

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

August 6, 2019

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session August 6, 2019 at 1:00 p.m. at the Government Center in Austin, Minnesota.

Members present, viz: Mike Ankeny, Chair
 Jeff Baldus
 Tim Gabrielson
 Jerry Reinartz
 Polly Glynn (1:01 p.m.)
 Trish Harren, County Administrator

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to approve the agenda with the addition of a resolution regarding petty and change funds and to remove general business item number 7 regarding journal entries. Motion carried.

Commissioner Glynn arrived at 1:01 p.m.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the minutes of July 23, 2019. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Anoka Co Juvenile Center	16,609.20	Government Management Group Inc	5,000.00
Baudoin Oil Company	16,829.30	Hansen Hauling & Excavating Inc	3,120.00
Benchmark Behavioral Health	14,725.00	Kiker Brothers, Inc.	4,100.00
Blue Cross & Blue Shield Of Mn	42,390.90	Mower County Shopper	2,560.00
Bruening Rock Products Inc	37,482.31	Olmsted County Community Services	18,260.00
CDW Government	2,364.60	Petersen Professional Services LLC	3,750.00
Chosen Valley Testing, Inc	3,430.00	Prevent Child Abuse America	2,000.00
Commissioner Of Transportation	5,698.86	Rochester Petroleum Equipment	3,872.87
Dell Marketing L P	18,152.82	Rochester Sand And Gravel, Inc	4,340.15
Department Of Corrections	26,600.00	Tonna Mechanical Inc	3,400.00
Etterman Enterprises	2,300.19	Veolia Environmental Services Inc	11,830.14
Freeborn County Co-Operative Oil Co.	9,544.15	76 Payments less than 2000	34,522.43
		Final Total:	292,882.92

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to authorize the chair to execute the agreement effective August 6, 2019 through December 31, 2020 between Mower County and Cannon River Watershed Partnership for the services of Sheila Craig to provide small community wastewater facilitation services for the Dobbins Creek project in Mower County (not to exceed \$10,080). Motion carried.

Date: August 6, 2019

Res. #78-19

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 August 6, 2019 at the Government Center, Austin, Minnesota.

BE IT RESOLVED by the Mower County Board of Commissioners that Mower County enter into the County Veterans Service Office Operational Enhancement Grant Agreement effective July 1, 2019 through June 30, 2020 with the Minnesota Department of Veterans Affairs (MDVA) to conduct the following Program: **County Veterans Service Office Operational Enhancement Grant Program**. The grant must be used to provide outreach to the county's veterans; to assist in the reintegration of combat veterans into society; to collaborate with other social service agencies, educational institutions, and other community organizations for the purposes of enhancing services offered to veterans; to reduce homelessness among veterans; and to enhance the operations of the county veterans service office, as specified in Minnesota Laws 2015 Chapter 77, Article 1, Section 37, Subdivision 2. This Grant should not be used to supplant or replace other funding.

BE IT FURTHER RESOLVED by the Mower County Board of Commissioners that the County Board Chair and the Veteran Service Officer, be authorized to execute the Grant Contract for the above-mentioned Program on behalf of the County.

Passed and approved this 6th day of August, 2019.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the application of Richard Groth for a fireworks/pyrotechnic special effects display on August 23, 2019 (rain date August 24, 2019). Motion carried.

Date: August 6, 2019

Res. #79-19

RESOLUTION ADOPTING ASSESSMENT

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 August 6, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, pursuant to the policies of the Mower County Septic Loan program the owner of property has requested a loan from Mower County for replacement of a failing septic system on the below-listed property and has requested to pay back that loan by assessment to the subject property, to Mower County, over a ten year term.

Property owner(s): Rickey Cole Ostgulen

Property address: 57326 222nd Street, Austin MN 55912

Parcel Identification No: 16.042.0050

Tax parcel abbreviated description: SUBURBAN ESTATES Lot 005 Block 001

Assessment amount: \$14,000.00 (Fourteen Thousand dollars)

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

1. Such proposed assessment, made part hereof, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land herein included is hereby found to be benefitted by the proposed improvement and the amount of the assessment levied against it.
2. Such assessment shall be payable in equal bi-annual installments extending over ten (10) years. The first of the installments shall be payable along with the first half taxes when due, as reflected on the tax statement payable year 2020, and shall bear interest at the rate of three percent per annum from the date of the adoption of this assessment resolution. Each payment including interest is due thereafter will be paid with taxes payable, until the assessment obligation is satisfied.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole assessment on such property, with interest accrued to the date of payment, to the County Auditor, except no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may do so at any time thereafter, to the County Auditor, the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made. Such payment must be made before November 15, or interest will be charged through December 31 of the next succeeding year.
4. There shall be no penalty for early payment or pay-off of the full balance of the assessment.
5. The County Administrator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.
6. This assessment must be paid in full at time of property transfer to any other owner, owners, heirs, assigns or entity.

Passed and approved this 6th day of August, 2019.

Motion made by Commissioner Glynn, seconded by Commissioner Baldus, to approve the temporary closure of County Road 103 (Main Street) on July 27, 2019 in the City of Elkton for a benefit and authorize the Engineer to provide the appropriate signage for the temporary closure. Motion carried.

A Public Hearing was held in regard to CUP #886 of Robert R. & Caryn C. Lewison, petitioners, and Jeff Bauer, landowner, to add an additional dwelling to the quarter section in a mature wooded area or in soils that are unsuitable for economical uses because of poor soils, rough or steep topography or other natural features located in Section 20, LeRoy Township.

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

The Petitioner Caryn Lewison was present. No one spoke for or against CUP #886.

Date: August 6, 2019

Res. #80-19

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 August 6, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners CUP #886 of Jeff Bauer, Landowner, and Robert R. & Caryn C. Lewison, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

add an additional dwelling to the quarter section in a mature wooded area or in soils that are unsuitable for economical uses because of poor soils, rough or steep topography or other natural features.

Location: on a 19.66 acre parcel, located in Section 20, Leroy Township (T101N-R14W), and legally described as: Section 20 Township 101 Range 014 SE1/4 NE1/4 N OF ROAD EXC W214.14FT, Mower County, Minnesota on a parcel identified per tax records as 09.020.0084; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on July 30, 2019, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition; and

WHEREAS, Notice having been duly given, a public hearing was held on August 6, 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 all federal, state and local regulations regarding the proposed use; and
2. Any division of land must meet the subdivision requirements; and
3. A Zoning Permit and ISTS Permit must be obtained prior to construction of the residence and/or any other structure.
4. An ISTS shall be designed, installed and maintained according to MN Rules 7080 & Mower County's SSTS Ordinance; a primary and secondary TYPE I system site shall be located for

- future placement and placed on a map and kept on file in the CUP file and homeowner's records. The area should be preserved and protected from compaction and/or construction or other damages; and.
5. If a Type I septic system primary and secondary site cannot be located on the proposed parcel, a variance shall be required to be obtained before a zoning permit can be obtained; or the site is not developable for residential purposes; and
 6. Petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office; and
 7. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction; if the site is not already 911-addressed; and
 8. Wetland Review required: Petitioner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. A "Wetland Replacement Plan" approval.
 9. A conditional use permit shall become void if the use is established, but then discontinued for a period of one (1) year. (Refer Section 14-36 Discontinuance); and
 10. 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. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.
 11. A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance and shall automatically terminate the permit (refer Section 14-35 Revocation); and
 12. 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.
 13. There shall be trees (or shrubs) planted as a buffer between this property and the adjoining land owner to the west.

This permit is issued in accordance with Article II Division 2 Agricultural District Section Sec 14-51(bb) & Sec: 14-18.4 Residential Density Standards (d)(1)&(2) additional dwellings by CUP in mature wooded areas or in soils that are unsuitable for economical uses because of poor soils, rough or steep topography or other natural features.; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 6th day of August, 2019.

A Public Hearing was held in regard to CUP #887 of Dairyland Power Cooperative (DPC), petitioner, and Thomas J. Stejskal and Donna K. Stejskal, landowners, to construct a 69kV Distribution Substation to be owned by Dairyland Power Cooperative (DPC). Whereas site will be improved with a distribution substation located on 2.22 acres in Section 12, Clayton Township created from a 145 acre deeded site with the request for relief from subdivision and platting requirements and as part of the overall project DPC will acquire the easement rights to construct roughly 6 miles of new 69kV Transmission line.

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

The representative for Petitioner Dairyland Power Cooperative was present and spoke in favor of CUP #887. No other person spoke for or against CUP #887.

Date: August 6, 2019

Res. #81-19

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 August 6, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #887 of Thomas J. Stejskal and Donna K. Stejskal, Landowners, Dairyland Power Cooperative, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

to construct a 69kV Distribution Substation to be owned by Dairyland Power Cooperative (DPC). Whereas site will be improved with a distribution substation located on 2.22 acres of land. As part of this overall project, DPC will acquire the easement rights to construct roughly 6 miles of new 69kV Transmission line. A separate CUP application will be submitted to the County for approval following the completion of the acquisition rights. Survey stakes have been placed on the property depicting the substation site to be acquired. Also, relief from Subdivision and Platting requirements. DPC is proposing to subdivide a 2.22 acre site from a 145.00 acre deeded site, leaving 142.78 acres with the par-ent parcel and creating a new 2.22 ac parcel.

Location: on a 2.22 acre parcel, located in Section 12, Clayton Township (T102N-R15W), and legally described as: To Be Determined, Mower County, Minnesota on a parcel identified per tax records as 04.012.0011; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on July 30, 2019, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition; and

WHEREAS, Notice having been duly given, a public hearing was held on August 6, 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. Prior to construction, the Owner/Applicant shall apply for and obtain any applicable Zoning Permits; and

2. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. A "Wetland Replacement Plan" approval; and
3. Secure and submit MPCA (NPDES) General Stormwater Permit for Construction Activities, if applicable. Applicant shall provide either a copy of the NPDES permit to the County to place on file or a determination from the MPCA one is not needed; and
4. A survey is required in lieu of platting, and it must be recorded along with the deed; and
5. The Owner/Applicant shall follow all state and federal regulations regarding the proposed use; and
6. The Owner/Applicant shall contact the Mower County Highway Department to secure and install a "911" rural address and sign for the substation. Petitioner is responsible for all costs associated; and
7. 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
8. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
9. 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 Article II Division 2 Agricultural District Section 14-51 Agricultural District, Conditional Uses, item ® Dams, power plants, switching yards, transmissions lines over 35KV, flowage areas and pipelines. Subdivision Ordinance: Division 15 Modifications and Exemptions Section 13-129 Subdivision Small; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 6th day of August, 2019.

Date: August 6, 2019

Res. #82-19

RESOLUTION

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 August 6, 2019 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 375.162 allows for imprest cash funds and Minnesota Statute 375.45 allows for change funds, and,

WHEREAS, the Mower County Finance Manager has reviewed all departmental needs and requests for said funds and found them valid,

THEREFORE BE IT RESOLVED that the following departmental change and imprest funds be established or re-established effective January 1, 2018:

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Change Funds

Treasurer	\$ 600.00
Recorder	300.00
Extension	40.00
LEC	100.00
Health & Human Services	100.00
Public Works	30.00

Petty Cash Funds

Health & Human Services	\$300.00
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BE IT FURTHER RESOLVED that all previous approvals for change or petty cash funds be repealed and replaced with the amounts in this resolution.

Passed and approved this 6th day of August, 2019.

Tim Penny, Southern Minnesota Initiative Foundation, appeared before the Board regarding a program update and to make a 2020 funding request. The Board was thanked for its continued support.

The Board discussed the Purple Ribbon Plaza and indicated that the new building is impressive but currently bathrooms are only roughed in / not completed. Some options may be explored regarding the completion of the restrooms.

Commissioner Glynn informed the Board that a complaint had been received regarding solid waste collection at the recycling center. The citizen had checked the Mower County website for the hours of operation but when arrived the center wasn't opened as indicated. A discussion followed pertaining to backup for personnel and accurate notices on the website.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to adjourn the meeting at 2:20 p.m. Motion carried. The next meeting is scheduled for August 13, 2019 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____

Chairperson

Attest:

By: _____

Clerk/Administrator

INDEX

A

adjourn, 193
agenda as amended, 186

C

Cannon River Watershed Partnership. *See* Craig, Sheila
service agreement
Craig, Sheila service agreement
Dobbins Creek project, 186

D

Dobbins Creek small community wastewater project.
See Craig, Sheila service agreement

F

fireworks display permit
Groth, Richard, 187

M

minutes 7.23.19, 186

P

Public Hearing
CUP #886 Lewison, 188
CUP #887 Dairyland Power/Stejskal, 190

R

Res. #78-19 Veterans Service Office Operational
Enhancement Grant Program, 187
Res. #79-19 SSTS loan assessment
Ostgulen \$14000, 187
Res. #80-19 CUP #886 Lewison, 189
Res. #81-19 CUP #887 Dairyland Power / Stejskal, 191
Res. #82-19 Petty Cash and Change Fund Designations,
192

T

temporary road closure
CSAH 103
benefit in the City of Elkton, 188

W

warrants
Commissioner, 186