

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 14, 2019

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session May 14, 2019 at 8:31 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 Gabrielson, seconded by Commissioner Reinartz, to approve the agenda adding the following items under General Business: 6) tax abatement requests report from the Auditor-Treasurer; 7) three fireworks applications from Deer Creek Speedway for approval; 8) authorize Request for Proposal to solicit bids for jail food service; 9) Discussion/update on proposed feedlot in Red Rock Township. Motion carried.

Lisa Kocer, Health & Human Services Director, introduced Crystal Peterson, Social Services Supervisor, after which Crystal provided the Board with an in depth report on the tasks performed by the Child & Family unit she supervises.

HUMAN SERVICES BOARD:

Motion made by Commissioner Glynn, seconded by Commissioner Baldus, to approve payments in the total amount of \$322,569.60 to vendors for Human Services Accounts Payable. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the Memorandum of Agreement with the College of Saint Scholastica. Motion carried.

Lisa Kocer, Director of Health & Human Services, presented to the Board a power point presentation entitled "*The Ever Changing Mower County Health and Human Services*" that included a proposed change to the Health and Human Services organizational structure. In addition, Lisa provided a family collaborative funding update.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz, to authorize the Director to sign the Purchase of Service Agreements for funeral assistance with Bayview Funeral Home effective April 1, 2019 through December 31, 2019. Motion carried.

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

Motion made by Commissioner Glynn, seconded by Commissioner Baldus, to adjourn the Human Services Board meeting at 9:33 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 9:35 a.m. for regular business items.

A Public Hearing was held in regard to a Housing Tax Abatement request of Bigelow & Lennon Construction, applicant, to construct a single-family home Lot 3, Block 1 Nature Ridge Subdivision, Austin, Minnesota (PIN 34.465.0005).

Trish Harren, County Administrator, reviewed the application and recommended approval.

Jim Martin for the applicant Bigelow & Lennon was present and spoke in favor of the application. No one else spoke for or against the Bigelow & Lennon housing tax abatement application (34.465.0005).

Date: May 14, 2019

Res. #50-19

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

On motion of Commissioner Reinartz, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 14, 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, Nature Ridge Properties of Austin, Co. is the owner(s) of certain property within Mower County, legally described as follows:

Lot 3, EXC TRI PIECE ALONG NE LINE, Block 1, Nature Ridge Subdivision
Austin, Mower County, MN (34.465.0005)

WHEREAS, Bigelow & Lennon Construction 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 May 14, 2019 before the Mower County Board of Commissioners, on said application.

WHEREAS, Nature Ridge Properties of Austin, Co., seller, and Bigelow & Lennon Construction, purchaser, 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 30th 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 14th day of May, 2019.

A Public Hearing was held in regard to a Housing Tax Abatement request of Angela Johnson, applicant, to construct a single-family home Lot 13, Block 2 Nature Ridge Subdivision, Austin, Minnesota (PIN 34.465.0125).

Trish Harren, County Administrator, reviewed the application and recommended approval. \$300,000

The applicant Angela Johnson was not present. No one spoke for or against the Johnson housing tax abatement application (34.465.0125).

Date: May 14, 2019

Res. #51-19

**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 May 14, 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, Nature Ridge Properties of Austin, Co. is the owner(s) of certain property within Mower County, legally described as follows:

Subdivision Nature Ridge, Lot 13, Block 2 Subdivision CD 34465
Austin, Mower County, MN (34.465.0125)

WHEREAS, Angela Johnson 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 May 14, 2019 before the Mower County Board of Commissioners, on said application.

WHEREAS, Nature Ridge Properties of Austin, Co., seller, and Angela Johnson, purchaser, 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 30th 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 14th day of May, 2019.

Commissioner Reinartz on behalf of the Personnel Committee reported that Lisa Kocer, Health and Human Services Director, had presented to the committee a proposed reorganization of the department in preparation for future retirements. The re-organization would absorb the Assistant Health and Human Services Director position and replace it with three Division Manager positions. One of the Division Manager positions would be a modification to the duties of the Fiscal Supervisor position. This will lead to combining the remaining duties from the Fiscal Supervisor position with the Office Services Supervisor position, creating the position Fiscal/Office Services Supervisor. This reorganization is being sought at this time as a more effective way to manage the department.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson, to approve the proposed reorganization of the HHS Department which will do the following:

- a. Add 3 Division Manager positions to oversee the following; Human Services, Fiscal Services and Community Health Services.
- b. Merge the Fiscal Services Supervisor and the Office Services Supervisor positions to create the position of Fiscal/Office Services Supervisor.
- c. Transfer Case Aide position from the Waiver Unit to the Fiscal/Office Services Unit.
- d. Authorize the HR Director to update the Approved Staffing Levels and take action to fill the positions immediately.

Motion carried.

Trish Harren, County Administrator, informed the Board that attempts to fill a position of Assistant Public Works Director have been unsuccessful. The department is now looking to reorganize to have two positions. In addition, Correctional Services is waiting to fill the vacant probation officer position. The caseload is being distributed between current staff and the department is awaiting the outcome of a possible drug court.

The Board recessed at 9:45 a.m. and reconvened at 9:52 a.m.

A Public Hearing was held in regard to CUP #881 of Cedar River Watershed District c/o Cody Fox, applicant; Karen Kellerman and Kara Sjol & Raymond Northway Jr., applicants and landowners for mining property to create an embankment for a flood protection project of the North Bank of Dobbins Creek located in Section 14 of Red Rock Township.

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

The Petitioner was not present. No one spoke for or against CUP #881.

Date: May 14, 2019

Res. #52-19

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 14, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #881, by Karen Kay Kellerman and Kara Sjol & Raymond Northway Jr, landowners and Cedar River Watershed District c/o Cody Fox, applicant who have, petitioned the Mower County Board of Commissioners to allow for mining property to create an embankment which will serve as a flood protection project of the North Branch of Dobbins Creek. Parcels affected: PID 16.014.0030 & PID 16.014.0040; and

WHEREAS, The proposed use is to be located on a 93.80 & 20.05 parcel, located in Section 14, Red Rock Township (T103N-R17W), and legally described as: 16.014.0040 - SW1/4 EXC W1549FT S637FT, EXC W544FT N176FT S813FT & EXC N708.5FT. 16.014.0030 - W1549FT S813FT SW1/4 EXC E1005FT N176FT & EXC W565FT S370FT, Mower County, Minnesota on a parcel identified per tax records as 16.014.0030 & 16.014.0040; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on March 30, 2019 and April 30, 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 May 14, 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 Approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. Applicant shall follow any and all local, state and federal regulations and obtain any necessary permits regarding the proposed use; and

2. If applicable, secure MPCA NPDES Permit and submit copy to Mower County Environmental Services Department before beginning operation or provide documentation of project exemption; and
3. Hours of operation shall be limited to 7 a.m. to 7 p.m. daily;
4. Financial Assurance shall be waived; and
5. Any access driveway costs are to be bore by the petitioner; and
6. Any mud, dirt or debris transported to public roads shall be cleared, scraped or removed immediately so as not create a public health or safety risk to the traveling public; and
7. 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
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. 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. No burying of waste material is allowed and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
13. The CRWD shall provide a copy of the executed agreement with Red Rock Township to be placed in the CUP file #881; and
14. 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 issued in accordance with Section 14-49 (Agricultural District) and 14-28 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 14th day of May, 2019.

The Board held a brief discussion regarding the feedlot application in Red Rock Township. Angie Lipelt indicated that the application is for 4000 head of weaning hogs. The application has generated a lot of calls. Red Rock Township has adopted more restrictive zoning ordinances than the County. The County has no authority over Red Rock Townships' ultimate decision.

Nancy Schnable, Executive Director, Discover Austin, MN, provided the Board with an annual report. Austin was chosen one of the top 5 nicest places in America in a Reader's Digest competition and was mentioned on Good Morning America. Mower County will be hosting the Governor's pheasant opener. The Vietnam Memorial traveling wall in Austin

last year had a large impact in bringing persons to the area. “Spammy” is being featured on buses in Iowa generating interest for Minnesota tourism.

Motion made by Commissioner Reinartz, seconded by Commissioner Baldus, to approve the minutes of May 7, 2019. Motion carried.

Motion made by Commissioner Glynn, 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>
180 Degrees, Inc.	9,038.54	Mayo Clinic Ambulance Services	3,860.23
Austin Daily Herald	4,843.58	Midwest Monitoring & Surveillance	3,135.50
Cedar Valley Services, Inc	50,701.70	Prairie Lakes Youth Programs Secure	20,699.11
Dave Lucas Consulting	7,978.96	THE HILLS YOUTH AND FAMILY SERVICES	14,716.00
Donnelly Law Firm, PLLC	4,591.00	Ziegler, Inc	82,713.37
Falkstone Llc	12,615.24	56 Payments less than 2000	20,626.84
Grainger	2,545.60	Final Total:	238,065.67

Motion carried.

Date: May 14, 2019

Res. #53-19

RESOLUTION
AUTHORIZING ACCEPTANCE AND EXECUTION OF
MINNESOTA HOUSING & FINANCE AGENCY
FAMILY HOMELESS PREVENTION & ASSISTANCE PROGRAM

On motion of Commissioner Glynn, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 14, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, has been authorized to undertake a program to provide funds for Family Homeless Prevention & Assistance Projects; and,

WHEREAS, the Southeastern Minnesota Housing Network, working through Three Rivers Community Action, Inc. (Grantee), Semcac (Sub-Grantee) and Lutheran Social Service of MN (Sub-Grantee), have submitted a renewal application for the Minnesota Housing Finance Agency Family Homeless Prevention and Assistance Program; and

WHEREAS, the Southeastern Minnesota Housing Network working through Three Rivers Community Action, Inc., and Sub-Grantees have demonstrated the ability to perform the required activities of the Minnesota Housing Finance Agency Family Homeless Prevention & Assistance Program;

WHEREAS, the Family Homeless Prevention & Assistance Grant was awarded to Three Rivers Community Action, Inc. by the Minnesota Housing Finance Agency;

NOW, THEREFORE, BE IT RESOLVED that the Southern Minnesota Housing Network is hereby authorized as an entity to be charged with the administration of funds made

available through the Minnesota Housing Finance Agency Family Homeless Prevention and Assistance Program in the county of Mower, in Minnesota.

Passed and approved this 14th day of May, 2019.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the wine and 3.2 On/OFF Sale liquor license applications effective July 1, 2019 through June 30, 2020 for Deer Creek Speedway, LLC. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to accept donation of Property ID# 34.815.0751 from Morem Properties of Austin valued at \$42,300 pending clear title and reimburse donor for 2019 paid taxes and special assessments in the amount of \$782.00. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Baldus, to approve the applications of Deer Creek Speedway for a fireworks/pyrotechnic special effects displays on June 29, July 6 and September 21, 2019 (with rain dates of July 13, July 7, and September 22, 2019 respectively). Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Baldus, to authorize a request for proposal to solicit bids for jail food service. Deadline for bids is June 4, 2019. Request for Proposal is on file in County Administration. Motion carried.

Scott Felten, County Auditor-Treasurer, provided the Board with a report of tax abatement requests received to date.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to adjourn the meeting at 10:43 a.m. Motion carried. The next meeting is scheduled for May 28, 2019 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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