

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 13, 2023

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session June 13, 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 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 to add 1) Discuss approve Addendum to the agreement between the Development Corporation of Austin and Mower County for the Forgivable Loan Program; 2) Discuss / Approve Fairgrounds fencing project; and 3) place general business items 8, 10, 13, 14, 15, 16, 17, 18 and 19 as a consent agenda for approval. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the consent agenda as presented:

1. Approve the minutes of May 23, 2023 and June 6, 2023
2. Adopt Resolution to approve the annual reporting of the results of the Mower County performance measures adopted from those developed by the Council on Local Results & Innovation

Date: June 13, 2023

Res. #42-23

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 13, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, In 2010, the Minnesota Legislature created the Council on Local Results and Innovation; and

WHEREAS, The Council on Local Results and Innovation developed a standard set of performance measures that will aid residents, taxpayers, and state and local elected officials in determining the efficacy of counties in providing services and measure residents' opinion of those services; and

WHEREAS, Benefits to Mower County for participation in the Minnesota Council on Local Results and Innovation's comprehensive performance measurement program are outlined in MS

6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, any county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, the Mower County Board has adopted and implemented at least 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

NOW THEREFORE LET IT BE RESOLVED THAT, Mower County will continue to report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing, posting on the county's website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

BE IT FURTHER RESOLVED, Mower County will submit to the Office of the State Auditor the actual results of the performance measures adopted by the county.

Passed and approved this 13th day of June, 2023.

3. Approve County Extension Committee Adult Member Appointment - appointing Mindy Williamson to the Mower County Extension Committee as an adult representative for a three-year term effective June 13, 2023 through December 31, 2025.

4. Approve liquor license application of Prime Stein, LLC d/b/a Lansing Corners: Full Liquor On Sale and Sunday: July 1, 2023 to June 30, 2024

5. Approve liquor license application of The Church of St John of Adams, Minnesota: Full Liquor On Sale Temporary: July 9, 2023

6. Approve fireworks display application of Akkerman / Laura Anderson during event at 266th St. in Brownsdale, MN 7/28/23 (rain date: 7/29/23)

7. Adopt Resolution to approve LG220 Lawful Gambling Application of LeRoy Rod & Gun Club for lawful gambling at the LeRoy Rod & Gun Club on August 5, 2023

Date: June 13, 2023

Res. #43-23

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 13, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, on June 13, 2023 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 5, 2023.

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 5, 2023.

Passed and adopted this 13th day of June, 2023.

8. Approve 2024 Towards Zero Deaths Enforcement Grant Program grant application

9. Approve Out-of-state travel, TASER Instructor training for sheriff and jail staff
Motion carried.

Land Records Taxpayer Services Director Joy Kanne provided the Board with a Department Update. As the director of the sub departments of Recorder, Assessor, Auditor-Treasurer and GIS there has been a collaboration effort to enhance customer service, inspire teamwork, promote growth and learning and creating more opportunities. More and more accessible data and forms are available on-line.

HEALTH & HUMAN SERVICES BOARD:

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the Health & Human Services accounts payable totaling \$227,143.54. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the Grant for Fraud Prevention Services with the MN Dept of Health for \$39,182. per year effective July 1, 2023 through June 30, 2025. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the Cooperative Agreement for Fraud Prevention Services with Mower County Sheriff's Office in the amount of \$39,182.00 per year effective July 1, 2023 through June 30, 2025. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the Site Agreement with AMPACT for the 2023-2024 program year ending on July 31, 2024. Motion carried.

Health & Human Services Director Crystal Peterson provided department updates that included 1) that a new opportunity with the mobile crisis service to have a full-time crisis responder located in-house at Mower County and 2) legislative updates have allocated \$9 million for public health transformation of foundational services; \$8.4 million to local public health emergency preparedness efforts; \$10 million for cannabis management; and the creation of 2 new departments at DHS combining public health, education and public safety.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve Purchase of Service Agreements renewals for housing and transportation services effective July 1, 2023 through June 30, 2024:

Housing Support

Adams Senior Living Solutions, Inc.	Legacy of Brownsdale, LLC
Cardinal of Minnesota, Ltd.	Lutheran Social Service
Cottages of Dakota	Meadow Manor
EON, Inc	Our House
Glendalough of Austin, Inc.	Sacred Heart Care Center
Diane Hanson	Stephanie & Stacy Sargent
Inisfail, Inc.	Wildwood Grove

Transportation

Austin Public School District	LeRoy-Ostrander Public School District
Grand Meadow Public School District	Southland Public School District

Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to adjourn the Health & Human Services Board meeting at 9:52 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 Reinartz, 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	6,548.31	J & S Repair Inc	28,240.00
Advanced Correctional Healthcare, In	38,455.40	Jones Haugh & Smith Inc	2,000.00
Advanced Drainage Systems, Inc.	13,774.62	KRIS Engineering Inc	4,328.03
Ancom Technical Center, Inc.	2,653.10	Leadership Development Resources	3,560.00
Austin Automotive LLC	2,239.39	Mayo Clinic Ambulance Services	2,945.14
Baudoin Oil Company	26,456.15	MCHS SE Minnesota	3,963.00
Cedar Valley Services, Inc	60,591.20	Metro Sales, Inc	24,179.03
Commissioner Of Transportation	4,083.20	Minnesota Counties Computer Coopera	5,714.00
Consolidated Correctional Foodservice	18,634.66	Ratwik,Roszak & Maloney, P.A.	2,100.00
Dave Lucas Consulting	7,535.00	Rochester Sand And Gravel, Inc	7,913.96
DDA Human Resources, Inc.	12,963.00	Sharrow Lifting Products	3,400.00
Diamond Drugs, Inc.	5,739.85	Streicher's	3,454.19
Emergency Automotive Technologies,	18,633.09	Ulland Brothers Inc.	8,947.65
Eric Boe and Sons LLC	3,325.00	Van Diest Supply Company	32,900.91
Falk Construction Co./L.R.	4,398.43	Vanguard Appraisals Inc	16,425.00
Freeborn County Co-Operative Oil Co.	9,544.15	Ziegler, Inc	2,255.66
Government Management Group Inc	5,250.00	80 Payments less than 2000	40,645.44
Insight Direct USA, Inc	13,698.74		
		Final Total:	447,495.30

Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the agreement with GMG, Inc for Central Services Cost Allocation Plans for fiscal year ending 2023, 2024, & 2025 for \$5,500 each year. Motion carried.

County Administrator Trish Harren requested that the Board approve an addendum to the Mower County/DCA agreement to Administer Mower County Small Business Relief Program to administer a forgivable loan program entitled "Business Succession Loan to Grant Program". Ms. Harren noted that the funding for this new program is the \$50K leftover funds from the small business relief program and \$160K from the Grow Austin budget. The DCA will be compensated by a \$500 application fee being paid by the applicant.

Motion made by Commissioner Sparks, seconded by Commissioner Mueller, to approve the Addendum to Agreement to Administer Mower County Small Business Relief Program between Mower County and the DCA (Development Corporation of Austin). The Addendum is for the administration for a forgivable loan program entitled "Business Succession Loan to Grant Program." Motion carried.

The Board recessed at 10.00 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 10:00 a.m. regarding a Housing Tax Abatement application of RJ Builders for construction of a single-family home, Block 2, Lot 5 North Side Park 2nd Addn, City of Adams, (PIN 21.019.0090)

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant Jim Bottema was present and spoke on his own behalf. No one else spoke for or against the RJ Builders housing tax abatement application.

The Chair closed the Public Hearing at 10:03 a.m. regarding the RJ Builders Housing Tax Abatement application.

The Chair called the Public Hearing to order at 10:03 a.m. regarding a Housing Tax Abatement application of Elite Choice Builders for construction of a twin-family home, Block 1, Lots 1 & 2, The Meadows, City of Austin (PIN 34.742.0010 & 34.742.0020)

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant was not present. No one spoke for or against the Elite Choice Builders housing tax abatement application.

The Chair closed the Public Hearing at 10:04 a.m. regarding the Elite Choice Builders Housing Tax Abatement application.

The Chair called the Public Hearing to order at 10:04 a.m. regarding a Housing Tax Abatement application of Bigelow & Lennon Construction for construction of a single-family home, Block 1, Lot 13 Nature Ridge 3rd, City of Austin (PIN 34.468.0130) AND Bigelow & Lennon Construction for construction of a single-family home, Block 1, Lot 18 Nature Ridge 3rd, City of Austin (PIN 34.468.0180).

County Administrator Trish Harren reviewed the applications and recommended approval for both applications.

The applicant Randy Lennon was present and spoke in favor of both the applications submitted by Bigelow & Lennon Construction. No one else spoke for or against the two housing tax abatement applications.

The Chair closed the Public Hearing at 10:06 a.m. regarding the Bigelow & Lennon Housing Tax Abatement application (PIN 34.468.0130 AND PIN 34.468.0180) BOTH.

The Chair called the Public Hearing to order at 10:07 a.m. in regard to CUP #961 of Ulland Brothers, Inc. c/o Mitch Froehlich for sand and gravel mining and extraction, storage of excess soils from CSAH 46, temporary storage and crushing of concrete and bituminous, located in Section 04, Windom Township. (Property Owner: Stroup, Jonathan & Laura).

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

The Jon Erichson for Petitioner was present. No one spoke for or against CUP #961.

The Chair closed the Public Hearing at 10:23 a.m. in regard to CUP #961.

The Chair called the Public Hearing to order at 10:23 a.m. in regard to CUP #962 (after the fact) of Jeffrey W. Bos for an extended home occupation which will allow for an automotive maintenance and repair shop inside an accessory building located on the property, located in Section 07, Nevada Township (Property owners Bos, Jeffrey & Michelle).

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 #962.

The Chair closed the Public Hearing at 10:33 a.m. in regard to CUP #962.

The Chair called the Public Hearing to order at 10:33 a.m. in regard to CUP #963 of Keaton Emiliusen to add a 10x20 shed/shop for additional storage which will exceed 5% of lot coverage for accessory buildings, located in Section 33, Red Rock 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 #963.

The Chair closed the Public Hearing at 10:37 a.m. in regard to CUP #963.

The County Board reconvened its regular session at 10:37 a.m.

Date: June 13, 2023

Res. #44-23

**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 13, 2023 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, Jim and Rick Botema are the owner(s) of certain property within Mower County, legally described as follows:

Block 2, Lot 5 North Side Park 2nd Addn, City of Adams, MN (PIN 21.019.0090)

WHEREAS, RJ Builders 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 13, 2023 before the Mower County Board of Commissioners, on said application.

WHEREAS, Jim and Rick Bottema and RJ Builders 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 30th 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 13th day of June, 2023.

Date: June 13, 2023

Res. #45-23

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

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 June 13, 2023 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, David G. Hillier Revocable Living Trust (Seller) is the owner(s) of certain property within Mower County, legally described as follows:

Block 1, Lots 1 & 2, The Meadows, City of Austin (Twin Home) (PIN 34.742.0010 & 34.742.0020)

WHEREAS, Elite Choice Builders, LLC (Buyer) 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 13, 2023 before the Mower County Board of Commissioners, on said application.

WHEREAS, David G. Hillier Revocable Living Trust (Seller) and Elite Choice Builders, LLC (Buyer) 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 a twin 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 30th 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 13th day of June, 2023.

Date: June 13, 2023

Res. #46-23

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

On motion of Commissioner Mueller, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 13, 2023 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, Nature Ridge Properties of Austin Co. (Seller) is the owner of certain property within Mower County, legally described as follows:

Block 1, Lot 13 Nature Ridge 3rd, City of Austin (PIN 34.468.0130)

WHEREAS, Bigelow & Lennon Construction (Buyer) 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 13, 2023 before the Mower County Board of Commissioners, on said application.

WHEREAS, Nature Ridge Properties of Austin Co. (Seller) and Bigelow & Lennon Construction (Buyer) 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 30th 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 13th day of June, 2023.

Date: June 13, 2023

Res. #47-23

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

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 June 13, 2023 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, Nature Ridge Properties of Austin Co. (Seller) is the owner of certain property within Mower County, legally described as follows:

Block 1, Lot 18 Nature Ridge 3rd, City of Austin (PIN 34.468.0180)

WHEREAS, Bigelow & Lennon Construction (Buyer) 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 13, 2023 before the Mower County Board of Commissioners, on said application.

WHEREAS, Nature Ridge Properties of Austin Co. (Seller) and Bigelow & Lennon Construction (Buyer) 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 30th 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 13th day of June, 2023.

Date: June 13, 2023

Res. #48-23

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 June 13, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #961, by Jonathan Stroup and Laura Stroup Landowner(s), and Ulland Brothers, Inc. c/o Mitch Froehlich, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

for sand and gravel mining and extraction, storage of excess soils from CSAH 46, temporary storage and crushing of concrete and bituminous.

Located in Mower County, Minnesota and legally described as:

(Full legal description on file in the office of Environmental Services.)

And identified per Mower County tax records as parcel 20.004.0021; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on June 6, 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 June 13, 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 (and any subcontractors working on the site) shall follow all local, state, and federal regulations regarding the proposed use including various MPCA and/or DNR permits, as applicable; and
2. A \$10,000.00 Restoration Bond (\$2,000 per acre) shall be posted with the Mower County Auditor for the duration of the activity on the site and until reclamation is complete in accordance with Mower County Ordinance Section 14-143 Land Rehabilitation; and
3. Ordinance section 14-142 (Performance Standards), subp. F, requires mining operations be setback 30 feet from property lines, unless written consent from adjoining landowner is obtained, and processing aggregate material shall be at least 100 feet from property lines including road right-of-way; and
4. Owner 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.
5. Owner must provide the County a copy of an Erosion Control Plan or SWPPP for NPDES coverage of the site; and
 6. Ulland Brothers must maintain a low water mist during crushing operation. Any runoff that would be present from this low water mist during the crushing operation must be contained and disposed by Ulland; and
 7. Hours of operation shall be 7a-6p, Monday through Friday, Saturday 7a-12p; no processing or handling of materials on traditional holidays. Exception to these hours is granted for emergency purposes; and
 8. The Applicant shall provide at least 24 hours' notice to the County prior to initiating crushing or processing of material; and
 9. 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. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
 10. The conditional use permit is valid for a period of three (3) years from the date of issuance. The Owner/Applicant may request Amendment to the CUP to extend the term; and
 11. 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
 12. The Owner/Applicant is required to provide dust control on the pit road and staging areas so as not to create a nuisance to neighboring property from the additional traffic; 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. Applicant will be disposing of excess soils from CSAH 46. Soils must be clean and free of contamination; 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, Section 14-51 (Conditional Use Permits), Article IV Excavation of Earth, and Section 14-97 Shoreland Alteration Standards of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 13th day of June, 2023.

Date: June 13, 2023

Res. #49-23

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 June 13, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #962, by Jeffrey Bos (Sr.) and Michelle Bos Landowner(s), and Jeffrey W Bos (Jr.), Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

ATF extended home occupation which will allow for an automotive maintenance and repair shop inside an accessory building located on the property.

Located in Mower County, Minnesota and legally described as:

THE NORTH 210.00 FEET OF THE WEST 240.00 FEET OF THE N 1/2 SW 1/4 SECTION 7, TOWNSHIP 101 NORTH, RANGE 17 WEST OF THE 5TH PM, MOWER COUNTY, MINNESOTA.

And identified per Mower County tax records as parcel 13.007.0031; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on June 6, 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 June 13, 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 property is permitted for an extended home occupation that provides vehicle repair services. Junkyard storage is not permitted; and
3. Motor vehicle waste, including, but not limited to engine oil, transmission fluid, power steering fluid, brake fluid, hydraulic fluid, antifreeze, chlorinated or non-chlorinated parts-cleaning solvents and degreasers cannot be disposed of in a septic system. All motor vehicle waste must comply with MPCA and EPA disposal or recycling rules or requirements. MPCA requires any floor drains in any buildings which are for businesses that store, fuel, repair, or wash vehicles must be collected, and may not be "daylighted" nor plumbed to a septic system. The floor drains in the buildings must either be blocked or discharged to a holding tank; and
4. Waste shall not be contained, stored or kept on the property for more than 24 hours. The waste may be contained temporarily in some circumstances (used oil tote,

- designated tire area) when it cannot be immediately disposed of at a licensed waste facility; and
5. All vehicles that are not customer vehicles must be licensed and operable in accordance with Mower County's Solid Waste Ordinance. Vehicles used solely for parts storage are not allowed; and
 6. 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
 7. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
 8. Any additional buildings or additions to the existing structure for business purpose will require an amendment to the Conditional Use Permit. Structural additions to existing buildings will also require zoning permits; and
 9. There shall be no more than the equivalent of one full-time employee outside of any family members who reside on site within the primary residence employed at this location. Any increase in employees shall require an amendment to this CUP; and
 10. Hours of operation for public access shall be no earlier than 8 am to 6 pm daily. The purpose of this condition is to maintain the rural residential character of the locality. Nothing in this statement requires the owner to maintain these hours; the owner/operator must confine his/her hours of operation between these hours and days of their choosing; and
 11. The owner/operator and employee may work inside the structures with no limited hours as long as a nuisance is not created to neighboring landowners; and
 12. Extended Home Occupation are allowed a single advertising sign 12 square feet or less in size which must be posted on the property and not in the road right of way. The purpose of this condition is to preserve the rural residential character of the area; and
 13. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
 14. 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
 15. 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
 16. 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
 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.

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

Passed and approved this 13th day of June, 2023.

Date: June 13, 2023

Res. #50-23

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 June 13, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #963, by Keaton Emiliusen Landowner and Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

to add a 10x20 shed/shop for additional storage which will exceed 5% of lot coverage for accessory buildings.

Located in Mower County, Minnesota and legally described as:

Lot 20 and 21 of the Plat of the Subdivision of Outlots 10 and 11 in the East Half of the Southwest Quarter and the Southeast Quarter of Section 33, Township 103 North, Range 17 West, Mower County, Minnesota

And identified per Mower County tax records as parcel 16.039.0460; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on June 6, 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 June 13, 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 including permits from Red Rock Township; 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. 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.
 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, Section 14-12 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 13th day of June, 2023.

The Board recessed at 10:40 a.m. and reconvened at 10:49 a.m.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the OPEN GOV Agreement (a software program for financial and budgeting reporting) (\$34,830 prorated 2023 annual subscription fee and professional services). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to use sales tax funds collected at fair time to fund a project to fence the property commonly known as fairgrounds park (\$23,000). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to set the project letting date to July 20, 2023 at 1:00 p.m. at the office of Public Works and awarded at a County Board of Commissioner's meeting for New Bridge 50602 on CSAH 2 East of Lansing. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to set the project letting date to July 20, 2023 at 1:00 p.m. at the office of Public Works and awarded at a County Board of Commissioner's meeting for Cured-In-Place-Pipe Lining (CIPP) at various locations in the County (map on file in the office of Public Works.) Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to set the project letting date to July 20, 2023 at 1:00 p.m. at the office of Public Works and awarded at a County Board of Commissioner's meeting for New Addition to Recycling Center - Electronics Recycling. Motion carried.

Date: June 13, 2023

Res. #51-23

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 June 13, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 162.08, Subd 4 (d), provides that accumulated balances in excess of two years of municipal account apportionments may be spent on projects located outside of municipalities under 5000 population when approved solely by resolution of the county board.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Transportation transfer all funds in excess of two years apportionment into the Regular Construction Account.

Passed and approved this 13th day of June, 2023.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the 2023 classification changes recommended by David Drown & Associates following the annual procedural review process of county positions. Classification changes are effective July 1, 2023 and the approved classifications are as follows:

Position	Current DBM Classification Rating	New DBM Classification Rating 7/1/2023
Assistant Jail Administrator	C42	C43
Corrections Sergeant	B31	B32
County Administrator	E91	F101
County Assessor	D61	D62
Emergency Manager	C41	C42
Engineering Tech I	B22	B23
Executive Assistant	B23	B24
Finance Manager	D62	D71
HR Director	D62	D71
Interpreter/Translator	B22	B23
Jail Administrator	C44	D61
Jail Captain	B32	C41
Maintenance Supervisor	C41	C42
Public Safety Telecommunicators	B22	B23
Public Works Account Tech	B22	B23
Public Works Accountant	C41	C42
Public Works Admin. Assistant	B21	B22
Public Works Director	E81	E91
Sign Tech	B22	B23

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to ratify the contract provisions outlined in the Tentative Agreement for LELS #83 for a

contract effective July 1, 2023 through June 30, 2026 and authorize the Chair and the County Administrator to execute the final contracts. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to ratify the contract provisions outlined in the Tentative Agreement for LELS #74 for a contract effective July 1, 2023 through June 30, 2026 and authorize the Chair and the County Administrator to execute the final contracts. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to ratify the contract provisions outlined in the Tentative Agreement for UAW for a contract effective July 1, 2023 through June 30, 2026 and authorize the Chair and the County Administrator to execute the final contracts. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to ratify the contract provisions outlined in the Tentative Agreement for AFSCME for a contract effective July 1, 2023 through June 30, 2026 and authorize the Chair and the County Administrator to execute the final contracts. Motion carried.

The Board discussed the request of the Sheriff to reclassify an existing deputy position in the Justice Center / Court to an additional Patrol Sergeant that would be located in the Justice Center. The Board discussed the need, the duties of Captain and Chief Deputy and the budgeting for the position.

Motion made by Commissioner Reinartz to grant the Sheriff's request reclassify an existing deputy position in the Justice Center / Court to an additional Patrol Sergeant that would be located in the Justice Center. Motion died for lack of a second.

The Commissioners indicated that there is a desire to see how the position of Captain and Chief Deputy duties and responsibilities develop further and review the request again following the budget process for the next year. The Human Resources Director indicated that she would work further with the sheriff on the job descriptions.

Motion made by Commissioner Sparks, seconded by Commissioner Glynn, to reclassify one of the three Office Technician (DBM B22) positions in Correctional Services to a Case Aide (DBM B23) effective July 1, 2023.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to amend Personnel Policy G105 Out of State Travel Policy effective June 13, 2023 by modifying the language in the Section entitled "Procedure for Approval of Out-of-State Travel" as follows:

Procedure for Approval of Out-of-State Travel

As required by MS 471.661, out-of-state travel for Elected Officials, including County Commissioners, is permitted within the budgetary allowance for "travel" as stipulated in the approved annual budget and the County Board officially approves such travel at a regular, special, or emergency County Board meeting prior to the travel date.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Out-of-state travel for all other employees is permitted provided there are adequate budgetary funds within the departmental budget. And the County Board officially approves such travel at a regular, special, or emergency County Board meeting prior to the travel date and the travel is appropriate and in the interest of the position they hold as well as in the interest of Mower County.

The budgetary allowance for "travel" by definition for this policy includes: Salary; Mileage and/or transportation expenses; Lodging, Food, Parking; and Registration fees. Reimbursement of travel and related expenses will be according to Section G100.

This policy does not apply to law enforcement personnel if they are crossing state lines for transports or other reasons in the line of duty and does not apply to personnel in other departments when performing mutual aid duties.

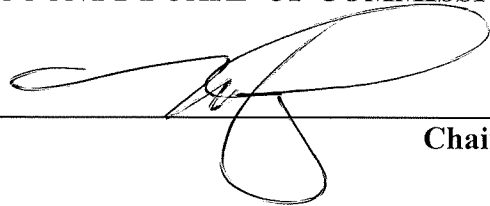
Motion carried.

Under Committee Reports Commissioner Glynn reported that she (as well as the other four commissioners) attended the Association of Minnesota Counties District IX meeting on June 5. In addition she had attended the SEMCAC meeting on June 5. Unfortunately the newly purchased build to be renovated for HeadStart, etc. has some structural issues affecting the future plans. Commissioner Ankeny attended the SemREX meeting on June 2. Pricing for recyclables such as cardboard has rebounded slightly and the committee members have been discussing the viability of continuing the committee. In addition, Commissioner Ankeny reported that he (as well as Commissioner Mueller) had attended the 4H meeting on June 1 and budgets were discussed. Commissioner Reinartz reported that a Land Use Committee meeting was held on June 5 (Commissioner Glynn also in attendance) to meet with the Hackensmith's regarding a septic/zoning land issue. In addition, he had attended a Personnel Committee meeting (as well as Commissioner Mueller) on June 6. Commissioner Mueller reported that in addition to his attendance at the meetings already indicated by the other commissioners he also attended the Planning Commission meeting and the Fair Board meeting both held on June 6 and on June 12 he had attended the SE MN Emergency Communication Board meeting.

The Chair adjourned the meeting at 12:12 p.m. The next meeting is scheduled for June 27, 2023 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____



Chairperson

Attest:

By: *Mish Hauer*
Clerk/Administrator