

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 3, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session May 3, 2022 at 1:03 p.m. at the Government Center in Austin, Minnesota.

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

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Ankeny, seconded by Commissioner Mueller, to approve the agenda with the deletion of the Public Works item regarding Grand Meadow Wind Repower Agreement between Mower County and Xcel Energy. Motion carried.

Sara Madison took the Oath of Office to serve as the Mower County Recorder and Registrar of Titles.

Under Committee Reports Commissioner Glynn reported on attending the Rural Energy Board meeting on the 29th and at which transmission lines and repowering projects were discussed. Commissioner Ankeny indicated that a Solid Waste Committee met the previous week regarding complaints received on properties with evidence of waste and the County's ability to order the cleanup for abatement in accordance with the Solid Waste ordinance. Staff is to prepare a prioritized list for Board's consideration and action. Commissioner Mueller attended a Fair Board meeting and the Planning Commission meeting. Commissioner Baldus attended the Workforce Development meeting and noted that the 15 best places to work were determined at the meeting.

The Board recessed at 1:17 p.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 1:18 p.m. in regard to CUP #927 of Todd and Sydney Weisinger for an additional dwelling in the quarter section to be located in an area previously used for excavation of earth, and unsuitable for economical agricultural purposes located in Section 13, Windom Township.

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

The Petitioner was present. No one spoke for or against CUP #927.

The Chair closed the Public Hearing at 1:24 p.m. in regard to CUP #927 of Todd and Sydney Weisinger.

The Chair called the Public Hearing to order at 1:24 p.m. in regard to CUP #929 of Caleb Heimer (applicant) (Landowner: Robert & Anita Wolterman) for exemption from platting for the sale of a wooded lot approx. 7.5 acres in size from the larger tillable tract, located in Section 22, Marshall 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 #929.

The Chair closed the Public Hearing at 1:28 p.m. in regard to CUP #929 of Caleb Heimer (applicant).

The Chair called the Public Hearing to order at 1:28 p.m. in regard to CUP #930 of Richard Diesslin to operate a private kennel that provides temporary shelter for dogs otherwise bound for euthanization; some personal canines are also kept on premises with occasional breeding; maximum of 12 adult dogs at any given time located in Section 5, Windom 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 #930.

The Chair closed the Public Hearing at 1:40 p.m. in regard to CUP #930 of Richard Diesslin.

The County Board reconvened its regular session at 1:40 p.m.

Date: May 3, 2022

Res. #38-22

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 May 3, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #927, by Todd and Sydney Weisinger, Landowner and Petitioner 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 to be located in an area previously used for excavation of earth and unsuitable for economical agricultural purposes.

Location:

The South Half of the Southwest Quarter of Section 13, Township 102 North, Range 17 West, except the following described tract: Beginning at the Southwest corner of said Southwest Quarter; thence North on the West line of said Southwest Quarter to the Northwest corner of the South Half of said Southwest Quarter; thence East on the North line of the South Half of said Southwest Quarter, a distance of 69 rods; thence in a straight line in a Southwesterly direction to a point on the South line of said Southwest Quarter, 57 rods East of the Southwest corner of said Southwest Quarter; thence West on the South line of said Southwest Quarter a distance of 57 rods to the point of beginning, all in Mower County, Minnesota.

And identified per Mower County tax records as parent parcel 20.013.0010; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on April 26, 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 May 3, 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 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 shall be permitted by Mower County 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 Home Owners Assumption of Risk Assessment Form and have it recorded at the Mower County Recorder's Office; and
7. 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. The property contains Shoreland overlay; any development in this area is subject to the additional standards of that district.
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.
10. Owner shall provide the County a copy of the well log and a water sample demonstrating the well is safe for human consumption.

This permit is issued in accordance with Article II, Division 2 – Agricultural District, Section 14-2 and Section 14-51 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 3rd day of May, 2022.

Date: May 3, 2022

Res. #39-22

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 3, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #929, by Robert and Anita Wolterman, Landowner(s), and Caleb Heimer Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Exemption from platting for the sale of a wooded lot approx 7.5 acres in size from the larger tillable tract.

Located in Mower County, Minnesota and legally described as:

The W1/2 of the SW1/4 of Section 22, in Township 102 North of Range 16 West; Also commencing at a point 2 rods west from the SE corner of the NE1/4 of the SW1/4 of said Section 22, thence West 78 rods, thence North 2 rods, thence East 78 rods, thence South 2 rods to the place of beginning; The SE1/4 of the SW1/4 of said Section 22, except the following described piece of land: Commencing at the NE corner of said quarter quarter section, thence South 80 rods, thence West 2 rods, thence North 80 rods, thence East 2 rods to the place of beginning, all in Mower County, Minnesota.

And identified per Mower County tax records as parent parcel 12.022.0060; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on April 26, 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 May 3, 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. Access to the site is proposed via 180th Street, a Marshall Township road. Access must be approved by the local road authority and shall meet the minimum requirements for width of the zoning ordinance; 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:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. 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 portion of this property contains shoreland overlay; owner/applicant shall consult with zoning office prior to any activity, including removal of trees, brush, vegetation and any construction to make sure shoreland regulations are met or exceeded before activities occur.
12. 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

13. 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 14-18.4 Residential Development of Mower County's Subdivision Ordinance.

Passed and approved this 3rd day of May, 2022.

Date: May 3, 2022

Res. #40-22

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 3, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #930, by Richard Diesslin, Landowner and Petitioner who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

To allow for an operation of a private kennel that provides temporary shelter for dogs otherwise bound for euthanization; some personal canines are also kept on premisis with occasional breeding; maximum of 12 adult dogs at any given time

Location:

That part of the West Half of the Northwest Quarter of Section 5, Township 102 North, Range 17 West, Mower County, Minnesota, described as follows:

Commencing at a point in the South line of the right of way of Trunk Highway No. 16, that is 150 feet East of the West line of said 80 acre tract; thence East in the South line of the right of way of said Trunk Highway No. 16 for a distance of 100 feet; thence South parallel with the West line of said 80 acre tract for a distance of 17 3/4 rods; thence West parallel with the North line of said 80 acre tract for a distance of 100 feet; thence North parallel with the West line of said 80 acre tract for a distance of 17 3/4 rods, more or less, to the point of beginning.

And identified per Mower County tax records as parent parcel 20.005.0160; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on April 26, 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 May 3, 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. The facility is permitted for the temporary kenneling of the twelve (12) dogs currently on site; No grooming, breeding, commercial (for-profit) kenneling, or other similar use is allowed; and
2. The conditional use permit shall be valid for approx. 12 months, expiring on May 1, 2023; and
3. The Owner/Applicant shall find homes for nine (9) dogs so that there are no more than three (3) on the premises at any given time. No additional rescue animals are to be taken in; and
4. The Owner/Applicant shall keep the site free of garbage or debris, and animal feces shall be cleaned up weekly at a minimum; 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, including barking or other nuisance conditions that may be a result of the proposed use; and
6. Owner shall maintain current vaccination records for animals that are kept at the facility; and
7. Dogs must be kept under safe and humane conditions at all time. Upon request, Mower County and/or its representatives shall be granted access enter the facility and review conditions.
8. Staff shall conduct or arrange for quarterly visits to assess the progress toward reducing the number of dogs.

This permit is issued in accordance with Article II, Division 2 – Agricultural District, Section 14-7 and Section 14-51 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 3rd day of May, 2022. The Commissioners voted as follows: Commissioner Mueller nay; Commissioner Reinartz aye; Commissioner Ankeny aye; Commissioner Glynn aye; Commissioner Baldus aye. Motion carried 4 - 1.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the 2021 County Feedlot Officer (CFO) Annual Report. Motion carried.

Date: May 3, 2022

Res. #41-22

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 3, 2022 at the Mower County Government Center, Austin, Minnesota.

WHEREAS, Mower County has applied for and received authorization pursuant to part [7020.1600](#), subpart 3a, item C, to implement an animal feedlot program,

WHEREAS, Mn Rules 7020.1600 Subp. 3C requires a Delegation Agreement Work Plan that must be reviewed and approved by the County and the MPCA annually,

WHEREAS, Motion was made November 2, 2021 to adopt the 2022-2023 County Feedlot Delegation Agreement Work Plan for the period January 1, 2022 to December 31, 2023,

WHEREAS, the 2022-2023 County Feedlot Delegation Agreement Work Plan identifies Valerie Sheedy as County Feedlot Officer responsible for the 2022 and 2023 Work Plan Review,

WHEREAS, the County Feedlot Pollution Control Officer is employee or officer of a delegated county who is knowledgeable in agriculture and who is designated by the county board to perform the duties under part [7020.1600](#), on said petition;

NOW, THEREFORE, BE IT RESOLVED that Megan West – Environmental Technician in Office of Environmental Services – is hereby designated the County Feedlot Pollution Control Officer; and that the 2022-2023 MPCA Delegation Agreement Work Plan shall be amended to identify Megan West as the County Feedlot Officer responsible for the Work Plan;

BE IT FURTHER RESOLVED that said petition is hereby approved, as recommended by Angela Lipelt, Supervisor, Mower County Environmental Services.

Passed and approved this 3rd day of May, 2022.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to approve the minutes of April 26, 2022. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the following Commissioner warrants for payment: HOLD Rolling Green Payment of \$2500.

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Beckleys	10,056.00	Donnelly Law Firm, PLLC	16,557.25
BOYER FORD TRUCKS INC	3,167.77	43 Payments less than 2000	16,984.15
Continental Research Corporation	2,391.20	Final Total:	49,156.37

Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Ankeny, to approve the application of Meadow Greens Golf Course for a seasonal full liquor On Sale and Sundays license effective May 1, 2022 through November 30, 2022. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Ankeny, to approve the application of Chateau Speedway 1956 LLC for a seasonal full liquor On Sale license effective May 1, 2022 through September 30, 2022. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to table approval of the Resolution of support for Three Rivers Community Action application for low income housing tax credits (LIHTC) for a multi-family housing development in Austin (40 units) to May 10, 2022. Motion carried.

The Chair adjourned the meeting at 2:09 p.m. The next meeting is scheduled for May 10, 2022 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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