

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

August 4, 2020

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session August 4, 2020 at 1:00 p.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 Reinartz, seconded by Commissioner Gabrielson, to approve the agenda. Motion carried.

A Public Hearing was held in regard to CUP #900 of Angela M. and William J. Carr, to construct an additional single family dwelling on a 37.00 acre parcel in Section 14, Frankford Township.

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

The Petitioner Angela Carr was present virtually and provided a chat message that indicated her appreciation for the Board's consideration of CUP #900. No other person spoke for or against CUP #900.

Date: August 4, 2020

Res. #62-20

RESOLUTION

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 August 4, 2020 at the Mower County Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #900 of Angela M. and William J. Carr, Landowners and Petitioners and to be issued pursuant to the Mower County Zoning Regulations:

To construct an additional single family dwelling in the quarter-section of the Agricultural zoning district, including accessory structures (garage/shed); site is located in a mature wooded area

Location: on a 37.00 acre parcel, located in Section 14, Frankford Township (T103N-R14W), and legally described as: Section 14 Township 103 Range 014 SE1/4 SW1/4 EXC 3 AC ROADS, Mower County, Minnesota on a parcel identified per tax records as 06.008.0060; and

WHEREAS, Notice having been duly given, a public hearing held on the matter on July 28, 2020, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition; and

WHEREAS, Notice having been duly given, a public hearing was held on August 4, 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. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
2. An approved ISTS Design for the proposed septic system obtained and submitted prior to construction of the residence and/or any other structure; and
3. A 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. If a Type I septic system primary and secondary site(s) cannot be located on the proposed parcel, a variance is required before a zoning permit can be issued, or the site is not developable for residential purposes; and
4. Petitioner must sign and notarize the "Rural and Agricultural Home Owners Assumption of Risk Assessment Form, specifically acknowledging existing uses and activities in the area including what is now known as Deer Creek Speedway and Root River Antique and Power, and have it recorded at the Mower County Recorder's Office; and
5. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction if the site is not already assigned an E911 location; and
6. Access to the site via TH63 must be obtained from MnDOT (Driveway Permit) and submitted to Mower County; and
7. Shoreland Overlay and floodplain zones are present on the parcel. Any development in these areas is subject to the standards of those districts or zones; 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. The 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; and
 11. If for any reason this parcel is 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.; and
 12. Applicant shall follow all state and federal regulations regarding the proposed use; and
 13. 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
 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 in accordance with Article II Division 2 Agricultural District Section 14-51 Additional Single Family Dwelling, provided by 14-18.4(d)(1) in a mature wooded area.; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 4th day of August, 2020.

A Public Hearing was held in regard to a Housing Tax Abatement request of Gordon and Debra Wenum, applicants, to construct a single-family replacement home located as follows: Part of the SW ¼ and the SE ¼ of Section 31, Twp 102N, Range 16W, Marshall Township, Mower County, Minnesota (split from PIN 12.031.0010 & 12.031.0017 [Parcel B]).

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

The applicants Gordon and Debra Wenum were present and spoke on their own behalf. No other persons spoke for or against the Wenum housing tax abatement application.

Date: August 4, 2020

Res. #63-20

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

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 August 4, 2020 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, Gordon L. and Debra K. Wenum are the owner(s) of certain property within Mower County, legally described as follows (*splits from 12.031.0010 & 12.031.0017* [Parcel B]):

Part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 102 North, Range 16 West, Mower County, Minnesota, described as follows: Commencing at the southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 31; thence North 89 degrees 14 minutes 23 seconds East, assumed bearing along the south line of said Section 31 for a distance of 1042.81 feet to the point of beginning; thence continuing North 89 degrees 14 minutes 23 seconds East along the south line of Section 31, 72.19 feet; thence North 00 degrees 45 minutes 37 seconds West, 390.00 feet; thence South 89 degrees 14 minutes 23 seconds West, 72.19 feet; thence South 00 degrees 45 minutes 37 seconds East, 390.00 feet to the point of beginning. Containing 0.646 acres, more or less.

AND

Part of the Southwest Quarter and the Southeast Quarter of Section 31, Township 102 North, Range 16 West, Mower County, Minnesota, described as follows: Commencing at the southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 31; thence North 89 degrees 14 minutes 23 seconds East, assumed bearing along the south line of the Southwest Quarter of said Section 31 for a distance of 1042.81 feet to the point of beginning; thence North 00 degrees 45 minutes 37 seconds West, 405.00 feet; thence North 89 degrees 14 minutes 23 seconds East, 133.00 feet; thence South 76 degrees 39 minutes 48 seconds East, 44.00 feet; thence South 62 degrees 38 minutes 35 seconds East, 144.95 feet; thence South 01 degree 32 minutes 53 seconds East, 326.00 feet to the south line of the Southeast Quarter of said Section 31; thence South 89 degrees 14 minutes 20 seconds West, along said south line of the Southeast Quarter, 23.00 feet to the southwest corner of said Southeast Quarter; thence South 89 degrees 14 minutes 23 seconds West, along the south line of said Southwest Quarter, 285.00 feet to the point of beginning. Containing 2.70 acres, more or less.

WHEREAS, Gordon L. and Debra K. Wenum 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 August 4, 2020 before the Mower County Board of Commissioners, on said application.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

WHEREAS, Gordon L. and Debra K. Wenum 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 4th day of August, 2020.

Commissioner Glynn on behalf of the Finance Committee presented to the Board for approval a list of proposed expenditures for the CARES Covid Relief Act funding.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the following CARES Covid Relief funding expenditures :

Department	Expenditure	Amount
Probation	2019 Dodge Caravan	\$ 21,814.00
HHS	40 Ergonomic chairs for teleworkers \$438 each	\$ 17,520.00
Public Works	Portable and car/equipment unit radios and support infrastructure for public works	\$ 428,965.78
Admin	Upgrades to Board Room Technology - 6 lap tops for commissioners and board clerk/two monitors for projection/if extra funding also for meeting room upstairs	\$30,000
Auditor-Treasurer / Recorder	Digitize Marriage Records & Applications/Birth & Death	\$ 133,259.00
Admin	Digitize Minutes - all books and up to current	\$ 18,925.00

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Emergency Management	Equipment for Emergency Mgmt vehicle -- Lights \$4735.32 and radio \$4803.65 for EM vehicle/ Install Lights Complete Automotive System of Austin \$2227.47	\$ 11,766.44
Board	Economic support - small business grants (\$1,000,000)/non-profit grants (\$250,000)/\$55,000 for consulting and marketing	\$ 1,305,000.00
TOTAL APPROVED 8/4/2020		<u>\$1,967,250.22</u>

Motion carried.

Public Works Director Michal Hanson presented two requests for final payment.

Date: August 4, 2020

Res. #64-20

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 4, 2020 at the Government Center, Austin, Minnesota.

WHEREAS, project number 9427 completed by Wagner Construction Company has in all things been completed and the County Board being fully advised in the premise.

NOW THEN BE IT RESOLVED that we do hereby accept said completed project for and on behalf of the County of Mower and authorize final payment as specified herein:

Contract Amount: \$ 297,000.00
 Final Amount: \$ 305,356.25 [102.81%]
 Final Payment: \$ 23,206.25

Passed and approved this 4th day of August, 2020.

Date: August 4, 2020

Res. #65-20

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 4, 2020 at the Government Center, Austin, Minnesota.

WHEREAS, project number 9360 completed by Wagner Construction Company, has in all things been completed and the County Board being fully advised in the premise.

NOW THEN BE IT RESOLVED that we do hereby accept said completed project for and on behalf of the County of Mower and authorize final payment as specified herein:

Contract Amount: \$ 144,570.00
Final Amount: \$ 150,250.00 [103.93%]
Final Payment: \$ 7,512.50

Passed and approved this 4th day of August, 2020.

County Administrator Trish Harren provided the Board with a proposed resolution to allocate Coronavirus Aid, Relief, and Economic Security (CARES) Act Covid Relief Funds in Mower County. The resolution is required to indicate the disbursement plans of the \$4.9 million in funding received by Mower County. There are a total of six categories for allocating the funding.

Date: August 4, 2020

Res. #66-20

**RESOLUTION
TO ALLOCATE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY
(CARES) ACT COVID RELIEF FUNDS IN MOWER COUNTY**

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 August 4, 2020 at the Government Center, Austin, Minnesota.

WHEREAS, the Coronavirus Disease (COVID-19) is a respiratory disease that was declared a global pandemic by the World Health Organization on March 11, 2020;

WHEREAS, public health responses to the pandemic have included travel restrictions, quarantines, stay-at-home orders, school closures, mass testing, providing essential services and more; and

WHEREAS, these responses have had an enormous impact on individuals, business, local units of government and the global economy; and

WHEREAS, The Coronavirus Aid, Relief, and Economic Security (CARES) Act, was passed on March 27th, 2020, and provides over \$2 trillion in federal economic relief to qualifying local, state, and federal agencies to cover expenses related to unbudgeted expenditures incurred between March 1, 2020 and December 30, 2020, due to the public health emergency caused by COVID-19; and

WHEREAS, on June 26, 2020 Governor Tim Walz formally allocated Minnesota's portion of this CARES Act funding for counties, cities, and townships; and

WHEREAS, Mower County was allocated \$4,905,000; and

WHEREAS, the CARES Act sets three criteria that expenses must meet to be an eligible use of the funds:

1. **Necessary Expenditures** – Necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
2. **Unaccounted – For Expenses** – Cost not accounted for in the budget most recently approved as of March 27, 2020.
3. **Incurred During Covered Period** – For Counties: March 1, 2020 – December 1, 2020.

WHEREAS, the United States Department of Treasury has provided guidance on eligible expenses for CRF funding use as follows:

1. **Medical Expenses:** Expenses of public hospitals, clinics, and similar facilities; COVID testing; emergency medical transportation; establishing and operating public telemedicine capabilities for COVID related treatment.
2. **Public Health:** Communication and enforcement of public health orders; acquisition and distribution of personal protective equipment, medical personnel, police officers, social workers, child protection services, child welfare officers, services providers for older adults, and other public health or safety workers connected to Covid-19 public health emergency; disinfection of public areas and other facilities such as nursing homes; technical assistance; expenses for quarantining individuals; contract tracing; and recovery planning.
3. **Payroll Expenses:** Payroll or benefits expenses of public employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency such as public safety, public health, health care, and human services; costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed in responding to the COVID-19; costs of educational support staff or faculty responsible for developing online learning capabilities to continue educational instruction related to school closures; increased workers' compensation costs to the government due to the COVID-19 public health emergency.
4. **Public Health Measures:** For food delivery to residents for senior citizens and other vulnerable populations; expenses to facilitate distance learning in connection with school closings; to improve telework capabilities for public employees; providing paid sick and paid family and medical leave to public employees; maintaining state prisons, county jails and improvement of social distancing measures; care for homeless populations provided to mitigate COVID-19.
5. **Economic Support:** grants to small businesses to reimburse the costs of business interruptions caused by required closures; local government payroll support program; grant program to prevent eviction and assist in preventing homelessness; employment and training programs for employees who have been furloughed; assist individuals with payment of overdue rent or mortgage payments to avoid evictions for foreclosure or unforeseen financial costs for funerals or other emergency individual needs; reimbursement grants to small businesses due to business interruption caused by required closures.
6. **Other:** Expenses determined by each local unit of government to be reasonably necessary to plan and respond to the pandemic; and

WHEREAS, Mower County wishes to utilize its CARES ACT Covid Relief Funds for the greatest good of the County.

THEREFORE, BE IT RESOLVED, that the Mower County Board of Commissioners does hereby designate its CARES Act allocation of \$4,905,000 as follows:

1. Medical Expenses, \$160,000
2. Public Health Expenses \$780,000
3. County payroll dedicated to COVID response \$750,000
4. Public Health Measures and Compliance with Executive Orders \$1,810,000;
5. Economic Support for small business, and non-profits \$1,305,000; and
6. Other COVID-19-related expenses reasonably necessary to the function of government \$100,000.

Passed and approved this 4th day of August, 2020.

The County Administrator Trish Harren presented for approval a proposed Contract with Development Corporation of Austin (DCA) for Administration of Mower County CARES Act Business Relief Program. The DCA will serve as the fiscal agent for the CARES economic support funding.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the Contract with Development Corporation of Austin for Administration of Mower County CARES Act Business Relief Program. Motion carried.

County Administrator Trish Harren informed the Board that two housing tax abatement applications have been received for which the applicants are anxious to start construction. One application was received in time to have the public hearing on August 11, 2020 but the Herald's legal section was "full" and the notice was not published with the required notice timeline for August 11. A discussion followed.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to schedule a Special Board Meeting (virtually) on August 18, 2020 at 9:00 a.m. for the purpose of holding public hearings on two housing tax abatement applications received. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to re-appoint Joy Kanne as the Mower County Assessor for a four year term effective January 1, 2021 through December 31, 2024. Motion carried.

The Chair subscribed the Oath of the Assessor's office to the County Assessor, Joy Kanne.

Motion made by Commissioner Gabrielson, seconded by Commissioner Glynn, to approve the application of Chateau Speedway 1956, LLC for a fireworks/pyrotechnic special effects display on August 7, 2020 (rain date: October 3, 2020). Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Anoka County Corrections	18,056.00	High Forest Bobcat Service Llc	2,223.66
AUSTIN AUTOMOTIVE LLC	2,890.57	Intradyn	2,090.00
AUSTIN AUTOMOTIVE LLC	23,356.91	Kiesler's Police Supply Inc	5,574.33
Baudoin Oil Company	10,889.22	Skyline Construction, Inc.	22,433.77
Boe Brothers Tiling Inc	31,775.00	39 Payments less than 2000	17,171.60
Department Of Corrections	10,320.00	Final Total:	146,781.06

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to adjourn the meeting at 2:30 p.m. Motion carried. The next meeting is scheduled for August 11, 2020 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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