

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

June 7, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session June 7, 2022 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All members present, viz: Chair Jeff Baldus, Vice-Chair Mike Ankeny, John Mueller, Jerry Reinartz and Polly Glynn. Also in attendance were County Attorney Kristen Nelsen, County Administrator Trish Harren, Executive Assistant Denise Barthels, Assistant Environmental Services Supervisor Valerie Sheedy, Citizens Angela Schmitz and Jeanette Retterath, and Representative Patricia Mueller.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the agenda to add: 1) Set date for MCIT land use training and to hold the following items for the next meeting: 1) approval of minutes; 2) Approve contract with Elizabeth Harbaugh for septic contracting services; and 3) Credit Card & Charge Account Policy amendment. Motion carried. It was also noted for the record that the Boehm housing tax abatement application notice of public hearing was incorrectly published the hearing would be today when the meeting will actually be June 14.

Under Committee Reports Commissioner Glynn noted that all the commissioners had attended the Association of Minnesota Counties District IX meeting on June 6. Commissioner Ankeny reported that he and Commissioner Mueller attended the Extension (4-H) meeting on June 1 and received updates on the various programs with discussion on preliminary budget needs for 2023. Commissioner Ankeny also reported on attending the SEMREX meeting on June 3 in Red Wing in which there was a tour of their Materials Recovery Facility, which was interesting and educational. The facility processes trash with only 20% of the product actually landfilled. Commissioner Reinartz noted that the Personnel Committee had assisted with the assessor interviews and he had attended the HHS Advisory Committee meeting. Commissioner Mueller reported on attending the Planning Commission meeting.

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

The Chair called the Public Hearing to order at 1:15 p.m. regarding a Housing Tax Abatement application of Trent Reinartz and Jeanette Retterath to construct a single-family home Block 1, Lot 3 Boe Subdivision, Adams, MN (21.016.0030).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant Jeanette Retterath was present and spoke on her own behalf. No one else spoke for or against the Trent Reinartz and Jeanette Retterath housing tax abatement application.

The Chair closed the Public Hearing at 1:18 p.m. regarding the Trent Reinartz and Jeanette Retterath Housing Tax Abatement application.

The Chair called the Public Hearing to order at 1:18 p.m. regarding a Housing Tax Abatement application of Angela Schmitz to construct a single-family replacement home Block 5, Lots 1, 2, 3 & 4 Village of Taopi, MN (32.001.0270).

County Administrator Trish Harren reviewed the application and recommended approval.

Applicant Angela Schmitz was present and spoke on her own behalf. No one else spoke for or against the Angela Schmitz housing tax abatement application.

The Chair closed the Public Hearing at 1:20 p.m. regarding the Angela Schmitz Housing Tax Abatement application.

The County Board recessed its Public Hearing to reconvene its regular session at 1:20 p.m.

**Date: June 7, 2022**

**Res. #51-22**

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

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 7, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 469.1813 gives authority to the County of Mower to grant an abatement of property taxes imposed by the County if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, Mower County has adopted the Tax Abatement Policy for new construction of Single and Multi-family homes which includes criteria which must be met before an abatement of taxes will be granted; and

WHEREAS, Trent Reinartz and Jeanette Retterath are the owner(s) of certain property within Mower County, legally described as follows:

Block 1, Lot 3 Boe Subdivision, Adams, MN (21.016.0030)

WHEREAS, Trent Reinartz and Jeanette Retterath have made application to Mower County for the abatement of taxes as to the above-described parcel; and

WHEREAS, Notice having been duly given, a public hearing was held on June 7, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Trent Reinartz and Jeanette Retterath have met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision 1(1) and Subdivision 2(i) as well as Mower County's criteria for tax abatement;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MOWER COUNTY, MINNESOTA:

1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of the single-family home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.
3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 30<sup>th</sup> of that calendar year.
4. The real estate taxes to be abated shall be for up to the full amount of the real estate taxes collected due to the added tax base of the newly constructed housing/home annually. The current value of the property is not eligible for the abatement, will not be abated as part of this program and is further defined as the "original value." Any eligible abatement years are calculated on the tax increase due to a value increase over the original value.

Passed and approved this 7<sup>th</sup> day of June, 2022.

**Date: June 7, 2022**

**Res. #52-22**

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

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 June 7, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 469.1813 gives authority to the County of Mower to grant an abatement of property taxes imposed by the County if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, Mower County has adopted the Tax Abatement Policy for new construction of Single and Multi-family homes which includes criteria which must be met before an abatement of taxes will be granted; and

WHEREAS, Angela K. Schmitz is the owner of certain property within Mower County, legally described as follows:

Block 5, Lots 1, 2, 3 & 4 Village of Taopi, Taopi, MN (32.001.0270)

WHEREAS, Angela K. Schmitz has made application to Mower County for the abatement of taxes as to the above-described parcel; and

WHEREAS, Notice having been duly given, a public hearing was held on June 7, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Angela K. Schmitz has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision 1(1) and Subdivision 2(i) as well as Mower County's criteria for tax abatement;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MOWER COUNTY, MINNESOTA:

1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of the single-family home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.
3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 30<sup>th</sup> of that calendar year.
4. The real estate taxes to be abated shall be for up to the full amount of the real estate taxes collected due to the added tax base of the newly constructed housing/home annually. The current value of the property is not eligible for the abatement, will not be abated as part of this program and is further defined as the "original value." Any eligible abatement years are calculated on the tax increase due to a value increase over the original value.

Passed and approved this 7<sup>th</sup> day of June, 2022.

The Board reconvened the public hearing at 1:23 p.m.

The Chair called the Public Hearing to order at 1:23 p.m. regarding CUP #933 of Carter Conrads to operate extended home occupation out of machine shed and to house tree cutting/trimming equipment with additional storage of wood located in Section 22, 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 #933.

The Chair closed the Public Hearing at 1:32 p.m. regarding CUP #933 of Carter Conradt, landowner.

The Chair called the Public Hearing to order at 1:33 p.m. regarding CUP #935 of Annie Farbisz (Purdy) and Jarek Farbisz to construct a 36'x48' building to hold up to 10 kennels for dogs as a boarding service located in Section 33, Sargeant Township.

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

The Petitioner Annie Farbisz was present and spoke on her own behalf. No other persons spoke for or against CUP #935.

The Chair closed the Public Hearing at 1:42 p.m. regarding CUP #935 of Annie Farbisz (Purdy) and Jarek Farbisz, landowners.

The Chair called the Public Hearing to order at 1:43 p.m. regarding CUP #937 of Joel Waskow c/o Summit Farmland IV LLP by AGMP IV, LLP and Eric Peterson for an after-the-fact CUP to repair tile outlets, clear vegetation and trees, clean ditches and re-grade along field edge and re-establish vegetation under an approved plan intended to correct erosion and improve drainage located in Section 23, Waltham Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations. For the record it was noted the land owner is Bruce Rastletter for AGMP.

The Petitioner Joel Waskow was present and spoke on his own behalf. No other person spoke for or against CUP #937.

The Chair closed the Public Hearing at 2:09 p.m. regarding CUP #937 of Summit Farmland IV, LLP and Eric Peterson, Vice President by AGMP IV, LLP, landowners.

The Chair called the Public Hearing to order at 2:09 p.m. regarding a request of Robb Lubenow for approval of a preliminary and final plat located in Section 10, Sargeant Township.

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

The Petitioner Robb Lubenow was present remotely but did not speak. No one spoke against Robb Lubenow's request for approval of a preliminary and final plat located in Section 10, Sargeant Township.

The Chair closed the Public Hearing at 2:14 p.m. regarding the platting request of Robb Lubenow, landowner.

The County Board reconvened its regular session at 2:14 p.m.

**Date: June 7, 2022**

**Res. #53-22**

**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 June 7, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #933, by Carter Conradt, Landowner and Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

to operate extended home occupation out of machine shed and to house tree cutting/trimming equipment with additional storage of wood

Located in Mower County, Minnesota and legally described as:

TRACT I

All that part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 102 North, Range 17 West, that is northeast of the northeasterly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad and southwest of the southwesterly right-of-way line of Minnesota Highway No. 56, containing 7.5 acres more or less, and being subject to 33 foot highway easement on the West side thereof.

TRACT II

All that part of the abandoned Chicago, Milwaukee, St. Paul & Pacific Railway right-of-way in the SW 1/4 SW 1/4 Section 22 - T102N - R17W, lying north and east of the centerline of the original main track of said Railway Company

EXCEPT: Parcel I, as shown on Mower County Right of Way Plat No. 29; as same is platted and recorded in the office of the Mower County Recorder. Located in the SW1/4 SW1/4 Sec. 22 - T102N-R17W. Containing in all 0.57 acres more or less.

And identified per Mower County tax records as parcel 20.022.0100; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on May 31, 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 June 7, 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. If the zoning permit does not include residential use for the structure, and no residence is maintained on the property, the accessory use will become non-conforming and subject to the consequences thereof (Section 14-135); 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 landowners 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; and
- 6) Access to the site is proposed from County 52. Access to TH56 shall be abandoned through MN DOT; that access may be transferred to County 52 through a Driveway Access Permit issued by Mower County Highway Department; 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 Owner/Applicant shall keep the site in a neat and orderly condition. No burning, shredding, or composting of wood or any other materials is permitted on site; and
- 9) The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
- 10) 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
- 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 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
- 13) This activities described by this permit request are covered under the Standing Beneficial Use Determinations; any change to activities other that was is described above may require applicant

- to comply with MPCA and Mower County Ordinance Solid Waste Rules which may include facility, processing, and/or hauling licensure; and
- 14) The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
  - 15) Any vermin, flies, or other pests shall be controlled; and
  - 16) 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
  - 17) 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.
  - 18) Signage shall comply with property line setbacks and Ordinance Section 14-18.3 B(3) for Home Occupations, which states Only one (1) non-illuminated sign, not to exceed twelve (12) square feet in area, shall be allowed in conjunction with the home occupation, as regulated by Section 14-147 (b).

This permit is issued in accordance with Article II, Section 14-18.3 and 14-51 (Conditional Use Permits) (k)Solid waste handling or disposal facility; (q)Extended Home Occupation; (u)Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the District by the Planning Commission of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 7<sup>th</sup> day of June, 2022.

**Date: June 7, 2022**

**Res. #54-22**

**RESOLUTION**

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 7, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS,** The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #935, by Annie Farbisz (Purdy) and Jarek Farbisz, Landowner(s) and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

to construct a 36' x 48' building to hold up to 10 kennels for dogs as a boarding service

Located in Mower County, Minnesota and legally described as:

Part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 104 North, Range 16 West, described as follows: Beginning at the Southwest corner of Section 33, Township 104 North, Range 16 West; thence North 0 degrees 00 minutes 00 seconds, assumed bearing, along the West line of said Section 648.60; thence North 89 degrees 50 minutes 54 seconds East parallel to the south line of said Section, 551.63 feet; thence South 0 degrees 00 minutes 00 seconds East parallel with the West line of said Section 648.60 feet to the South line of said Section; thence South 89 degrees 50 minutes 54 seconds West along the South line of said Section 551.63 feet to the point of beginning, Mower County, Minnesota.

And identified per Mower County tax records as parcel 17.033.0030; and



**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on May 31, 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 June 7, 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 any proposed septic system, including holding tanks, must be obtained prior to connection of any water or plumbing to the structure; and
5. A dedicated access to the kennel site is proposed via 280<sup>th</sup> Street. This access must be approved by the Local Road Authority (Sargeant Township);
6. 911 addressing for the kennel is required, addressing is obtained through the Mower County Highway Department; 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 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
9. Signage shall comply with property line setbacks and Ordinance Section 14-18.3 B(3) for Home Occupations, which states Only one (1) non-illuminated sign, not to exceed twelve (12) square feet in area, shall be allowed in conjunction with the home occupation, as regulated by Section 14-147 (b); and
10. 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

11. Owner shall maintain current vaccination records for animals that are boarded at the facility; and
12. 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; 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; Animal waste may be disposed of in trash or via compost; 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, Zoning Ordinance Section 14-51 Conditional Uses, and Agricultural District items (f) Kennels, and (q) Extended Home Occupation of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 7<sup>th</sup> day of June, 2022.

**Date: June 7, 2022**

**Res. #55-22**

**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 June 7, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #937, by Summit Farmland IV, LLP by Bruce Rastetter, Landowner, and Joel Waskow, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

An after-the-fact Conditional Use Permit to repair tile outlets, clear vegetation and trees, clean ditches and re-grade along field edge, and re-establish vegetation under an approved plan intended to correct erosion and improve drainage

Located in Mower County, Minnesota and legally described as:

The Northeast Quarter, less and excepting the North 567.20 feet of the East 768.00 feet of the Northeast Quarter of the Northeast Quarter of Section 23, Township 104 North, Range 17 West, Mower County, Minnesota.

And identified per Mower County tax records as parcel 19.23.0035; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on May 31, 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 June 7, 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 Owner/Applicant shall follow all state and federal regulations regarding the proposed use including but not limited to DNR permit for work in Waters of the State, and compliance with Wetland Conservation Act; and
2. The Owner/Applicant shall abide by recommendations of Mower SWCD and MNDNR for work within 50 feet of the unnamed stream (a tributary to Roberts Creek) in Shoreland Overlay. If the recommendations of these entities is in conflict, Owner must may work with said entities to resolve the recommendation and come to a consensus decision on the action otherwise, Owner must defer to the more restrictive recommendation; and
3. The Owner/Applicant shall minimize soil exposure and erosion by providing temporary ground cover or other means of sediment control such as silt fencing within 24 hours of soil disturbing activity, if permanent cover (vegetation) cannot be immediately established; and
4. Mower County Planning Commission advises the Owner/Applicant to work cooperatively with Mower County Environmental Services Staff to develop a restoration plan which will become the basis of a Restoration Order, that balances the recommendations of DNR Forestry for Shoreland restoration with the intended Agricultural use of the property such that both Shoreland values and Agricultural values are maintained. The Owner/Applicant shall complete the agricultural improvements consistent with the approved revisions to Agricultural Erosion Control Plan submitted 5/24/2022 and in conjunction with an approved Restoration Order. Mower County Environmental Services will seek review/approval of the [Shoreland] Restoration Order from Mower SWCD and DNR Hydrology before it is executed; 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 or create a pollution hazard to waters of the state from the proposed use, and
6. This Conditional Use Permit is valid for two years if activity is ongoing; the CUP shall lapse and shall be no longer valid upon one-year of non-use. If the CUP lapses, and/or following the completion of restoration, any work in the Shore Impact Zone or the Shoreland Overlay is subject to Section 14-97 Shoreland Alteration Standards. If the Restoration Order is not properly executed, the Owner/Applicant may be subject to legal action; and
7. 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
8. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; 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, Section 14-51 (Conditional Use Permits) and Section 14-97 Shoreland Alteration Standards, items (a) Permanent Vegetation, (b) Intensive Vegetation Clearing CUP Required, and (d) Grading and Filling CUP Required; Section 14-164 Agricultural Erosion Control Plan of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 7<sup>th</sup> day of June, 2022.

**Date: June 7, 2022**

**Res. #56-22**

**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 June 7, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, Plat, by Robb Lubenow, Landowner and Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Approval of preliminary and final plat.

Located in Mower County, Minnesota and legally described as:

Section 10 Township 104 Range 016 E1/2 OF SEC S & E OF CREEK

And identified per Mower County tax records as parent parcel 17.010.0020; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on May 31, 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 June 7, 2022 before the Mower County Board of Commissioners, on said petition; and

**WHEREAS**, the County Board has received the recommendations of the Planning Commission review through Findings of Fact; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board has reviewed, accepts and adopts the revisions of the Mower County Planning Commission and the Board accepts and approves the proposed Preliminary and Final Plat;

This plat is issued in accordance with Mower County's Subdivision Ordinance, enacted May 30, 2017, Subdivision Section 13.4; Division 2 - Preliminary Plat and Division 3 - Final Plat.

Passed and approved this 7<sup>th</sup> day of June, 2022.

Minnesota Counties Intergovernmental Trust (MCIT) is offering some land use training. The options are July 21 and 22<sup>nd</sup>. The target audience is for new county board commissioners, new planning and zoning board members and is also open to attorney staff. It is a three hour course for \$2000.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to select July 21, 2022 for the "Legal Training for Land Use Issues" offered through MCIT through the firm of Rupp, Anderson, Squires & Waldspurgen, P.A. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve the 2021 SSTS and the 2021 Shoreland Natural Resources Block Grant Financial Reports and authorize the chair to sign the reports. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the following Commissioner warrants for payment: (hold the Historic Home warrant for \$500)

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Above All Cleaning, Inc	6,085.00	Healthiest You	3,010.00
Atlas Toyota Material Handling	33,990.00	Intoximeters Inc	2,975.00
AUSTIN AUTOMOTIVE LLC	3,548.13	Kiker Brothers, Inc.	2,600.00
Baudoin Oil Company	29,004.42	KRIS Engineering Inc	8,418.18
Beckleys	9,959.00	Leadership Development Resources	2,705.00
Charm-Tex Inc	4,860.80	Marston Consulting Group,LLC	3,000.00
Consolidated Correctional Foodservice	17,432.49	Metro Sales, Inc	2,146.99
Dave Lucas Consulting	5,247.50	Northland Business Systems Inc.	3,542.14
Diamond Vogel	2,563.67	Office Of Mn It Services	2,033.72
DVS Renewal	8,650.47	Sharrow Lifting Products	3,400.00
Ecolab Inc	2,361.87	Sicora Consulting, Inc.	19,200.00
Force America Distributing, Llc	5,753.86	Talos Dynamics	2,139.13
Fox Electric Company	3,815.26	TOWMASTER	144,365.72
Freeborn County Co-Operative Oil Co.	10,044.15	Vanguard Appraisals Inc	19,500.00
Gallagher Benefit Services Inc	4,000.00	78 <small>Payments less than 2000</small>	36,602.08
Harty Mechanical Inc	11,997.80	<b>Final Total:</b>	<b>414,952.38</b>

Motion carried.

**Date: June 7, 2022**

**Res. #57-22**

**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 June 7, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, on June 7, 2022 the LeRoy Rod & Gun Club presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the LeRoy Rod & Gun Club, 10293 St. Hwy 56, LeRoy Township, Minnesota on August 6, 2022.

**BE IT RESOLVED THAT**, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to the LeRoy Rod & Gun Club for gambling at the LeRoy Rod & Gun Club on August 6, 2022.

Passed and adopted this 7<sup>th</sup> day of June, 2022.

Motion made by Commissioner Mueller, seconded by Commissioner Ankeny, to approve five year contract with VanGuard for Computer Aided Mass Appraisal software service and support effective 6/5/2022 – 6/4/2027 (\$79,000). Motion carried.

Motion by Commissioner Reinartz , seconded by Commissioner Glynn, to approve the renewal application of Freeborn County Coop Oil Co. for a tobacco license effective July 1, 2022 through June 30, 2023. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the renewal application of Windrift, LLC for a full On Sale and Sunday liquor license effective July 1, 2022 through June 30, 2023. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the renewal application of Cedar River Country Club for a full On Sale and Sunday liquor license effective July 1, 2022 through June 30, 2023. Motion carried.

**Date: June 7, 2022**

**Res. #58-22**

**RESOLUTION  
AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD**

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 June 7, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, The City of Austin hereinafter called the Municipality, owns and controls the Austin Municipal airport; and

**WHEREAS**, Portions of the airport hazard area adjacent to the airport are located outside the territorial limits of said Municipality but within the territorial limits of Mower County and

**WHEREAS**, The above Municipality has requested in writing that we join with them in the creation of a Joint Airport Zoning Board; and

**WHEREAS**, Mower County deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

**WHEREAS**, The above statute provides that Mower County has the right to appoint two (2) persons to said Board (said persons should not be members of this Board); and

**WHEREAS**, Subdivision. 3 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Transportation of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

**NOW, THEREFORE, BE IT RESOLVED** By Mower County as follows:

1. That there is hereby created in cooperation with the above Municipality a Joint Airport Zoning Board to be composed of representatives of Mower County and representatives of the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3.
2. That Mower County hereby appoints (*said persons should not be members of this Board*) Valerie Sheedy, Mower County Environmental Services Assistant Supervisor and Taggart Medgaarden, as a citizen at large, to be its representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by Mower County.

Passed and approved this 7<sup>th</sup> day of June, 2022.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the Neil Drees Easement Agreement for tile construction on County Road 28.  
Motion carried.

Representative Patricia Mueller provided the Board with a brief update of legislative actions and/or activities during the last session. Representative Mueller encouraged the commissioners to reach out to her with any questions or concerns.

Chair Commissioner Baldus adjourned the meeting at 2:51 p.m. Motion carried. The next meeting is scheduled for June 14, 2022 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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