

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

May 26, 2020

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session May 26, 2020 at 9:00 a.m. at the Government Center in Austin, Minnesota.

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

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the agenda with the addition to appoint Rodney Streich as the Veteran Service Office for his first term. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

County Assessor, Joy Kanne provided the Board with a department update. Staff has been working remotely. The local board of reviews have been conducted, most virtually. The appraisers have been very busy with phone calls due to valuation changes. Every local board voted no change on appeals giving the department an opportunity to review each parcel again. Depending on the property owner, some reviews are being done with pictures, virtual tours or even physical inspections. The taxpayers are understanding the limitations presented by COVID-19. Lodi township property appraisals are going well. The staff is doing an amazing job. Shopko has filed a tax court petition. There have been some calls from local hotel owners due to changes in occupancy requesting value changes/tax abatements. Because 2020 taxes payable are based on 2019 income, current taxes are based on pre-COVID values. The year 2021 would be the time to review values based on 2020 income. There has been a strong sales market showing a solid 5% increase especially in the northeast section of the county like in the Grand Meadow area. Houses are selling within days. The Ag market is also showing a strong market increase of about 5% especially with sales in Windom. The County Board of Review and Equalization is scheduled for June 15, 2020.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the following Commissioner warrants for payment:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Ancom Communications	4,727.00	MJ O'Connor Inc	6,927.00
AUSTIN AUTOMOTIVE LLC	3,800.78	Motorola Solutions Inc	29,601.60
Bustad Dozing And Excavating Inc	14,236.84	Northland Business Systems Inc.	3,339.12
Dave Lucas Consulting	3,915.00	Office Of Mn It Services	3,271.22

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Department Of Corrections	22,360.00	Prairie Lakes Youth Programs Secure	7,230.00
Erickson Engineering Co., LLC	5,682.00	The Hills Youth And Family Services	15,374.24
Fusion Cloud Services, LLC	2,246.80	Uhl Company Inc	6,997.00
Heartland Girls Ranch	6,014.50	Vanguard Appraisals Inc	19,225.00
Marston Consulting Group, LLC	2,000.00	Village Ranch Inc	24,560.76
Midwest Monitoring & Surveillance	2,950.11	Welcome Center Inc	2,056.25
Minnesota Human Services	4,461.00	79 Payments less than 2000	42,697.98
		<b>Final Total:</b>	<b>233,674.20</b>

The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to amend Resolution #121-19 adopted 12/31/19 for a SSTS loan assessment on Haarstad parcel 05.002.0020 by revising paragraphs 2 and 3 of the resolution as follows:

2. Such assessment shall be payable in ~~equal~~ **simple decreasing** 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 **January 1, 2020** ~~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 Mower 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 Mower 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.~~

Said amendment to Resolution #121-19 is effective December 31, 2019.

The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the late claim for travel reimbursement beyond sixty days for employee number 59. The Commissioners voted as follows: Commissioner Glynn abstain, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 4 – 0.

Motion made by Commissioner Gabrielson, seconded by Commissioner Glynn, to approve the Grant Agreement and Grant Amendment #1 between Mower County and the MPCA for watershed/feedlot delegations and authorize the Assistant Environmental Services Supervisor to sign the agreement and the amendment on behalf of the County. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye,

Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye.  
Motion carried 5 – 0.

Health & Human Services Director Lisa Kocer provided the Board with community health updates. The COVID-19 cases have spiked . There were 111 cases on Friday and yesterday after the weekend the number is 189. The majority of cases are in the Austin area of the county. The case data is showing clusters of cases in businesses outside of Mower but the workers live here; clusters in families; and clusters in carpools. The Minnesota Department of Health continues to be the lead on case investigation. We have been working on getting people to just stay home. The National Guard did testing at 6 Minnesota sites over the weekend. The closest to Mower was in Faribault. Many tests were conducted. The need for essential services from local public health has been increasing. Persons who have tested positive and are in isolation are asking for masks, food, cleaning supplies and housing. There is a contract with a local hotel to separate persons for isolation and food is being provided from the jail.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson, to approve the Health & Human Services accounts payable totaling \$192,212.56. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye.  
Motion carried 5 – 0.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz to approve the SELCO-Mower County Contract for library services effective January 1, 2021 through December 31, 2025. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

The Board received a request from Jack Wittkopp, LADC Supervisor, Independent Management Services (IMS), for a Letter of Support for chemical dependency programming in Mower County. Mr. Wittkopp reported that the state is reviewing policies and procedures and programing changes. A letter of support is requested to help in establishing this additional service program by IMS in Mower County.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny to issue a letter of support for Independent Management Services to provide anticipated chemical dependency programming services in Mower County. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to approve the Above All Cleaning, Inc. agreement for Law Enforcement Center cleaning services. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

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Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve an On Sale and Sunday liquor license for Grafin Company Inc. d/b/a Echo Lanes effective July 1, 2020 through June 30, 2021. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the request for a second extension to June 30, 2020 for Nathan Cole's expired septic permit. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the following journal entries effective 12/31/19 to clean up insurance accounts for years 2017 – 2019:

**INSURANCE CLEARING**

01-000-000-0000-2011	\$ 338.72	Credit	ER Health ins 2017
01-000-000-0000-2033	473.34	Debit	Medical Flex 2019
01-000-000-0000-2036	144.95	Debit	ER Health 2019
01-000-000-0000-2037	111.43	Credit	COBRA 2019
01-000-000-0000-2038	132.39	Credit	Retiree COBRA
01-000-000-0000-2041	713.56	Credit	ER Health ins 2018
01-000-000-0000-2042	302.79	Credit	Medical Flex 2018
01-000-000-0000-2043	208.18	Debit	Day Care Flex 2018
01-000-000-0000-2045	4.90	Credit	Retiree COBRA 2018
01-003-000-0000-6352	777.32	Debit	Misc Expense
11-000-000-0000-2033	36.77	Debit	Medical Flex 2019
11-000-000-0000-2034	21.13	Debit	Day Care Flex 2019
11-000-000-0000-2036	76.86	Credit	ER Health 2019
11-000-000-0000-2037	192.66	Debit	COBRA 2019
11-000-000-0000-2038	4.06	Debit	Retiree COBRA 2019
11-000-000-0000-2041	1,446.45	Credit	ER Health 2018
11-000-000-0000-2042	124.92	Debit	Medical Flex 2018
11-000-000-0000-2043	139.30	Credit	Day Care Flex 2018
11-000-000-0000-2045	9.80	Debit	Retiree COBRA 2018
11-000-000-0000-2045	21.08	Credit	EE on LOA 2018
11-449-430-0000-6359	1,294.35	Debit	Misc Expense
13-000-000-0000-2012	4.80	Credit	Medical Flex 2017
13-000-000-0000-2033	128.74	Credit	Medical Flex 2019
13-000-000-0000-2035	178.86	Credit	EE Health ins 2019
13-000-000-0000-2036	281.67	Credit	ER Health 2019
13-000-000-0000-2038	115.82	Debit	Retiree COBRA 2019
13-000-000-0000-2041	83.13	Debit	ER Health 2018
13-000-000-0000-2042	530.58	Debit	Medical Flex 2018
13-000-000-0000-2043	206.30	Debit	Day Care Flex 2018
13-000-000-0000-2045	22.36	Credit	Retiree COBRA 2018
13-003-000-0000-5830	319.40	Credit	Misc Revenue
17-000-000-0000-2033	100.14	Debit	Medical Flex 2019
17-000-000-0000-2035	178.87	Debit	EE Health ins 2019
17-000-000-0000-2036	277.04	Debit	ER Health 2019

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17-000-000-0000-2041	0.13	Credit	ER Health 2018
17-000-000-0000-2042	119.84	Debit	Medical Flex 2018
17-003-000-0000-5830	675.76	Credit	Misc Revenue

The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the following transfer of funds from the General Fund to the Bond Fund to cover the 2019 bond payoff:

<b>BOND PAYOFF</b>			
01-149-000-0000-6905	\$ 5,024,663.28	Debit	Transfer Out
01-000-000-0000-1001	\$ 5,024,663.28	Credit	Cash
34-000-000-0000-1001	\$ 5,024,663.28	Debit	Transfer In
34-003-000-0000-5906	\$ 5,024,663.28	Credit	Cash

The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn to appoint Rodney Streich as the Mower County Veteran Service Officer effective June 15, 2020 through June 14, 2024 subject to a one-year probation. The starting salary is set at \$73,051.68 annually. Accreditation by the National Association of Veteran Service Officers is required within the first year and with national veteran service organizations within the second year. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

A Public Hearing was held in regard to CUP #896 application of Northern Natural Gas (applicant) and Theodore Hinrichs, Revocable Living Trust and Rodney & Cynthia Bakke (landowners) for the construction of a “Town Border Station” to serve as a new custody transfer point between Northern Natural Gas and Austin Utilities; site, as proposed, includes installation of two essential structures that will serve as protection for regulation and metering equip; and two permanent driveways to allow for pull-through ingress/egress to the site located in Section 6 of Austin Township

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

A representative for the petitioner was present and spoke on his own behalf. No other person spoke for or against CUP #896.

**Date: May 26, 2020**

**Res. #37-20**

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of

Commissioners at a meeting held May 26, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #896 of Theodore Hinrichs, Rev Living Trust and Rodney & Cynthia Bakke, Landowners, and Northern Natural Gas, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

construction of a "Town Border Station" to serve as a new custody transfer point between Northern Natural Gas and Austin Utilities. The site, as proposed, includes installation of two essential structures that will serve as protection for regulation and metering equip; and two permanent driveways to allow for pull-through ingress/egress to the site.

Location: on a portion of two parcels which are 5.25 AC and 20.92 AC respectively, located in Section 06, Austin Township (T102N-R18W), and legally described as SW1/4 NE1/4, Mower County, Minnesota on a parcel identified per tax records as 02.003.0200 and 02.003.0130; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter via teleconference due to the Governors State of Emergency as a result of COVID-19 virus, on April 28, 2020 and May 18, 2020, 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 26, 2020 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 state and federal regulations regarding the proposed use; and
2. Wetland Review required: Applicant 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.
3. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
4. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and

5. 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
6. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around, etc. as to not create a nuisance or hazard to the traveling public. Trucks and service equipment cannot be parked on the road or backed onto the premises from the road or its right-of-way; 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; and
9. 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
10. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
11. If for any reason these parcels are subdivided; subdivision of the parcel(s) into smaller tracts, parcels, or lots shall comply with Mower County's subdivision ordinance and any other applicable governmental rules, regulations, and/or procedures in effect at that time. Subdivision is the process of splitting a currently-sized parcel of land into smaller pieces regardless of whether the land is sold or transferred to another party or retained by the owner(s). This is not a "special" condition specific only to this parcel; it is merely composed so that this owner, applicant and all future owners of this property are put on formal notice that Mower County does has a Subdivision ordinance; and it shall apply to land being subdivided; and
12. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process, or failure to comply with the conditions as granted, may be grounds for revoking the permit; and
13. Northern Natural Gas shall, when abandoning existing gas lines shall, by abandon those gas lines by either removing the line or filling the line with sand or grout or other acceptable method approved or agreed upon by the City Engineer, Steven Lang, Austin, MN; and
14. NNG shall install a screening barrier (evergreen trees, privacy fencing, or similar) on the east side of the proposed site to minimize the view of the site from the neighboring residences.

This permit is issued in accordance with Article II Section 14-18.1 - (b) (5) and (c) (2); and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 26<sup>th</sup> day of May, 2020. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Passed with a vote 5 – 0.

A Public Hearing was held in regard to CUP #898 application of Four Daughters Vineyard and Winery, LLC c/o Vicky Vogt; for the addition of a distillery to be housed in current building used for wine and cider production and sales located in Section 22 of Frankford Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

The Petitioner Vicky Vogt was present virtually and spoke on her own behalf. No other person spoke for or against CUP #898.

**Date: May 26, 2020**

**Res. #38-20**

**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 May 26, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #898 of Four Daughters Vineyard and Winery, LLC, Landowners, and Vicky Vogt, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

addition of distillery to be housed in current building used for wine and cider production and sales.

Location: on a 14.59 acre parcel, located in Section 23, Frankford Township (T103N-R18W), and legally described as: Section 23 Township 103 Range 014 W860FT E1540FT N739FT N1/2 SE1/4, Mower County, Minnesota on a parcel identified per tax records as 06.017.0100; and

**WHEREAS**, a public hearing was held on the matter via teleconference due to Governors State of Emergency as a result of COVID 19, on May 18, 2020, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission; and

**WHEREAS**, Notice having been duly given, a public hearing was held on May 26, 2020 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 state and federal regulations regarding the proposed use, including but not limited to TTB and MPCA permits; and
2. All conditions of CUP #767 (Res #62-10; November 2, 2010) and CUP #819 (Res #35-15; May 5, 2015) remain in effect; and
3. 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 - Conditional Uses, (o) alcohol stills; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 26<sup>th</sup> day of May, 2020. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Passed 5 – 0.

Scott Felten, County Auditor- Treasurer, provided the Board with an election update. There have been changes to legislation that is expanding the time to process absentee balance providing an increase from 7 to 14 days. Employees at health care facilities will be deputized to act as election judges for absentee voting in the health care facilities. In addition schools can no longer be designated as polling places. This affects the City of Austin's polling places. Staff is looking at an alternative place for processing absentee and mail balloting other than the Government Center.

Under Committee Reports Commissioner Ankeny noted that he had a call from a citizen regarding MPCA – permit approval to SKB. It was noted that the County is aware of the permit and it was issued under the ordinance.

It was noted that Mower County as part of the SE MN Water Resources Board (joint powers) is expected to receive a portion of an unemployment claim.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to adjourn the meeting at 11:06 a.m. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Gabrielson aye, Commissioner Reinartz aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0. The next meeting is scheduled for June 2, 2020 at 1:00 p.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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