

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 23, 2023

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session May 23, 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, 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 adding 1) approve PaintCare Agreement. Motion carried.

Michael Harvey took the Oath of Office for the position of Mower County Assessor as administered by the Chair of the Board.

Emergency Manager Amy Bramwell provided the Board with a department update. In order to be eligible for grant funding the Emergency Operation Plan is annually reviewed. For the second year in a row the Mower County Emergency Operation Plan has passed without any corrective actions required. For Emergency Management, the tornado in Taopi has generated five speaking engagements including a break-out session at the Governor's Conference. In April, the department assisted Winona County in search for a missing person. Other assistance has included securing temporary housing for displaced persons due to a hotel fire. Training exercises are planned: 1) hazardous material decontamination exercise at Mayo and 2) school unification training focused on "recovery starts when the crisis begins."

Under Recognitions and Awards Crystal Peterson and Marcus Thompson were recognized for having graduated from the Leadership Austin program. In addition, Adam Dahl, Corrections Deputy, Service Award 10 Years. Mr. Dahl was not present.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the minutes of May 2 work session and May 9 regular session. 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> |
|---------------------------------------|---------------|---|---------------|
| Advanced Correctional Healthcare, Inc | 38,528.02 | Erickson Engineering Co., LLC | 9,598.00 |
| Anoka County Corrections | 6,412.42 | Hanson Tire Of Austin Inc | 2,507.29 |
| Austin Automotive LLC | 58,355.48 | Harty Mechanical Inc | 8,041.70 |
| Ayres Associates Inc | 27,892.00 | Healthiest You | 3,220.00 |
| Baudoin Oil Company | 21,981.60 | Mayo Clinic | 3,793.00 |
| Beckleys | 2,396.00 | Mayo Clinic -Rochester | 32,355.38 |
| Cedar Valley Services, Inc | 60,424.79 | MCHS SE Minnesota | 7,947.00 |
| Consolidated Correctional Foodservice | 18,632.08 | Minnesota Counties Computer Cooperative | 13,750.00 |

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

| | | | |
|--|-----------|---------------------------------|-------------------|
| Damel Corporation Morem Tree Service | 5,750.00 | Nexus-Mille Lacs Family Healing | 7,440.00 |
| Dell Marketing L P | 2,082.86 | Northland Business Systems Inc. | 3,684.00 |
| Department Of Corrections | 24,700.00 | Office Of Mn It Services | 3,213.29 |
| Department of Human Services | 9,028.00 | Sign Solutions USA | 3,293.12 |
| Donnelly Law Firm, PLLC | 3,810.96 | Slowinski Flooring | 4,973.00 |
| Emergency Automotive Technologies, Inc | 33,752.60 | Village Ranch Inc | 13,201.73 |
| Eric Boe and Sons LLC | 2,250.00 | 89 Payments less than 2000 | 47,662.47 |
| | | Final Total: | 480,676.79 |

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the Health & Human Services accounts payable totaling \$236,275.14. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to approve liquor license application of Grafing Company, Inc. d/b/a Echo Lanes: Full Liquor On Sale and Sunday: July 1, 2023 to June 30, 2024. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve liquor license application of Cedar River Country Club, LLC: Full Liquor On Sale and Sunday: July 1, 2023 to June 30, 2024. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve county road closure (#7 "Main Street" in Dexter from Pleasant Street to Front Street) during Sunflower Daze events June 17, 2023. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the Transient Merchant application of TNT Fireworks effective 6/20/23 – 7/5/23. Motion carried.

County Administrator Trish Harren informed the Board that the City of Austin has invited the County to participate / contribute to the cost of a Law Enforcement Center Space Needs Assessment. The City may consider using a local option sales tax for a new Law Enforcement Center. The County would like the study to include a review of dispatch. The cost to the County would be half of the law enforcement center space needs assessment (\$4250) plus the cost of the dispatch needs assessment (\$3000).

Motion made by Commissioner Sparks, seconded by Commissioner Mueller, to approve the county participation in the City's Law Enforcement Center space need assessment with the addition of a dispatch needs assessment included in the study at the county's sole expense. (\$7250). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the PaintCare Agreement effective 1/1/23 – 12/31/27. Motion carried.

Assistant Public Works Director - Environmental Services Valerie Sheedy provided a review of the proposed Ordinance #01-23 for amendments to the zoning and subdivision ordinances related to residential development density standards and small subdivisions.

Date: May 23, 2023

Ord. #01-23

ORDINANCE
Zoning Ordinance, Subdivision Ordinance

On motion of Commissioner Glynn, seconded by Commissioner Mueller, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held May 23, 2023 at the Mower County Government Center, Austin, Minnesota.

WHEREAS, a Notice of Intention to hold a public hearing to consider amending Sections of the Mower County Zoning Ordinance was published in Mower County's official newspaper, the Austin Daily Herald, on April 19, 2023 and in the Mower County Independent on April 21, 2023; and

WHEREAS, notices were made by first class mail to the City and Township Clerks in accordance with the Mower County Zoning Ordinance on April 14, 2023. An official list is kept on file in the office of the Environmental Services; and

WHEREAS, the Planning Commission held a public hearing on said amendment on May 2, 2023 at 5:30 p.m. in the Mower County Government Center, Board Room, before the Mower County Planning Commission at which any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, the Mower County Planning Commission recommended by a majority vote to revise sections of the Mower County Zoning Ordinance; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on May 2, 2023 at 5:30 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition and adopted; and

WHEREAS, Notice having been duly given, a public hearing was held on May 9, 2023 before the Mower County Board of Commissioners, on said petition; and

BE IT ORDAINED that revisions incorporating all previously approved amendments, and including minor corrections, of the Mower County Zoning Ordinance effective 1/1/2003, amended 8/28/2013 and henceforth shall be incorporated and adopted in their entirety; and

BE IT ORDAINED that the following proposed revisions to Zoning Ordinance Section 14-18.4; Subdivision Ordinance Section 13-129 of the Mower County Zoning Ordinance shall be incorporated and adopted in their entirety;

ZONING ORDINANCE, SECTION 14-18.4

(d) Additional Single-Family Dwellings. Additional single family dwellings in addition to the number allowed in 14-18.4.(a)(3) may be allowed by conditional use provided:

- (1) Site locations shall be limited to areas which are wooded with healthy and mature trees and not currently used for agricultural purposes or are unsuitable for economical agricultural uses because of poor soils, rough or steep topography, or other natural features.
 - i. The Mower County Zoning Administrator is granted authority to allow one (1) single family dwelling, in addition to the density standard in this Section, provided:
 1. The dwelling structure shall be located within a mature wooded area. The dwelling cannot be located adjacent to or just outside of the mature, wooded area.
 2. The dwelling structure shall be located within an established homestead area; these areas are typically grassy, not plowed, and bound by trees, fencing, or other man-made features which indicate the boundary of the historic homestead.
 3. All residential development will be subject to the siting criteria listed in Section 14-18.4(b)
 - ii. More than one (1) single-family dwelling, multi-unit residences, residential subdivisions, and determination of poor soils, rough or steep topography, or other natural features will remain under the authority of the Planning Commission via conditional use permit process.
- (2) All residential development will be subject to the siting criteria listed in Section 14-18.4(b).
- (3) This provision is intended to allow landowners with large areas of wooded land or land that is unsuitable for agricultural purposes to accommodate more dwellings than is permitted within the maximum density allowance of the district. It is not intended to be in lieu of the other provisions of this section. Therefore, any dwelling built under this provision must count toward the landowner's density allowance and otherwise follow the procedures set forth in this section.
- (4) In no case shall the number of dwellings built under this provision exceed 10 units unless rezoned to a Planned Unit Development

SUBDIVISION ORDINANCE, SECTION 13-129 SMALL SUBDIVISION

Administrative Review/Approval in Lieu of Plat:

1. Subdivision of a farmstead from the surrounding tillable which creates one new parcel containing the dwelling and/or (some or all) existing structures or buildings is exempt from the platting process when a survey is provided in lieu of a plat, and all requirements of the zoning ordinance can be met or exceeded. This subdivision is subject to the review process of Property Adjustment established by Mower County. The survey shall be recorded along with the deed when the parcel is created.
(previously exempt for over 5 acres, and cleaned up language)
2. In the case of a subdivision of less than 10 acres, which is limited to the creation of one new single parcel which did not previously exist in the office of land records, is exempt from the platting process when a survey is provided in lieu of a plat, and all requirements of the zoning ordinance can be met or exceeded. This subdivision is

subject to the review process of Property Adjustment established by Mower County. The survey shall be recorded along with the deed when the parcel is created. *(change in process created.)*

3. Parcels of 10-acre or more are exempt from platting but are subject to the review process of Property Adjustment established by Mower County. *(previously exempt, but cleaned up language)*
4. Any parcels proposed which create more than one parcel or which is less than 10 acres in size which cannot meet the standards of items 1 and 2 immediately above shall be subject to review by the planning commission and county board through a conditional use permit process to determine if such relief of any standards set forth by this ordinance should or should not be granted.

(unchanged premise, but language change submitted)

Application for such permits shall be files with the county planning department and the county planning commission shall consider the application and refer the application to the county board of commissioners together with the planning commission's recommendations. The county board shall then fix a date for the public hearing thereon, and not less than ten nor more thirty days public notice thereon shall be given. At the time and place fixed for the public hearing, the county board shall hear all recommendations for objections to the application and make its determination thereon. *(unchanged)*

BE IT FURTHER ORDAINED that Ordinance #01-23 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, are on file in the Mower County Public Works Office and at the County Auditor-Treasurer office.

Passed and approved this 23rd day of May, 2023.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to amend the 2023 fee schedule for zoning permit fees to include "Zoning Permit – Request for Additional Dwelling" with a fee of \$150 plus the recording fee but to include the moratorium on this new fee to 12/31/23 consistent with the other zoning permit fees. Motion carried.

Assistant Public Works Director – Environmental Services Valerie Sheedy informed the Board that the department has receive two Communication Tower applications within the last month. Ms. Sheedy wanted to bring this to the attention of the Board because Mower County currently doesn't have any regulations for communication towers and adjoining counties do have regulations such as setbacks and co-location. Ms. Sheedy has been made aware that Mower County many be receiving more applications due to the fact that the county does not have regulations. The Board may wish to consider a moratorium on communication towers in order to investigate options and possible future regulations.

Valerie Sheedy provided an update from the joint airport board meeting and the proposed new airport planning ordinance. The Board deferred a decision for 30 days to

collect more data concerning variances, current obstructions, tree removal expenses, and liability concerns. The ordinance may then move forward for public comment.

Public Works Director Michal Hanson provided quote information for transverse rumble strip installation and guardrail repairs.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the low quote of Lawrence Shreffler of Hawick, MN for the installation of transverse rumble strips (\$23,100). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the low quote of H&R Construction Company, Dalton, MN for guardrail repairs (\$48,800). Motion carried.

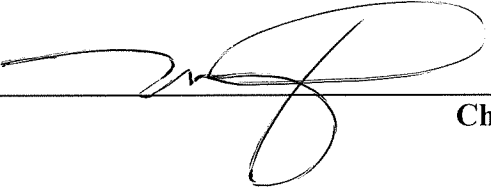
MCIT Risk Management Consultant Paul Hajduk presented to the Board its annual report. The insurance pool has existed since the 1970's to provide affordable insurance for entities such as counties, fairs and soil conservation districts. Mower County joined in 1980. The insurance pool has continued to meet the needs of its members and in 2023 Cyber coverage has been added. Often the pool can annually distribute dividends back to its members. Annual rates are actuarially determined. The most frequent and severe work comp claims come from departments that work 24/7 due to their high risk potential such as sheriff and jail operations and then followed by highway departments. Deer are the result of a number of property/casualty auto claims.

Greg and Courtney Hackensmith appeared as walk-ins to contest the decision of Environmental Services concerning a septic permit related to Type I vs. Type III soil locations on the property, the proposed home location and the distance between the home site and type I soils. At the request of the County Attorney the Hackensmiths were asked to present their concerns to the Land Use Committee when Environmental Services staff could also be present. Following that meeting the Board will discuss the Hackensmith's concerns at their Work Session on June 6.

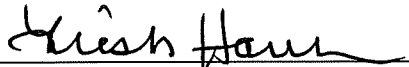
Under Committee Reports Commissioner Glynn reported that on 5/22 she attended the One Watershed One Plan meeting in Hokum. Commissioner Sparks reported he attended the MN Rural Energy meeting via Zoom on 5/22. The MRC meeting was scheduled for the same time so he was unable to attend both meetings. Commissioner Reinartz reported he was unable to attend the Senior Center Board meeting that had been held on 5/19 but had attended the Personnel Committee meeting on 5/2. Commissioner Mueller reported that on 5/2 he had attended a personnel committee meeting, Fair Board meeting and a Planning Commission meeting. Plus he had attended the child care facility ground breaking ceremony on May 3 and the Joint City/County meeting on May 17. Commissioner Ankeny also attended the Groundbreaking on May 3 and the Joint City/County meeting on May 17.

The Chair adjourned the meeting at 11:36 a.m. The next meeting is scheduled for June 6, 2023 at 1:00 p.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY:  _____
Chairperson

Attest:

By:  _____
Clerk/Administrator