

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

March 1, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session March 1, 2022 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All members present, viz: Chair Jeff Baldus, Vice-Chair Mike Ankeny, John Mueller (remote), Jerry Reinartz and Polly Glynn. Also in attendance were County Administrator Trish Harren, Executive Assistant Denise Barthels, and Austin Daily Herald Editor Eric Johnson (remote) as well as many Mower County Staff for the Facility Staff recognition.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the agenda. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

On February 22, 2022, the Mower County Board of Commissioners had proclaimed March 1 as Facilities Staff Appreciation Day. The Board recognized Facilities Supervisor Jason Murphy, Facilities Technicians Bob Bailey and Jim Sauer, and Facilities Custodian Traci Kaase. The Board expressed deep gratitude for their commitment to excellence during the COVID-19 pandemic. Many County staff also expressed appreciation for the crew.

The Board recessed at 1:15 p.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 1:15 p.m. in regard to a Housing Tax Abatement application of Kim and Deborah Anderson to construct a single-family home in Section 9, Adams Township (*a split from 01.009.0060*)

County Administrator Trish Harren reviewed the application and recommended approval.

The applicants Kim and Deborah Anderson were present. No one else spoke for or against the Anderson housing tax abatement application.

The Chair **closed** the Public Hearing at 1:17 p.m. in regard to a Housing Tax Abatement application of Kim and Deborah Anderson.

The Chair called the Public Hearing to order at 1:17 p.m. in regard to CUP #926 of William D. and Linda Boe (applicants/owners) for exemption from platting for small subdivision of residential site from bin site located in Section 10, Lodi Township.

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

The Petitioners were present and Mr. Boe spoke on his own behalf. No other person spoke for or against CUP #926.

The Chair **closed** the Public Hearing at 1:24 p.m. in regard to CUP #926 of William D. and Linda Boe (applicants/owners) for exemption from platting for small subdivision of residential site from bin site located in Section 10, Lodi Township.

The Chair called the Public Hearing to **order** at 1:25 p.m. in regard to proposed ordinance revisions to the Mower County Zoning Ordinance, Section 14-21(b) Planning Commission regarding appointments to the Planning Commission and Section IV Planning Commission By Laws regarding meetings

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the proposed ordinance revisions and Planning Commission recommendations.

No one spoke for or against the proposed revisions to the Mower County Zoning Ordinance, Section 14-21(b) Planning Commission regarding appointments to the Planning Commission and Section IV Planning Commission By Laws regarding meetings.

The Chair **closed** the Public Hearing at 1:36 p.m. in regard to the proposed Zoning Ordinance revisions.

The County Board **reconvened** its regular session at 1:36 p.m.

Date: March 1, 2022

Res. #19-22

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

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 1, 2022 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, Paul P. Anderson (seller) is the owner of certain property within Mower County, legally described as follows:

SE¼ SW¼ E120' S420' N625' SW¼SW¼ Section 9, Adams Twp, MN

PIN 01.009.0060 (*parcel being split*)

WHEREAS, Kim D. and Deborah A. Anderson (buyers) 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 March 1, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Paul P. Anderson (seller) and Kim D. and Deborah A. Anderson (buyers) 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 1st day of March, 2022. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Date: March 1, 2022

Res. #20-22

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 March 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #926, by William D Boe and Linda Boe, Landowner(s), and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

To allow for exemption from platting for small subdivision of residential site from bin site.

Located in Mower County, Minnesota and as legally described on Jones Haugh Smith survey and legal description dated February 2022 for Bill Boe (Job #21-444REV1) on file in the office of Environmental Services which legal description is summarized as follows:

S½ SW¼ Section 10-T101N-R15W

Split into Parcels A, B & C (see Tract A and Tract B)

And identified per Mower County tax records as parent parcel 10.010.0041; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on February 22, 2022 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 March 1, 2022 before the Mower County Board of Commissioners, on said petition; and

WHEREAS, the County Board has received the Findings of Fact; and

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. Survey and Legal Descriptions of the resulting properties shall be required in lieu of platting and shall be recorded with the Deed in the Office of the Mower County Recorder; and
3. A primary and secondary Type I system site shall be located for future placement on the resulting parcels, placed on a map which is kept on file in the CUP file and in homeowner's records. This area shall be preserved and protected from compaction and/or construction or other damages; and
4. Any ISTS(s) required shall be designed, installed and maintained according to MN Rules 7080 & Mower County's SSTS Ordinance; and
5. All applicable permits under Mower County Ordinance must be obtained prior to any future construction or development of the property; and
6. The Rural and Agricultural Homeowner's Assumption of Risk form shall be signed and filed with the Mower County Recorder; and
7. 911 addressing for the resulting bin/farm site is required to be obtained through the Mower County Public Works Dept.; and

8. Access to the site(s) is through existing driveways; no additional access points are granted by this permit. Any future access points to these properties from TH56 need to be requested from and approved by MnDOT; and
9. There shall be no future subdivision of these properties in lieu of platting; and
10. CUP #519 is lapsed and considered expired; any future use under this permit must be acquired through and amendment request to CUP519; and
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.

This permit is issued in accordance with Article II, Division 2 – Agricultural District, of the Mower County Zoning Ordinance (effective date 01/01/2003) and Section 13-129 Small Subdivision of Mower County's Subdivision Ordinance.

Passed and approved this 1st day of March, 2022. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Date: March 1, 2022

Ord. #01-22

ORDINANCE

On motion of Commissioner Ankeny, seconded by Commissioner Mueller, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held March 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, the Mower County Board has the authority pursuant to Minnesota Statutes Section 394.21, to carry on county planning and zoning; and

WHEREAS, Minnesota Statutes 394.30 governs County Board's Planning Commission relating to membership, compensation, and duties;

WHEREAS, Mower County's Zoning Ordinance Section 14-21, PLANNING COMMISSION, establishes the number of members, terms, compensation, election of officers, duties, and meeting dates and times;

WHEREAS, Mower County's Zoning Ordinance By-laws Section establishes specific days for meetings to be held, site inspections to occur and is time-specific to planning commission meetings;

WHEREAS, notices were made by first class mail to the City and Township Clerks in accordance with the Mower County Zoning Ordinance on February 11, 2022. An official list is kept on file in the office of the Environmental Services; and

WHEREAS, a public notice was published in the Mower County's official newspaper, the Austin Daily Herald, on February 9, 2022 and the Mower County Independent on February 10, 2022; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on February 22, 2022 at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition and adopted it by a vote 3-0; and

WHEREAS, Notice having been duly given, a public hearing was held on March 1, 2022 before the Mower County Board of Commissioners, on said petition; and

WHEREAS, The Mower County Planning Commission members serving wish to change the ordinance to reflect the adoption of a yearly calendar by the Mower County Board of Commissioner's to establish annual meeting times and dates which allow for flexibility around various holidays and allow for meeting time to be determined by the Planning Commission;

BE IT ORDAINED that the following proposed revisions to Section 14-21 "Planning Commission" and Section IV "By-Laws of Mower County Planning Commission" of the Mower County Zoning Ordinance shall be incorporated and adopted in their entirety;

SECTION 14-21. PLANNING COMMISSION

- a) The Mower County Board hereby establishes the Mower County Planning Commission. The Planning Commission shall consist of (5) to (7) members, and every attempt shall be made to obtain a cross Section of the county in appointing members to the commission.
- b) The members of the Planning Commission shall serve for terms of three (3) years each, not to exceed 9 years. Each member may be eligible at the discretion of the County Board for re-appointment, but not for more than three (3) consecutive terms. Terms run from January 1 to December 31. The Board of Commissioners is responsible to make appointments to the Planning Commission before the end of each year in which a term expires, except in the case of an unexpected vacancy in which case the board will make an appointment to fill the remaining term as soon as practical.**
- c) The members of the Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.
- d) The Planning Commission shall elect a Vice-Chair from among its members. The Zoning Administrator, **or their representative**, shall act as secretary of the Commission. The Planning Commission shall cooperate with the Planning and Zoning Administrator and other employees of the county in preparing and recommending to the Board for adoption, Comprehensive Plans and recommendations for plan execution in the form of official controls and other measures and amendments thereto. In all instances in which the Planning Commission is not the final authority, the Commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the Board.
- e) The Board may, by ordinance, assign additional duties and responsibilities to the Planning Commission including but not restricted to the conduct of public hearings, the authority to

order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land. The Planning Commission may be required by the Board to review any Comprehensive Plans and Official Controls and any plans for public land acquisition and development sent to the county for that purpose by any local units of government or any state or federal agency and shall report thereon in writing to the Board.

SECTION IV MEETINGS

- A. The Mower County Planning Commission shall meet in regular session ~~on the last Tuesday of the month at 7:00 p.m. in the Commissioners Conference Room of the Mower County Courthouse~~ **at a time, date, and location set by the annual public hearing calendar, which is reviewed annually to include prompting for upcoming term vacancies, and is recommended by the Planning Commission to the Board of Commissioners for approval.**
- B. Site Investigation Committee shall meet ~~the Wednesday before~~ **in the week before the Planning Commission meeting in the afternoon except as modified by the annual calendar, or by Section III, C.**
- C. Special meetings may be held under circumstances outlined in Section III, C.
- D. A quorum shall consist of any three (3) members.
- E. The Planning Commission shall have an attendance policy that members, on a yearly basis, shall attend at least 65% of the regular meetings and at least two (2) investigation committee meetings if assigned. If a Planning Commission member fails to achieve this, they will be dropped as a member of the Planning Commission.

BE IT FURTHER ORDAINED that Ordinance #01-22 shall be effective upon publication in the Legal Newspaper of Mower County, the "Austin Daily Herald."

A copy of the entire Mower County Zoning Ordinance and related maps, if any, is on file in the Mower County Public Works Office and at the County Auditor-Treasurer office.

Passed and approved this 1st day of March, 2022. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Mower County Soil and Water Conservation District (SWCD) Water Plan and Outreach Coordinator Tim Ruzek met with the Board to request utilizing \$15,000 of Aquatic Invasive Species reserves to help fund a new exhibit on mussels at the Nature Center. Ruzek explained that at one time Austin was known as Pearl City for its large mussel population. Mussels later became extinct but have recently been reintroduced into several water bodies in Mower County. This new exhibit will tell the story of mussels and their significance to clean water. Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to authorize the use of \$15,000 of AIS funds to help fund a Nature Center Mussels Exhibit. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

County Auditor Scott Felten met with the Board to request their acceptance of a voter equipment grant and to authorize purchase of new equipment. The equipment currently in use by the county is 16 years old and is not able to be upgraded to the newest election software. Motion made by Commissioner Ankeny, seconded by Commissioner Mueller, to accept the

2022 Voting Equipment Grant in the estimated amount of \$80,484.51 and authorize purchase of updated voting equipment including a Central Count Machine for tabulating absentee and mail ballots. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the solid waste hauler licenses effective February 1, 2022 through January 31, 2023 for the following haulers: Ace Solid Waste, Inc.; Freeborn County Co-Op Oil Co.; Kruckeberg Services; Sunshine Sanitation; Skjeveland and Thompson Sanitation. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Public Works Director Michal Hanson presented several requests for approval as well as presented bid information on several county projects for award.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to authorize the public works department to rent two tractors from SEMA for seasonal mowing. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to authorize the Chair to sign the Mower County Right of Way Plat No. 32 (CSAH 46) once the final plat has been received. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to authorize the Public Works department to negotiate the purchase of Right-of-Way for bridge construction work on CSAH 46 (SP 050-646-006). The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to award the low bid of \$1,391,455.32 of Ulland Brothers for the following projects:

CP 50-22-01: CR 58 from CR 58 to TH 56

CP 50-22-02: CR 58 from CSAH 3 to I-90

and have the projects commence. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to award the low bid of \$4,264,505.91 of Ulland Brothers for the following projects:

SAP 050-603-021: CSAH 3 from CSAH 8 to EAST COUNTY LINE,
SAP 050-604-029: CSAH 4 from TH 56 to NORTH END OF THOME CURVE
SAP 050-605-016: CSAH 5 from TH 105 to TH 218

and have the projects commence. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the minutes of February 22, 2022. The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
AMI Imaging Systems Inc	49,154.69	High Forest Bobcat Service Llc	3,447.95
Anoka County Corrections	27,550.58	Mayo Clinic	3,010.75
AUSTIN AUTOMOTIVE LLC	2,213.15	Office Of Mn It Services	2,456.90
Baudoin Oil Company	8,142.75	Syverson Truck Center/Dave	4,227.48
Cedar Valley Services, Inc	54,047.97	35 Payments less than 2000	19,930.94
Falkstone Llc	21,779.34	Final Total:	195,962.50

The Commissioners voted as follows: Commissioner Mueller aye; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 5 - 0.

Under the Committee Reports Commissioner Reinartz indicated that he had attended the Community Health Board meeting on February 24. Commissioner Baldus indicated that Building Committee had met to review election space scenarios. He also indicated that the Pandemic Emergency Operations Center has been meeting every other week. Commissioner Mueller indicated he had attended a radio board meeting on February 14 and on February 28 attended an AMC Public Safety Committee meeting.

Motion made by Commissioner Reinartz, to adjourn the meeting at 2:35 p.m. The Chair declared the meeting adjourned. The next meeting is scheduled for March 8, 2022 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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