

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

June 9, 2020

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session June 9, 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 adding the approval of a liquor license application of Deer Creek Speedway and deleting the general business item pertaining to electronic digital data. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Human Resource Director Sherry Roth provided the Board with a department update. Information provided in the update included the current status of approved staffing levels, vacancies, retirements, promotions and separations. There are still a substantial number of employees working from home due to Covid-19 guidelines. Due to Covid-19 the department has made adjustments to the timesheet process and orientations. On-line training has been incorporated with Linked-in training. There was a brief update on the status of acquiring a Human Resource Information System currently in the RFP process with MnCCC.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the minutes of June 2, 2020. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Ankeny, 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>
Advanced Correctional Healthcare, Inc	13,600.77	Freeborn County Co-Operative Oil Co.	20,651.83
Avenu Insights & Analytics	6,042.80	PreCise MRM LLC	11,677.95
Charm-Tex Inc	4,975.32	REDI Transports, LLC	3,200.00
Consolidated Correctional Foodservice	13,841.90	Rochester Sand And Gravel, Inc	9,539.70
Dave Lucas Consulting	3,387.50	Ulland Brothers Inc.	4,173.55
ESRI	8,307.10	52 Payments less than 2000	22,294.24
		<b>Final Total:</b>	<b>121,692.66</b>

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

**Date: June 9, 2020**

**Res. #43-20**

**RESOLUTION**

**Waiving Financial Assurance Requirements for the Austin Transfer Station**

On motion of Commissioner Reinartz, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 9, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, Mower County is a political subdivision organized and existing under the laws of the state of Minnesota; and,

**WHEREAS**, the Mower County Board of Commissioners has adopted a Solid Waste Management Ordinance (ORD-21) establishing authority for the entire County; and,

**WHEREAS**, Section 6.9(A) states that issuance of any solid waste facility license is contingent upon furnishing financial assurance for pre-closure/operational, closure, and post-closure periods, in an amount and form to be set by the County Board and naming the County as obligee; and,

**WHEREAS**, On November 6<sup>th</sup>, 2018, the Mower County Board passed Resolution #110-18, establishing financial assurance requirements for existing solid waste facilities located within the County; and,

**WHEREAS**, pursuant to County Board Resolution #110-18, current Financial Assurance requirements for the Austin Transfer Station is a \$15,000 Surety Bond; and,

**WHEREAS**, the City of Austin, in an email dated March 4<sup>th</sup>, 2020, is requesting that the County waive their requirement to obtain \$15,000 Surety Bond for Financial Assurance as required for the Austin Transfer Station; and,

**WHEREAS**, the City of Austin further states in their email dated March 4<sup>th</sup>, 2020, that the City is committed to maintaining the site and covering all Financial Assurance requirements without the need to provide a \$15,000 Surety Bond to the County; and,

**WHEREAS**, Pursuant to Section 6.9(A) of Ord-21, the County Board may waive the requirement for a licensee to furnish Financial Assurance, if the Board determines, based on the type of associated conditions surrounding the facility, that financial assurance is not necessary to secure the licensee's performance of its obligations under the license, and is not necessary to protect public health and safety.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board finds:

- 1) The City of Austin is the landowner of the property described as NE1/4 of the SE1/4, Section 1, Township 102 N. Range 18 W. and with a current PID #34.855.0111, and the Austin Transfer Station that resides on that property.
- 2) The Austin Transfer Station operates under a Minnesota Pollution Control Agency permit issued to the City of Austin.
- 3) The City of Austin, as the owner and permittee, is committed to maintaining the Austin Transfer Station which includes its entire property and buildings and provide for all Financial Assurance requirements under its own financial means without the need to provide the County with a Surety Bond.

**BE IT FURTHER RESOLVED THAT THE MOWER COUNTY BOARD OF COMMISSIONERS:** Grants a Waiver to the City of Austin, in accordance with Section 6.9(A) of ORD-21, of its requirement to provide the County with a Surety Bond in the amount of \$15,000 for Financial Assurance, with the following conditions:

- 1) The City shall comply with and maintain compliance with its County License, ORD-21, County License, and all applicable Minn. Rules for the Austin Transfer Station.
- 2) The City shall provide, at minimum, a thirty-day written notification to the County of its intent cease operations and close the Austin Transfer Station.
- 3) Immediately upon termination of operations of the Austin Transfer Station, the City shall provide for all closure activities as set forth in its County License, and Section 6.8 of Ord-21.
- 4) This waiver applies only to the County License, dated June 9, 2020, and with an expiration date of May 31, 2021.
- 5) If the City of Austin requests a waiver to Financial Assurance requirements to a license renewal or license modification, the City shall be required to submit a new request and provide cause for granting a waiver.
- 6) The County Board reserves the right to deny future requests.
- 7) If the City fails to comply with these conditions, or any of the requirements of its County License, the County Board may revoke this waiver and immediately require Financial Assurance on a form and in an amount as required.

Passed and approved this 9<sup>th</sup> day of June, 2020. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Passed with a vote of 5 – 0.

Date: June 9, 2020

Res. #44-20

**RESOLUTION**

On motion of Commissioner Reinartz, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 9, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, Minnesota counties are required by law to manage solid waste in a manner that protects the state's land, air, water, and other natural resources, and public health by ensuring that certain reduction, separation and recovery, resource recovery, and proper disposal methods of solid waste is set forth in an ordinance; and,

**WHEREAS**, Pursuant to the Mower County Solid Waste Management Ordinance (ORD-21), the County requires any person or entity operating any solid waste facility to first obtain, and maintain, a license for the design, construction, and operation of a solid waste facility; and,

**WHEREAS**, the City of Austin submitted a Mower County Solid Waste Facility Application for Construction and Operation of a Solid Waste Transfer Station; and,

**WHEREAS**, after review, this application was deemed complete on March 21, 2020 contingent upon the City providing proper Financial Assurance in accordance with ORD-21; and,

**WHEREAS**, on November 6, 2018, the County Board adopted resolution #110-18, establishing financial assurance requirements for all solid waste facilities currently in operation within the County; and

**WHEREAS**, Financial assurance requirements for the Austin Transfer Station is a \$15,000 surety bond payable to the County; and,

**WHEREAS**, pursuant to Board Resolution #43-20, the County has waived the requirement for the City to provide for Financial Assurance in the form of a \$15,000 Surety Bond, as long as all conditions of that resolution are met, and the facility remains in full compliance with its License and Ord-21.

**NOW THEREFORE, THE MOWER COUNTY BOARD OF COMMISSIONERS HEREBY MAKES THE FOLLOWING RESOLUTION:** Grant the City of Austin a Solid Waste License for the Austin Transfer Station as drafted by the Department and approved as to form by the County Attorney, providing operation of a Transfer Station, and including a Financial Assurance waiver, all as described in their License, with a term that will expire on May 31, 2021.

Passed and approved this 9<sup>th</sup> day of June, 2020. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Date: June 9, 2020

Res. #45-20

**RESOLUTION  
USE OF HOST FEES**

On motion of Commissioner Reinartz, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 9, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, Mower County is the host community to landfills and other solid waste facilities serving the surrounding communities; and,

**WHEREAS**, Minnesota counties are required by law to manage solid waste in a manner that is protective of the state's land, air, water, and other natural resources, and public health by ensuring that certain reduction, separation and recovery, resource recovery, and proper disposal methods of solid waste are set forth in an ordinance; and,

**WHEREAS**, Ord-21 was adopted May 16, 2017, which allows for the collection of fees and deposits in order to mitigate the direct, indirect, and potential impacts that solid waste facilities have on the County, its residents and natural resources; and,

**WHEREAS**, the County established a Solid Waste Fund and collects certain fees in accordance with Ord-21; and,

**WHEREAS**, the County adopted Resolution #24-19, establishing a policy on the use of Solid Waste funds; and,

**WHEREAS**, at the time that Resolution #24-19 was adopted, the Minnesota Pollution Control Agency was not requiring SKB Lansing Landfill nor WCI Austin Landfill to provide for Financial Assurance for closure, post-closure, and contingency related costs; and,

**WHEREAS**, given the absence of any state required Financial Assurance, the County has been depositing all Host Fees collected into a dedicated fund and in a reserve status; and,

**WHEREAS**, the County recognizes the importance of maintaining a sufficient balance of Solid Waste monies in its dedicated fund to ensure that no costs or risks associated with hosting a solid waste landfill may be borne directly or indirectly by Mower County residents; and,

**WHEREAS**, the Minnesota Pollution Control Agency, with the issuance of Solid Waste Facility Permit No. SW-514-001, is now requiring the establishment of Financial Assurance; and,

**WHEREAS**, the County recognizes that hosting solid waste facilities presents for certain administrative and management costs and the need to establish a fiscally prudent balance in

use of such monies, while also maintaining a dedicated fund in reserve status to ensure long term protection of its residents.

**NOW, THEREFORE, THE MOWER COUNTY BOARD OF COMMISSIONERS RESOLVES** that given the status of Minnesota Pollution Control Agency's required Financial Assurance, in addition to the County's required Financial Assurance, that establishing a budgetary use of Host Fees to offset the various solid waste related costs incurred is now reasonable and fiscally prudent.

**BE IT FURTHER RESOLVED** that use of Host Fees shall be as follows:

- A. That 50 percent of Host Fees within the Solid Waste Fund may be transferred to Fund 17.2881 for various solid waste related expenses as incurred.
- B. That the remaining Host Fees collected within the Solid Waste Fund shall continue to be credited to Fund 17.2821 and remain in a reserve status.
- C. That such expenditures of Host Fees will continue to be in accordance with the Solid Waste Fund policy as set forth in Resolution #24.19.

**BE IT FURTHER RESOLVED** that the Mower County Board of Commissioners may, based upon various circumstances and knowledge, adjust the percentages of Host Fee monies used to ensure a sufficient balance within the dedicated and reserve fund is maintained.

Passed and approved this 9<sup>th</sup> day of June, 2020. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Passed with a vote of 5 – 0.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the request for a second extension to August 1, 2020 for Jessica Buer's septic permit expiring on June 11, 2020. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the application of Freeborn County Coop Oil Co. for a tobacco license effective July 1, 2020 through June 30, 2021. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to approve the application of Meadow Greens Golf Course for an on-sale 3.2 beer license effective July 1, 2020 through June 30, 2021. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the application of Deer Creek Speedway for wine (with strong beer) license and an on/off sale 3.2 beer license effective July 1, 2020 through June 30, 2021. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

**HUMAN SERVICES BOARD:**

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the Health & Human Services accounts payable totaling \$172,499.01. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the purchase of services agreement for guardianship/conservator services with Thoroughfare Representative Services, Inc., effective May 12, 2020 to December 31, 2021. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the secure transport services agreement with General Security Services Corporation. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Health & Human Services Director Lisa Kocer provided the Board with human services updates which included opening for services 9 a.m. – 1 p.m. Clients are still encouraged to schedule appointments and access services on-line or by phone but it has been going well. In addition, Ms. Kocer provided a Covid-19 status update. The number of positive cases has been increasing 20-30 per day with a total of 536 positive cases reported to date. A couple of local nursing homes have had their staff and residents tested due to a positive test among staff. There will be testing setup for local manufacturing due to a spike in cases.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the following Purchase of Service Agreements :

Funeral Assistance Services effective May 1, 2020 to December 31, 2020

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Macken Funeral Home

Group Residential Housing Services, renewals, effective July 1, 2020 to June 30, 2021

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Hanson, Diane	Adams Senior Living Solutions	Primrose	St. Mark's Lutheran Home
Cenneidigh, Inc.	Independent Management Services	REM Heartland, Inc.	Sargent, Stephanie & Stacy
Colony Home	Lutheran Social Services	REM Woodland, Inc.	Skinness, Julie
Glendalough of Austin, Inc.	Our House	Sacred Heart Care Center, Inc.	Whispering Pines Ranch

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

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the Social Service Actions. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to adjourn the Human Services Board meeting at 10:05 a.m. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0.

**COUNTY BOARD**

The Regular Session of the Board was reconvened at 10:09 a.m. for regular business items.

It was noted that the proposed amendment to Personnel Policy B270 Professional Dress will be brought to the Personnel Committee prior to Board and is deferred to a later date.

The Board viewed the video presentation prepared by Tim Penny for a Southern MN Initiative Foundation program update.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny, to adjourn the meeting at 10:31 a.m. The Commissioners voted as follows: Commissioner Glynn aye, Commissioner Reinartz aye, Commissioner Gabrielson aye, Commissioner Ankeny aye, and Commissioner Baldus aye. Motion carried 5 – 0. The next meeting is scheduled for June 23, 2020 at 9:00 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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