N546.68FT of NE¼ E of RR that is W of E988.83FT, Section 6, Udolpho Twp, MN (PIN 18.006.0010)

WHEREAS, Nicholas and Samantha Nelson have 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 April 9, 2019 before the Mower County Board of Commissioners, on said application.

WHEREAS, Nicholas and Samantha Nelson have 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 the single-family home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.
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 real estate taxes to be abated shall be for up to the full amount of the real estate taxes collected due to the added tax base of the newly constructed housing/home annually. The current value of the property is not eligible for the abatement, will not be abated as part of this program and is further defined as the "original value." Any eligible abatement years are calculated on the tax increase due to a value increase over the original value.

Passed and approved this 9<sup>th</sup> day of April, 2019.

Commissioner Ankeny reported that he had been contacted by Dan Morem regarding the possibility of him donating his property east of the fairgrounds to the County. A brief

discussion followed. The County Administrator was asked to contact the Ag Society if they would be interested in using the property for the fair.

Mike Hanson, Public Works Director, presented bid information received for project SAP 050-601-036. Four bids were received and it is a joint project with the City of Racine. There is also an Agreement with the City of Racine regarding the split of construction costs for consideration.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the City / County Agreement with the City of Racine with respect to the reconstruction of CSAH 1 (Main Street) from the east right of way line of State Highway 63 (TH 63) to a point approximately 3,015 feet east thereof; also referred to as SAP 050-601-036, pending the approval of the City of Racine. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to award the low bid of \$2,134,935.48 from the low bidder Swenke Ims Contracting LLC for the CSAH 1 in the City of Racine project SAP 50-601-036 pending the City of Racine's approval and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

A Public Hearing was held in regard to CUP #882 of Eddie Buell on behalf of Vertical Bridge Development, applicant, and Justin Gerber, applicant and landowner, for construction and operation of a 318' guyed telecommunications tower with related telecommunications equipment on the ground within the fenced-in compound, located in section 12 of Adams Township.

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

The Petitioner was not present. No one spoke for or against CUP #882.

**Date: April 9, 2019**

**Res. #37-19**

**RESOLUTION**

On motion of Commissioner Baldus, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 9, 2019 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission has presented to the Mower County Board of Commissioners, CUP request #882 of Justin Gerber landowner, and Eddie Buell, of Vertical Bridge Development, (Petitioners) with recommendation to be issued pursuant to the Mower County Zoning Regulations for:

Conditional Use Permit #882 for construction and operation of a 318' guyed telecommunications tower with related telecommunications equipment on the ground within the fenced-in compound.

Location: on a 43.06 acre parcel, located in Section 12, Adams Township (T101N-R16W), and legally described as: E1/2 SW1/4 LYING S OF PARCEL F OF MOWER CO ROW PLAT #22, Mower County, Minnesota on a parcel identified per tax records as 01.011.0016; and

**WHEREAS**, Legal notice was duly given in the Austin Daily Herald on March 6, 2019; and

**WHEREAS**, Notice of the public hearing was provided by first class mail to adjoining landowners on March 11, 2019 in accordance with State Statute 394; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on March 26, 2019, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition;

**WHEREAS**, Notice having been duly given, a public hearing was held on April 9, 2019 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 granted, as recommended by the Mower County Planning Commission with 16 conditions as follows:

1. Applicant shall follow all local, state and federal regulations regarding the proposed use, which may include, but not be limited to an MPCA Storm water Permit, FCC and FAA permits and/or licenses; and
2. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
3. The owner/Applicant shall erect and maintain an 8-foot chain link fence around the tower, main equipment and buildings; 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. 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
6. The Owner/Applicant shall not use any portion of the tower or property for any advertising signs (other than warning or equipment information signage); and
7. To provide visibility to aircraft, the Petitioner shall be required to paint the top half of the tower alternating red and white in ten foot segments or, fit each outside guy wire with an aviation ball centered, and must abide by FAA guidelines for lighting; and

8. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area **or** fence in the anchor points so they cannot be damaged by agricultural equipment; and
9. All abandoned or unused tower(s) and associated above-ground structures or facilities shall be removed within 12 months of the cessation of operation at this site unless a time extension is approved by the Mower County Board of Commissioners. In the event that a tower and associated structures or facility appurtenances are not removed within 12 months of cessation of operation, the structures and appurtenances may be removed by the Mower County Board of Commissioners and the costs of removal assessed against the property; and
10. Based upon information provided by the applicant the site will be leased property; please note that if the property is subdivided and ownership transferred for any reason in the future; the site design as submitted along with this application will not meet the minimum requirements lot size and/or appropriate access of the County Ordinance. No variance will be considered in the future for these defects. Subdivision and platting may be required; and
11. Structures shall meet the setbacks as required by ordinance; and
12. 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
13. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use for a use that had been previously established; and
14. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
15. 911 Addressing and/or additional driveway access must be obtained from the Mower County Highway Department and may include fees; and
16. 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 Section 14-51 Agricultural District, Conditional Uses, item ( e) commercial radio and television towers and transmitters, and item (u) other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the District; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 9<sup>th</sup> day of April, 2019.

Motion made by Commissioner Gabrielson, seconded by Commissioner Baldus, to adjourn the meeting at 10:50 a.m. Motion carried. The next regular meeting is scheduled for April 23, 2019 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

**By:** \_\_\_\_\_  
**Clerk/Administrator**



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