

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

February 1, 2022

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

All members present, viz: Chair Jeff Baldus (remote), Vice-Chair Mike Ankeny, Jerry Reinartz, Polly Glynn, and John Mueller. Also in attendance were County Attorney Kristen Nelsen (remote), County Administrator Trish Harren (remote), and Executive Assistant Denise Barthels, Clerk Pro Tem.

The meeting was opened with the Pledge of Allegiance.

Since the Chair was attending remotely, the Vice-chair conducted the meeting.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the agenda adding 1) Recognition for Don Adams for service to Mower County on the Planning Commission and Board of Adjustment (3 terms) and deleting 1) the land survey item number three under the Auditor Treasurer. The Commissioners voted as follows: Commissioner Mueller aye, Commissioner Reinartz aye, Commissioner Baldus aye, Commissioner Glynn aye, Commissioner Ankeny aye. Motion carried 5 - 0.

Under Committee Reports, the Finance Committee had several recommended items for board consideration and approval.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to match the City's investment of \$10,000 for new equipment upgrades for the law enforcement fitness room. The fitness room is used by both the Austin Police and Sheriff's Departments. The Commissioners voted as follows: Commissioner Mueller aye, Commissioner Reinartz aye, Commissioner Baldus aye, Commissioner Glynn aye, Commissioner Ankeny aye. Motion carried 5 - 0.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the request of Al-Anon for \$500 in funding to assist with technology for remote meetings due to Covid contingent upon Al-Anon submitting a completed Abandonment Form for their former private septic system. The Commissioners voted as follows: Commissioner Mueller aye, Commissioner Reinartz aye, Commissioner Baldus aye, Commissioner Glynn aye, Commissioner Ankeny aye. Motion carried 5 - 0.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to approve the request of Spruce Up Austin for a \$4500 donation that would match the City's donation towards restoration work at the Honor Guard Park, Austin, MN. The Commissioners voted as follows: Commissioner Mueller aye, Commissioner Reinartz aye,

Commissioner Baldus aye, Commissioner Glynn aye, Commissioner Ankeny aye. Motion carried 5 - 0.

Additionally Commissioner Reinartz reported attending the Senior Center meeting on January 27. Commissioner Glynn reviewed the recorded Rural Energy Board meeting.

The Board recognized Don Adams for his three terms serving on the Planning Commission and Board of Adjustment.

The Board recessed at 1:16 p.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 1:16 p.m. in regard to CUP #924 of Ready Mix Concrete Co. LLC c/o David Castleberg (landowner) for an after-the-fact permit for the temporary storage, crushing and resale of concrete materials generated by the ready mix plant located in Section 22, Lansing Township

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

The Petitioner was not present. No one spoke for or against CUP #924 but it was noted that the City of Austin had submitted a written objection, which is on file at Environmental Services.

The Chair closed the Public Hearing at 1:32 p.m. in regard to CUP #924 of Ready Mix Concrete Co. LLC c/o David Castleberg (landowner).

The Chair called the Public Hearing to order at 1:32 p.m. in regard to CUP #925 of Kim and Deborah Anderson for an additional dwelling in the quarter section on approx. 2.29 Ac split from the referenced parent parcel (Paul P. Anderson landowner) and located in an area unsuitable for economical agricultural purposes located in Section 9, Adams Township.

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

The Petitioners Kim and Deborah Anderson were present. No one spoke for or against CUP 925.

The Chair closed the Public Hearing at 1:39 p.m. in regard to CUP #925 of Kim and Deborah Anderson.

The County Board reconvened its regular session at 1:39 p.m.

**Date: February 1, 2022**

**Res. #14-22**

**RESOLUTION**

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

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #924, by Ready Mix Co. LLC c/o David Castleberg, Landowner(s), and David Castleberg c/o Ready Mix Co. LLC Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

An after-the-fact permit for the temporary storage, crushing, and resale of concrete and bituminous materials; clarification for existing Ready Mix plant as an allowed use

Located in Mower County, Minnesota and legally described as:

All that part of the Southwest Quarter of the Southwest Quarter of Section 22 and the Northwest Quarter of the Northwest Quarter of Section 27 lying North and West of the Northwesterly line of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company and South and West of the Southwesterly line of State Trunk Highway No. 218, INCLUDING all the land platted as Austin Industrial Service Center First Addition according to the plat recorded in Book 7 of Plats, Page 9, in the office of the Register of Deeds of said County, AND INCLUDING all the land platted as Austin Industrial Service Center Second Addition, according to the plat recorded in Book 8 of Plats, Page 16, in the office of said Register of Deeds, all in Township 103, Range 18, Mower County, Minnesota

Also Described As

Outlot 1 in Austin Industrial Service Center First Addition in Sections 22 and 27, Township 103, Range 18, Mower County, Minnesota; and Outlot 6, and the East 100 feet of Outlots 7, 8, and 9, and Outlot B, except the North 35 feet of said Outlot B, all in Austin Industrial Service Center Second Addition, in the NW ¼ NW ¼ of Section 27, Township 103, Range 18, Mower County, Minnesota

And identified per Mower County tax records as parcels 08.043.0010, 08.044.0010 and 08.044.0020; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on January 25, 2022 at 5:30 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 February 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, and any subcontractors hired by Applicant, shall follow all local, state, and federal regulations regarding the proposed use including MPCA permits for air emissions, storm water runoff, and other regulated activities as applicable; and
2. The applicant shall record a covenant on all three parcels to combine them into one lot for the purposes of this request and eliminate property line setback conflicts; and
3. Hours of operation shall be 7a-7p, Monday through Saturday; no processing or handling of materials on traditional holidays (Easter, Independence Day, Thanksgiving, and Christmas). Applicant is proposing to process materials on an as-needed basis, anticipated to be scheduled once per year; and
4. The conditional use permit for crushing is subject to review in 5 years; and
5. The applicant shall provide at least 24 hours' notice to the County prior to initiating crushing or processing of material, and include the expected timeline for activity. Applicant will work cooperatively with Mower County and adjoining neighbors to schedule processing at a time when others are not processing aggregate, to minimize vibration to the neighboring properties; and
6. The Owner/Applicant shall be required to provide dust control on access roads so as not to create a nuisance to neighboring property from the processing of materials or trucking traffic; and
7. The Owner/Operator shall maintain a low water mist during crushing operations or provide another acceptable method to control dust generated from the processing and/or handling of material.
8. The Owner/Applicant shall install a minimum 10ft tall screening barrier on the south property line prior to initiating crushing activity, to provide visual and auditory barrier to adjoining property; and
9. 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
10. A Zoning Permit shall be obtained prior to any construction or placement of any new structures on the property. This does not include the temporary placement of a crusher for processing materials; and
11. 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
12. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and

13. 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
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 issued in accordance with Article II, Division 2 – Industrial District, Section 14-83(m) Conditional Uses and 14-82(a) Permitted Uses of the Mower County Zoning Ordinance (effective date 01/01/2003) of Mower County's Subdivision Ordinance.

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

**Date: February 1, 2022**

**Res. #15-22**

**RESOLUTION**

On motion of Commissioner Glynn, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 1, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #925, by Paul Anderson, Landowner(s), and Kim and Deborah Anderson Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

An additional dwelling in the quarter section on approx. 2.29 Ac split from the referenced parent parcel and located in an area unsuitable for economical agricultural purposes,

Located in Mower County, Minnesota and legally described as:

real property in Mower County, Minnesota, legally described as follows:

The Southeast Quarter of the Southwest Quarter of Section 9, Township 101 North, Range 16 West, Mower County, Minnesota.

AND ALSO the East 120 feet of the North 625 feet of the Southwest Quarter of the Southwest Quarter of Section 9, Township 101 North, Range 16 West, Mower County, Minnesota

To be split from parcel(s) identified per Mower County tax records as 01.009.0060; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on January 25, 2022 at 5:30 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 February 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. 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
4. Any expansion or modification to the access site via 140<sup>th</sup> St (County 7) must be approved by Mower County Engineer (Driveway/Access Permit); and
5. 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:
  1. A "No Loss Determination" (no wetlands on site).
  2. A "Wetland Exemption" (the act does not apply).
  3. A "Wetland Replacement Plan" approval.
6. A primary and secondary Type I system site shall be located for future placement on the residential parcel, and placed on a map which is kept on file in the CUP file and in homeowner's records. The area should be preserved and protected from compaction and/or construction or other damages; and
7. An approved ISTS(s) shall be designed, permitted, installed and maintained according to MN Rules 7080 & Mower County's SSTS Ordinance prior to any construction on the property; and
8. If the residential site is sold/transferred/conveyed, the septic system must comply with requirements of the septic ordinance; and
9. All applicable permits under Mower County Ordinance, including Zoning Permit, must be obtained prior to any construction or development of the property; and
10. Rural and Agricultural Homeowner's Assumption of Risk form shall be signed and filed with the Mower County Recorder.
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, Section 14-51 Conditional Uses and Section 14-18.4(d)(1) of the Mower County Zoning Ordinance (effective date 01/01/2003) of Mower County's Subdivision Ordinance.

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

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the minutes of January 25, 2022. The Commissioners voted as follows: Commissioner Mueller aye, Commissioner Reinartz aye, Commissioner Baldus aye, Commissioner Glynn aye, Commissioner Ankeny 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>
American Solutions For Business	10,680.07	OnSolve LLC	8,939.07
CliftonLarsonAllen LLP	3,465.00	Regents Of The University Of Minnesota	43,150.25
Little Falls Machine, Inc.	7,963.61	WatchGuard, Inc.	5,250.00
Minnesota Counties Computer Cooperative	31,867.50	Zahl Equipment Service Inc	2,039.55
Minnesota County Attorneys Association	2,600.00	31 Payments less than 2000	10,391.45
Office Of Mn It Services	3,253.58	<b>Final Total:</b>	<b>129,600.08</b>

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

It was noted that action could not occur at this time to approve the Planning Commission/Board of Adjustment schedule of 2022 meetings due to the current language in the By-laws. The By-laws and ordinances will be reviewed for a possible modification to allow for more flexibility in meeting dates and times.

Under miscellaneous correspondence it was noted that the County had received the Dodge County Wind, LLC Application for route permit for transmission line in Dodge / Mower Counties.

County Auditor-Treasurer Scott Felten presented two items for the Board's review and consideration.

**Date: February 1, 2022**

**Res. #16-22**

**RESOLUTION  
County Application for  
Election Grant**

On the motion of Commissioner Glynn, seconded by Commissioner Baldus, the following resolution was passed and adopted by the Mower County Board of Commissioners at the meeting held February 1, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, the Office of the Minnesota Secretary of State (OSS) is currently soliciting applications from counties for grants under the Help America Vote Act (HAVA) Grants Program; and

**WHEREAS**, Mower County is applying to the Office of the Minnesota Secretary of State for a grant from the Help America Vote Act (HAVA) Grants Program with the funds to be used to improve accessibility to, implement security improvements for election systems for, and/or fund other activities to improve the security of federal elections, including being applied to

meet county matching requirements under the VEGA Program, in accordance with OSS guidance; and

**WHEREAS**, the amount of the grant request has been determined to be \$28,557.48 as calculated by the formula used in the grant application;

**NOW THEREFORE**, be it resolved that Mower County does hereby agree to the terms and conditions of the grant consistent with the requirements of Minnesota Statutes, and will return to the Office of the Minnesota Secretary of State any amount appropriated but unspent on qualifying expenditures. The proper county officers are authorized to execute a grant agreement with the Secretary of State concerning the above-referenced grant.

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

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to establish a Redistricting Committee to review possible changes in districts based on changes in population density outlined in the 2020 Census for recommendation to the County Board and appoint the following members to the committee:

Scott Felten, County Auditor-Treasurer      Ann Kasel, City of Austin Clerk  
Amanda Kiefer, Deputy Auditor-Treasurer      Keith Bollinger, City of Austin GIS  
Eric Miller, County GIS  
Trish Harren, County Administrator  
Kristen Nelsen, County Attorney

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

Commissioner Glynn noted for the record that, in accordance with Minnesota Statute 375A.1205 Subd. 2, Auditor-Treasurer Scott Felten had submitted written notice of his intention to file for another term of office.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to adjourn the meeting at 2:03 p.m. Vice-Chair Mike Ankeny announced the meeting as adjourned. The next meeting is scheduled for February 8, 2022 at 9:00 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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



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