

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

February 14, 2023

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session February 14, 2023 at 9:00 a.m. at the Government Center in Austin, Minnesota.

All members present, viz: Chair Mike Ankeny, Vice-Chair Jerry Reinartz, John Mueller, Dan Sparks and Polly Glynn. Also in attendance were County Attorney Kristen Nelsen, County Administrator Trish Harren and Executive Assistant Denise Barthels

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the agenda amending the Human Resources business to add reclassification of the Property Appraiser Trainee position and removing the request to approve a Sheriff Chief Deputy contract. Motion carried.

Mayor Steve King and Austin City Administrator Craig Clark presented to the County the traveling plaque recognizing the County's win this year in the annual City/County Food Drive competition.

Dispatch Supervisor Lori Brogan provided a department update. Dispatch is getting close to being fully staffed. Twelve employees is fully staffed and the eleventh position is starting yet this month. The department has handled over 35,000 calls in the last 12 months. Training for Next Generation 911 is in progress.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the Board of Water and Soil Resources 2022 Financial Reports for the Shoreland (\$18,600) and SSTS (\$3264) Natural Resources Block Grant and authorize staff to sign the reports for submission. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to authorize the chair to sign letter supporting Certificate of Need for Nobles County landfill. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the Freeborn County Co-op Oil Contracts effective April 1, 2023 – March 31, 2028 extending rural recycling services for an additional five years. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the quote of Armon Architecture, Inc. for architectural services for an addition to the Recycling Center for electronic recycling (\$17,900). Motion carried.

Date: February 14, 2023

Res. #07-23

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 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County has applied to host an AmeriCorps member from the Minnesota GreenCorps, a program of the Minnesota Pollution Control Agency (MPCA), for the 2023-2024 Program year; and

WHEREAS, if the MPCA selects Mower County, the organization is committed to implementing the proposed project as described in the host site application, and in accordance with prescoped position description; and

WHEREAS, the MPCA requires that Mower County enter into a host site agreement with the MPCA that identifies the terms, conditions, roles and responsibilities;

BE IT RESOLVED THAT Mower County hereby agrees to enter into and sign a Host Site Agreement with the MPCA to carry out the member activities specified therein and to comply with all of the terms, conditions, and matching provisions of the Host Site Agreement and authorizes and directs the Mower County Board Chair to sign the grant agreement.

Passed and approved this 14th day of February, 2023.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the minutes of January 24, 2023. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Above All Cleaning, Inc	7,468.22	Jones Law Firm	6,525.00
Advanced Correctional Healthcare, Inc	38,523.18	Kiesler's Police Supply Inc	2,631.48
AMI Imaging Systems Inc	50,074.00	Lano Equipment Inc	9,870.00
Ancom Technical Center, Inc.	38,994.72	League of Minnesota Cities	2,340.00
Austin Automotive LLC	3,166.31	MacQueen Equipment, Inc.	2,175.75
Austin Utilities	12,935.40	Marston Consulting Group, LLC	6,000.00
Baudoin Oil Company	40,939.50	Mayo Clinic Ambulance Services	3,688.52
Bishop Excavating Inc	17,417.85	METCO	2,125.00
Brightly Software, Inc.	9,909.21	Metro Sales, Inc	5,435.51
Cedar Valley Services, Inc	58,284.78	Minnesota County Attorneys Association	2,600.00
CliftonLarsonAllen LLP	9,187.50	Motorola Solutions Inc	233,240.00
Commissioner Of Transportation	2,797.70	Mower Soil & Water Conservation District	50,346.65
Compass Minerals	23,571.69	OnSolve LLC	9,386.03
Consolidated Correctional Foodservice	18,869.10	Proline Dist Inc	2,335.00
Dave Lucas Consulting	2,205.00	Reagan Outdoor Advertising of Rochester	2,235.00
Dell Marketing L P	16,517.76	Ronco Engineering Sales, Inc	4,399.05
Douglas C Bathke Const. LLC	7,550.00	Rubber-Inc	9,271.34
Emergency Automotive Technologies, Inc	6,843.27	Schneider/Thomas A	2,537.50
Erickson Engineering Co., LLC	15,373.50	Southern Minnesota Education Consortium	5,875.00
Fortra, LLC	7,350.56	Street Smart Rentals, LLC	66,154.00
Freeborn County	2,582.15	The Master's Touch, LLC	8,100.00
Freeborn County Co-Operative Oil Co.	13,903.19	Tiny's Body Shop	8,296.84

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Grainger	2,395.44	Veolia Environmental Services Inc	10,761.17
Harbaugh Septic LLC	6,450.00	Ziegler, Inc	3,674.02
Healthiest You	3,140.00	105 Payments less than 2000	54,076.32
Hemess Construction Co	2,915.00	Final Total:	933,444.21

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to authorize the Board Chair to sign as landowner a Conditional Use Permit application for a law enforcement shooting range in Section 36 Marshall Township. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the proposal of SGTS, Inc. for video surveillance upgrades to include new/additional cameras and cabling (\$123,879.09). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the proposal of SaltCo proposal for jet powered salt delivery. Motion carried.

HEALTH & HUMAN SERVICES BOARD:

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the Health & Human Services accounts payable totaling \$291,205.82. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve contract effective February 12, 2023 – August 31, 2023 with LGC Services to provide administrative services for “The Bridge” (\$114,000). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the agreement with Audacious Inquire LLC as administrator for the MN Department of Human Services funded Minnesota Encounter Alert System (EAS). Motion carried.

Health & Human Services Director Crystal Peterson introduced new staff: Public Health Nurse Cally Heiny, Social Worker Addie Embrickson, Social Worker Thomas Koehler, Support Enforcement Aide Jacob Nelson, and Technician Emily Wright.

Community Health Division Manager Pam Kellogg provided an update on the funding received from the opioid settlement. The state received an award of \$303 million of which counties receive twenty-five percent distributed over the course of eighteen years. Distributions will be front end loaded. Mower County has received \$251,920 so far. There are four areas the County can use the funding: prevention, treatment and recovery, criminal justice and harm reduction. To date the county is in the planning stages and hasn't yet spent any of the money received. The County is currently accepting applications for persons to serve on an advisory committee to help decide the best use of the opioid settlement funds for Mower County.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve social service actions. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to adjourn the Health & Human Services Board meeting at 9:53 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 9:54 a.m. for regular business items.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve a benefit write-off of \$22,282.26 for years 2019-2021. Transaction detail is available in County Finance. Motion carried.

Date: February 14, 2023

Res. #08-23

RESOLUTION

Endorsing the efforts of the Community Supervision Work Group and urging the legislature to pass a new funding formula and significant appropriation during the 2023 legislative session

On motion of Commissioner Glynn, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, community supervision is a fundamental part of the criminal justice system in Minnesota and funding sufficient to ensure effective services is vital to public safety in all communities across the state; and

WHEREAS, community supervision includes services such as probation, supervised release, and intensive supervised release; and

WHEREAS, Minnesota's counties provide essential community supervision services both as mandated by M.S. Chapter 244.19 and also as delegated by the Department of Corrections under M.S. Chapter 401; and

WHEREAS, when the Legislature decided that community supervision was best delivered through a state-county partnership, it stated a clear intent that the state would provide significant funding to the counties for the operation of local programs; and

WHEREAS, over the past 20 years, Minnesota has become the state with the lowest level of corrections funding in the nation because the Legislature has not upheld its promise to provide adequate state resources to support community supervision; and

WHEREAS, the Legislature's failure to adequately fund community supervision has increased local property taxes on residents and businesses; and,

WHEREAS, a revised community supervision funding formula is necessary to ensure that all communities in Minnesota have enough state funding to provide a consistent standard for

effective, evidence-based community supervision services, regardless of local capacity to pay; and

WHEREAS, the Association of Minnesota Counties assembled the Community Supervision Work Group including county leaders and experts in community supervision from all three supervision delivery systems to study the needs of community supervision departments statewide and develop a single funding formula that is transparent, needs based, and equitable among county and state supervision providers; and,

WHEREAS, the Community Supervision Workgroup has taken up its charge to convene stakeholders across the three probation delivery systems to oversee a study to create a unified recommendation for an equitable and adequate funding formula and appropriation; and,

WHEREAS, the Board of Directors of the Association of Minnesota Counties that represents the diverse interests of Minnesota's 87 counties, voted to support a new funding formula that provides counties with the resources needed to keep communities safe;

NOW THEREFORE, BE IT RESOLVED, the Mower County Board of Commissioners endorses the efforts of the Community Supervision Work Group and urges the Legislature to pass a new community supervision funding formula and significant appropriation during the 2023 legislative session.


Passed and approved this 14th day of February, 2023.

Date: February 14, 2023

Res. #09-23

**RESOLUTION OF SUPPORT FOR ARVIG GRANT APPLICATION
TO MINNESOTA OFFICE OF BROADBAND BORDER TO BORDER**

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 14, 2023, at the Government Center, Austin, Minnesota.

Amended
2.28.23, see
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WHEREAS, Mower County is a rural county in Southeast Minnesota that continues to have a majority of its geography either unserved or underserved by broadband; and

WHEREAS, broadband has become a basic need for all residents for education, medical, business and other quality of life requirements; and

WHEREAS, broadband access in rural areas is linked to increased job and population growth, higher rates of new business formation, increased home values and lower unemployment rates; and

WHEREAS, Arvig is submitting a Minnesota Border to Border Broadband Low Density Grant Application to build out fiber in two unserved and/or underserved locations; and

WHEREAS, the Mower County Board of Commissioners understands the importance of Broadband for the constituents it serves.

NOW THEREFORE BE IT RESOLVED that Mower County supports the Application of ARVIG for a Minnesota Broadband Border to Border matching grant for the following project:

283 passings, 235 unserved and 48 underserved passings in the rural area of Mower County near Adams, Elkton, Taopi, Rose Creek, Leroy, area. Project cost is \$6,869,388.75. Arvig contribution is 40% or \$2,747,756, Border to Border Grant request is 50% or 3,434,694.38 and Mower County portion is 10% or \$686,938.88

BE IT FURTHER RESOLVED that Mower County is willing to partner in this build out and has committed matching funds in the amount of \$686,938.88

Passed and approved this 14th day of February, 2023.

The Board recessed at 10:02 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 10:03 a.m. in regard to CUP #936 of Corey & Kaye Hansen for exemption from platting to split approx. 3.75 acres and to split farmstead from remaining tillable located in Section 14 Austin Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #936.

The Chair closed the Public Hearing at 10:08 a.m. in regard to CUP #936 of Corey & Kaye Hansen.

The Chair called the Public Hearing to order at 10:08 a.m. in regard to CUP #951 of Danial & Megan Crouch to add a 12ft x 44ft lean-to on an existing 44ft x 30ft x 21ft structure for additional storage of personal items which will exceed 5% of lot coverage for accessory buildings located in Section 11 Lansing Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #951.

The Chair closed the Public Hearing at 10:12 a.m. in regard to CUP #951 of Danial & Megan Crouch.

The Chair called the Public Hearing to order at 10:12 a.m. in regard to CUP #953 of Al Schmitz for an existing shed to be used as storage for electrical business equipment located in Section 21 Marshall Township (Landowners Matthew & Rebecca Schmitz).

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #953.

The Chair closed the Public Hearing at 10:17 a.m. in regard to CUP #953 of Al Schmitz.

The Chair called the Public Hearing to order at 10:17 a.m. in regard to CUP #954 of Matthew & Rebecca Schmitz to build an additional dwelling in the quarter section located in Section 21 Marshall Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #954.

The Chair closed the Public Hearing at 10:22 a.m. in regard to CUP #954 of Matthew & Rebecca Schmitz.

The Chair called the Public Hearing to order at 10:22 a.m. in regard to CUP #955 of Curtis Oudekirk for exemption from platting to split an existing building site of approx. 2.24 acres from the larger tillable tract located in Section 15 Marshall Township (Landowner: Kenneth Binkley Revocable Trust).

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #955.

The Chair closed the Public Hearing at 10:27 a.m. in regard to CUP #955 of Curtis Oudekirk.

The County Board reconvened its regular session at 10:27 a.m.

Date: February 14, 2023

Res. #10-23

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 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #936, by Corey Hansen and Kaye Hansen Landowner(s), and Corey Hansen, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

exemption from platting to split approx. 3.75 acre farmstead from remaining tillable

Located in Mower County, Minnesota and legally described as:

The West 1384.14 feet of the North 571.23 feet of that part of the South Half of the Southeast Quarter of Section 14, Township 102 North, Range 18 West lying East of the railroad right-of-way, Mower County, Minnesota.

And identified per Mower County tax records as parcel 02.011.0212; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on January 31, 2023, 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 14, 2023 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 local, state, and federal regulations regarding the proposed use; and
2. The permit shall become void two (2) years from the date of approval by the County Board if the split has not been completed through Property Adjustment Application. Note, all structures must meet setbacks in place at the time of subdivision for the split to be approved; and
3. The Owners shall record the survey along with the deed in lieu of plat at the office of the Mower County Recorder; and
4. Petitioner must sign and notarize the "Rural and Agricultural Homeowners Assumption of Risk" form and have it recorded at the Mower County Recorder's Office; and
5. The septic system servicing the house is a Type III system which requires an Operating Permit and compliance with all of the reporting requirements thereof in accordance with Mower County's SSSTS Ordinance. Any property sustained by a

- Type III system shall record the Type III Assumption of Risk document so that any future owner is aware of the risk and requirements of owning a Type III septic system; and
6. There will be no further subdivision of this quarter-quarter section (SW¹/₄ of SE ¹/₄ Sec. 14) allowed unless it is approved through plat; and
 7. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
 8. A Certificate of Compliance on existing septic systems is required prior to transfer of property in accordance with Mower County Ordinance. The landowner (seller) is required to comply with the requirements thereof; and
 9. 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 Section 13-129 Small Subdivision of Mower County's Subdivision Ordinance and Article II Division 3 Rural Management District of Mower County's Zoning Ordinance.

Passed and approved this 14th day of February, 2023.

Date: February 14, 2023

Res. #11-23

RESOLUTION

On motion of Commissioner Mueller, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #951, by Danial M Crouch and Megan E. Crouch Landowner(s), and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

A conditional use permit to add a 12ft x 44ft lean-to on an existing 44ft x 30ft x 21ft structure for additional storage of personal items which will exceed 5% of lot coverage for accessory buildings

Located in Mower County, Minnesota and legally described as:

The South 90 feet of the following described parcel of land: Commencing at a point 18 rods north of the Southwest corner of the Northwest Quarter of Section 11, Township 103 North, Range 18 West, thence North 16 rods, thence East 18 rods; thence South 16 rods; thence West 18 rods, to the place of beginning, Mower County, Minnesota

And identified per Mower County tax records as parcel 08.011.0070; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on January 31, 2023, 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 14, 2023 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 local, state, and federal regulations regarding the proposed use; and
2. 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). 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
3. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
4. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around or etc. so as to not create a nuisance or hazard to the traveling public. The trucks cannot be parked or backed onto the premises from the road or its right-of-way; and
5. 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 10 – Rural Service Center District, and Section 14-12(b) Accessory Buildings of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 14th day of February, 2023.

Date: February 14, 2023

Res. #12-23

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 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #953, by Matthew Schmitz and Rebecca Schmitz Landowner(s), and Al Schmitz, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

existing shed to be used as storage for electrical business equipment

Located in Mower County, Minnesota and legally described as:

The South 380.0 feet of the East 580.00 feet of the Northeast Quarter of the Northeast Quarter of Section 21, Township 102 North, Range 16, West, Mower County, Minnesota

And identified per Mower County tax records as parcel 12.021.0021; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on January 31, 2023 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 14, 2023 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 local, state, and federal regulations regarding the proposed use; and
2. 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). 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; and
3. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
4. The Owner/Applicant shall keep the site in a neat and orderly condition; there shall be no blowing or loose garbage or debris; outdoor storage is not permitted; 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 abide by all road and bridge weight restrictions or postings that apply to roads used as an ingress/egress to the property; and
7. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around or etc. so as to not create a nuisance or hazard to the traveling public. The trucks cannot be parked or backed onto the premises from the road or its right-of-way; and
8. Waste shall not be contained, stored or kept on the property for more than 24 hours. The waste may be contained overnight in some circumstances when it cannot be immediately disposed of at a licensed waste facility; 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 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 Use Permits items (s) & (u) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 14th day of February, 2023.

Date: February 14, 2023

Res. #13-23

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #954, by Matthew Schmitz and Rebecca Schmitz Landowner(s), and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

A conditional use permit to build an additional dwelling in the quarter section

Located in Mower County, Minnesota and legally described as:

The South 380.0 feet of the East 580.00 feet of the Northeast Quarter of the Northeast Quarter of Section 21, Township 102 North, Range 16, West, Mower County, Minnesota

And identified per Mower County tax records as parcel 12.021.0021; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on January 31, 2023, 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 14, 2023 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 local, state, and federal regulations regarding the proposed use; and
2. 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). 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
3. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
4. An approved ISTS Design for the proposed septic system obtained and submitted prior to construction of the residence and/or any other structure; and
5. 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
6. Petitioner must sign and notarize the "Rural and Agricultural Homeowners Assumption of Risk Assessment Form and have it recorded at the Mower County Recorder's Office; and
7. If building outside of the prior residential footprint: 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.

8. 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 – Agricultural District, Section 14-50 (e) and 14-18.4 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 14th day of February, 2023.

Date: February 14, 2023

Res. #14-23

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #955, by Kenneth Binkley Revocable Trust, Landowner(s) Larry Oudekirk and Robyn Oudekirk, Trustee(s), and Curtis Oudekirk, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

An exemption from platting to split an existing building site of approx. 2.24 acres from the larger tillable tract

Located in Mower County, Minnesota and legally described as:

That part of the NW ¼ NW ¼ of Section 15, T102N, R16W, Mower County, Minnesota, described as follows:

Commencing at the northwest corner of said NW ¼ NW ¼; thence South 00°00'25" East, on an assumed bearing on the west line of said NW ¼ NW ¼, a distance of 80.00 feet to the point of beginning;

Thence North 90°00'00" East, parallel with the north line of said NW ¼ NW ¼, a distance of 467.00 feet; Thence South 00°00'25" East, parallel with the west line of said NW ¼ NW ¼, a distance of 285.00 feet; Thence South 90°00'00" West, a distance of 467.00 feet to the said west line; Thence North 00°00'25" West, a distance of 285.00 feet to the point of beginning;

And identified per Mower County tax records as parcel 12.015.0015; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on January 31, 2023, 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 14, 2023 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 local, state, and federal regulations regarding the proposed use; and
2. The permit shall become void two (2) years from the date of approval by the County Board if the split has not been completed through Property Adjustment Application. Note, all structures must meet setbacks in place at the time of subdivision for the split to be approved; and
3. The Owners shall record the survey along with the deed in lieu of plat at the office of the Mower County Recorder; and
4. There will be no further subdivision of this quarter-section (NW1/4 Sec. 15) allowed unless it is approved through plat; and
5. Petitioner must sign and notarize the "Rural and Agricultural Homeowners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office; and
6. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
7. A Certificate of Compliance on existing septic systems is required prior to transfer of property in accordance with Mower County Ordinance. The landowner (seller) is required to comply with the requirements thereof; and
8. 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 14th day of February, 2023.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the request of Northern Country Coop for a 12-month extension to their CUP #905A. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the 2023 Planning Commission / Board of Adjustment public hearing meeting calendar. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to reallocate up to \$50,000 of the previously approved ARPA funding for an endowment to be used for the required cash match indicated in the DNR Parks & Trails resolution and if the entire \$50,000 is not needed for the grant match, the remaining balance is to remain in the Chert Quarry endowment fund. Motion carried.

Date: February 14, 2023

Res. #15-23

RESOLUTION SUPPORTING APPLICATION TO DNR PARKS AND TRAILS

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 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS the Mower County Board of Commissioners supports the grant application made to the Minnesota Department of Natural Resources for the Regional Trail Program. The application is to create public parking, a pedestrian trail, and interpretive signage for the *Grand Meadow Chert Quarry/Wanhi Yukon*, located north of the city of Grand Meadow; and

WHEREAS Mower County acknowledges and has secured the required cash match for this project;

NOW, THEREFORE, BE IT RESOLVED, if Mower County is awarded a grant by the Minnesota Department of Natural Resources, Mower County agrees to accept the grant award and may enter into an agreement with the State of Minnesota for the above referenced project. Mower County will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement; and

BE IT FURTHER RESOLVED that the applicant has read the Conflict of Interest Policy contained in the Regional Trail Grant Manual and certifies it will report any actual, potential, perceived, or organizational conflicts of interest upon discovery to the state related to the application or grant award; and

BE IT FURTHER RESOLVED, the Mower County Board of Commissioners names the fiscal agent for Mower County for this project as:

Loni Swenson
Finance Manager
201 1st Street NE, Suite 5
Austin, Minnesota 55912

BE IT FURTHER RESOLVED, the Mower County Board of Commissioners hereby assures that the *Grand Meadow Chert Quarry / Wanhi Yukan Trail* will be maintained for a period of no less than 20 years by the Mower County Historical Society, Project Partner.

Passed and approved this 14th day of February, 2023.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve a late claim for payment for travel reimbursement for employee #5118. Motion carried.

Date: February 14, 2023

Res. #16-23

RESOLUTION

On motion of Commissioner Mueller, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, on February 14, 2023 the Allzin For Alzheimer's presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the Lansing Corners Bar & Grill on February 28, 2023.

BE IT RESOLVED THAT, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to Allzin For Alzheimer's for gambling at Lansing Corners Bar & Grill on February 28, 2023.

Passed and adopted this 14th day of February, 2023.

Date: February 14, 2023

Res. #17-23

RESOLUTION

On motion of Commissioner Mueller, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, on February 14, 2023 the Cedar River Archery Club presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the Cedar River Archery Club on May 7, 2023.

BE IT RESOLVED THAT, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to Cedar River Archery Club for gambling at the Cedar River Archery Club on May 7, 2023.

Passed and adopted this 14th day of February, 2023.

The Board recessed at 10:41 a.m. and reconvened at 10:47 a.m.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the Culligan-Ultrasure quote for water softener maintenance at the Justice Center. (\$3041.00) Motion carried.

Director Danell Herzig and Project Manager Brittney Paxson of NextEra Energy Resources provided the Board with project updates including the Dodge County Wind project and the Timberwolf Solar project. The Dodge County Wind project will be a 259 MW project with 79 wind turbines with construction and commercial operation expected in 2024. The Timberwolf Solar project is for up to 100 MW solar to interconnect with the Adams 345 kV substation with a target for construction for December 2025.

The Board recessed at 11:03 a.m. for the purpose of a public hearing regarding fifteen year tax abatement Request from Hormel Food Corporation for a market rate community childcare center in Austin, MN.

County Administrator Trish Harren reviewed the request and applicable Statute.

Jeff Holt for applicant Hormel Foods Corporation was present and spoke in favor of the application. No other persons spoke in favor or against the 15-year tax abatement for Hormel Food Corporation for a community childcare center in Austin, MN.

The Chair closed the Public Hearing at 11:17 a.m. regarding the fifteen year tax abatement Request from Hormel Food Corporation for a market rate community childcare center in Austin, MN

The County Board reconvened its regular session at 11:18 a.m.

Date: February 14, 2023

Res. #18-23

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, Hormel Foods Corporation has submitted a request for a fifteen (15) year tax abatement for development on parcel 34.539.0120 for the construction of a 13,347 SF community childcare center in Austin, MN with 100 regular childcare seats and 30 afterschool care seats; and

WHEREAS, according to a 2022 study completed by the Minnesota Department of Human Services, Austin is currently short 531 childcare slots and Mower County is short 809 childcare slots; and

WHEREAS access to childcare is critical to the economic development stability of a community and to quality of life for residents; and

WHEREAS the childcare center has an estimated construction cost of \$5,000,000; and

WHEREAS the childcare center will create up to 23 new full-time jobs with benefits; and

WHEREAS MS 469.1813 provides the authority for counties to grant abatements subject to a public hearing; and

WHEREAS, on February 14, 2023, a public hearing was held regarding said request; and

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board of Commissioners finds the request to be in the public interest by providing a long-term increase in tax base, fills a service gap, and provides employment opportunities.

BE IT FURTHER RESOLVED, that the Mower County Board of Commissioners approves a fifteen (15) year tax abatement of the County's portion of real property taxes as follows:

- a) The taxes abated shall be equal to the full taxes assessed on the improved assessed value of the site as determined by the Mower County Assessor in good faith and using customary valuation methods; and
- b) The period of the abatement shall begin for tax assessment year 2024 payable 2025.

AND subject to an approved tax abatement development agreement with the following conditions:

1. The company will be required to maintain 12 jobs with each qualified job paying at least the poverty level for a family of 4 as it exists for that abatement year. If the jobs fall below that, the abatement will be reduced or eliminated.
2. The abatement will be for the improved value only based on new construction.
3. For the term of the abatement, the properties estimated market value cannot be appealed. The agreement facilitating the tax abatement will be considered in default if the property owner, a successor, or an assign file any challenge, appeal, or similar action to reduce equalized market value of the property.

Passed and approved this 14th day of February, 2023.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve adding one full-time position in Land Records Taxpayer Services – Assessor with revising the Lead Property Appraiser position (C41) to a Deputy Assessor with a DBM rating of C43 and adding a Property Appraiser position. The 2023 staffing levels for the department is revised from seven full time employees to eight. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve a leave of absence for employee #5229 effective March 20 through May 1, 2023. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the recommended reclassification of the GIS Administrator DBM position rating from C42 to C43. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the recommended reclassification of Property Appraiser Trainee DBM position rating from B22 to B23. Motion carried.

Date: February 14, 2023

Res. #19-23

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 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, project number CP 50-21-02 completed by Ulland Brothers, Inc., 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:\$ 1,079,368.41
Final Amount: \$ 1,036,660.65 [96.04%]
Final Payment: \$ 49,032.45

Passed and approved this 14th day of February, 2023.

Date: February 14, 2023

Res. #20-23

RESOLUTION

On motion of Commissioner Mueller, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 14, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, project number CP 50-22-01 AND CP 50-22-02 completed by Ulland Brothers, Inc., 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:

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Contract Amount: \$ 1,703,210.71
Final Amount: \$ 1,564,955.51 [91.88%]
Final Payment: \$ 110,607.09

Passed and approved this 14th day of February, 2023.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to set the project letting date to March 17, 2023 at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for the following County seasonal projects:

- a. CP 50-23-03; Gasoline & Diesel
- b. CP 50-23-04; Centerline and edge striping
- c. CP 50-23-05; Bituminous material FOB job sites
- d. CP 50-23-06; Roadside weed spraying
- e. CP 50-23-07; Aggregate material FOB job sites

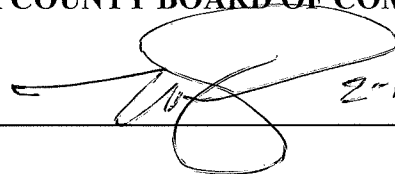
Motion carried.

Under Committee Reports Commissioner Glynn reported on attending the SWCD meeting on 2/8, the SE Radio Board and the SEMCAC meeting on 2/13. Commissioner Reinartz reported attending a personnel meeting on 2/7 and the Advisory Committee meeting on 2/9. Commissioner Mueller reported also attending the personnel committee meeting on 2/7 as well as a fair board meeting and the SE Regional Radio board on 2/13. Commissioner Sparks reported he had attended the Association of Minnesota Counties new commissioner conference on January 25-27. He also attended the One Watershed One Plan meeting on 2/1 and the Impact Austin meeting on 2/7 and a Building and Grounds meeting (also with Commissioner Glynn) on 2/8. Commissioner Ankeny reported on also attending the Impact Austin with a Accelerate Austin meeting following which was held on 2/7.

The Chair adjourned the meeting at 11:56 a.m. The next meeting is scheduled for February 28, 2023 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____

 2-28-23

Chairperson

Attest:

By:  _____
Clerk/Administrator