

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 28, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session June 28, 2022 at 9:00 a.m. at the Government Center in Austin, Minnesota.

All members present, viz: Chair Jeff Baldus, Vice-Chair Mike Ankeny, Jerry Reinartz, Polly Glynn, and John Mueller. Also in attendance were County Attorney Kristen Nelsen (9:19 a.m.); County Administrator Trish Harren, Executive Assistant Denise Barthels, and Austin Daily Herald Editor Eric Johnson (remote), housing tax abatement applicants Mr. and Mrs. Swenson and Lisa Boe, citizen Lonnie Wendt, Public Works Director Mike Hanson, Assistant Environmental Services Supervisor Val Sheedy.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the agenda removing item 7c for ARPA funding for Leroy Ostrander school and to add a discussion to use ARPA funding for the purchase of an emergency response trailer. Motion carried.

Veteran Services Officer Rod Streich provided the Board with a department update which included detail pertaining to the number of veterans served and the value of the earned benefits received, as well as, a new Post 9/11 bonus available to veterans who have served 9/11/2001 through 8/30/2021. Mr. Streich is working on the next grant cycle and possible uses of the funds such as billboard advertising.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny, to approve the minutes of June 14, 2022. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the following Commissioner warrants for payment:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
AMI Imaging Systems Inc	5,852.50	Mayo Clinic	2,296.70
AUSTIN AUTOMOTIVE LLC	2,616.52	Minnesota Ag Group Inc	3,993.64
Baudoin Oil Company	35,876.03	Minnesota Counties Computer Cooperative	3,204.50
Beckleys	17,660.00	Motorola Solutions Inc	196,033.05
CDW Government	20,230.39	Nexus-Mille Lacs Family Healing	7,688.00
Cedar Valley Services, Inc	55,075.96	Office Of Mn It Services	3,697.14
Diamond Drugs, Inc.	2,105.13	Ronco Engineering Sales Co., Inc.	4,820.65
Donnelly Law Firm, PLLC	2,902.81	Sign Solutions USA	2,527.01
Dustin Smith Manufacturing, LLC	3,940.00	Streicher's	3,157.05
Emergency Automotive Technologies, Inc	13,534.65	Ulland Brothers Inc.	7,156.95
Erickson Engineering Co., LLC	25,298.00	Van Diest Supply Company	35,381.40
Fox Electric Company	7,668.32	Vertiv Corporation	3,651.00

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Gallagher Benefit Services Inc	4,000.00	Village Ranch Inc	28,547.02
Marston Consulting Group,LLC	2,000.00	75 Payments less than 2000	31,743.97
		Final Total:	532,658.39

Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz to accept the SWIFT Grant #197306 / Minnesota Department of Health Corrections Covid Testing Grant (\$15,650.11) effective June 15, 2022 through July 31, 2023. Motion carried.

The Board discussed and reviewed several ARPA funding requests recommended by the Finance Committee.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the grant expenditure of \$600,000 in ARPA funds to SEMCAC to assist with the purchase of KAAL building in Austin for a new location for the Headstart program. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Mueller, to approve the re-allocation of previously committed grant funds to align with program demand and the addition of \$100,000 of ARPA funding to the Mower County Resiliency Grant Program for small business; non-profits; and tourism, travel and hospitality business. Motion carried.

The Board recessed at 9:29 a.m. for public hearings.

The Chair called the Public Hearing to order at 9:29 a.m. regarding a Housing Tax Abatement application of Scott & Melorie Swenson to construct a single-family home located at Block 10, Lots 6, 7, 8 & 9 Village of Taopi, MN (32.001.0420).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicants were present and Scott Swenson spoke on his own behalf. No one else spoke for or against the Scott & Melorie Swenson housing tax abatement application.

The Chair closed the Public Hearing at 9:31 a.m. regarding the Scott & Melorie Swenson Housing Tax Abatement application.

The Chair called the Public Hearing to order at 9:32 a.m. regarding a Housing Tax Abatement application of Lisa Boe to construct a single-family home located at Block 2, Lots 17 & 18 Village of Taopi, MN (32.001.0160).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant Lisa Boe was present and spoke on her own behalf. No one else spoke for or against the Lisa Boe housing tax abatement application.

The Chair closed the Public Hearing at 9:33 a.m. regarding the Lisa Boe Housing Tax Abatement application.

The Chair called the Public Hearing to order at 9:34 a.m. regarding a Housing Tax Abatement application of Scott & Natalie Carroll to construct a single-family home located at W593' of S736' of N1499' in Section 13 Red Rock Twp, MN (16.013.0030).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant was not present. No one spoke for or against the Scott & Natalie Carroll housing tax abatement application.

The Chair closed the Public Hearing at 9:35 a.m. regarding the Scott & Natalie Carroll Housing Tax Abatement application.

The County Board reconvened its regular session at 9:35 a.m.

Date: June 28, 2022

Res. #63-22

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

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 28, 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, Scott and Melorie Swenson are the owner(s) of certain property within Mower County, legally described as follows:

Block 10, Lots 6, 7, 8 & 9 Village of Taopi, MN (32.001.0420)

WHEREAS, Scott and Melorie Swenson 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 28, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Scott and Melorie Swenson 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 28th day of June, 2022.

Date: June 28, 2022

Res. #64-22

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

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 28, 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, Lisa Boe is the owner of certain property within Mower County, legally described as follows:

Block 2, Lots 17 & 18 Village of Taopi, MN (32.001.0160)

WHEREAS, Lisa Boe 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 28, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Lisa Boe 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 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 28th day of June, 2022.

Date: June 28, 2022

Res. #65-22

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

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 28, 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, Scott and Natalie Carroll are the owner(s) of certain property within Mower County, legally described as follows:

W593' of S736' of N1499' in Section 13 Red Rock Twp, MN (16.013.0030)

WHEREAS, Scott and Natalie Carroll 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 28, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Scott and Natalie Carroll 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 28th day of June, 2022.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the Health & Human Services accounts payable totaling \$287,871.27. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the grant expenditure of \$10,000 as an ARPA Social Determinants of Health Grant to the City of Grand Meadow as a matching grant to the SMIF Small Town Application for Infrastructure Upgrades to the Pine Lawn Park. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz to approve ARPA expenditure of \$46,200 for the purchase of emergency response / incident command trailer. Motion carried.

Facilities Supervisor Jason Murphy presented quote information to replace two failed storm water pumps at the Government Center. Two quotes were received and Mr. Murphy recommended accepting the low quote of Harty Mechanical.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to award the low quote of \$10,761 from Harty Mechanical to replace a failed storm water pump / sewage ejection pumps at the Government Center and have the project commence. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to amend the 2022 mileage reimbursement rate from 58.5 to 62.5 effective July 1, 2022 to comply with IRS rate per county policy. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the renewal application of Midwest Investment LLC d/b/a Mini Mart #15 (LeRoy) for a tobacco license effective July 1, 2022 through June 30, 2023. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the application of Deer Creek Speedway for fireworks/pyrotechnic special effects displays on 7.2.22 (rain date: 7.10.22), 7.9.22 (rain date: 7.23.22) and 9.24.22 (rain date: 9.25.22). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the application of Richard Groth for a fireworks/pyrotechnic special effects display on 8.18.22 (rain date: 8.20.22). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the application of Chateau Speedway 1956, LLC for a fireworks/pyrotechnic special effects display on 8.19.22 (rain date: 8.26.22). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Ankeny, to approve the following list of surplus property for disposal:

<u>Quantity</u>	<u>Item</u>	<u>Department</u>
1	1994 click pressure washer – Ellsworth building	Public Works

Motion carried.

Southern Minnesota Initiative Foundation (SMIF) President Tim Penny provided the Board with a program update. The SMIF invests in early childhood, entrepreneur and small town programs.

Under Committee Reports Commissioner Ankeny noted that the Finance Committee had met and the items discussed were on the agenda today. The Committee will be starting the 2023 budget process. Commissioner Baldus noted that the Personnel Committee had met and items of discussion are on the agenda today.

Human Resource Director Kris Kohn presented the Personnel Committee's recommended action items for the Board's review and approval.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to reclassify the position of Lead Auditor-Treasurer to Chief Deputy Auditor-Treasurer with a change in DMB rating from B23 to C42 effective June 20, 2022. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve creating a new position of Assistant Public Works Director (Environmental Services) with a DMB rating of D61 effective July 5, 2022 and modify the staffing levels for Public Works adding 1 FTE for this new position. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to reestablish the position of Social Services Division Manager with a DMB rating of D61 effective 7/5/2022 and modify the staffing levels for Health & Human Services adding 1 FTE for this new (re-established) Division Manager position. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Mueller, approve extra duty pay of \$1200 per month for Health & Human Services Fiscal Services Division Manager Valerie Kruger for performing the duties of both the Fiscal Services Division Manager and Fiscal Services Supervisor retroactive to November 1, 2021 until a new Fiscal Services Division Manager is employed. Motion carried.

Environmental Services Supervisor Angela Lipelt presented to the Board for its review and approval of Orders for Abatement of Solid Waste for five parcels.

Date: June 28, 2022

Res. #66-22

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 28, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, the property located at 310 Taylor Ave, Austin MN Mower County owned by Vicki Johnson is in violation of the Mower County Solid Waste Ordinance; and

WHEREAS, a letter was sent to Arnie Johnson on 8/25/2019 following up on the site inspection of Mapleview Compost Facility conducted on 8/23/2019; and

WHEREAS, a letter was sent to Arnie Johnson on 11/1/2020 following up on the site inspection of Mapleview Compost Facility conducted on 10/15/2020; and

WHEREAS, a letter was sent to Angela M. Lipelt on 11/15/2020 containing a November summary report and stating that the Mapleview Compost Facility's current location was prohibited and requires cleanup and closure of site; and

WHEREAS, a Required Cleanup and Closure Notice was sent to Arnie Johnson on 12/17/2020 for the Mapleview Compost Facility; and

WHEREAS, a Required Cleanup and Closure Notice was sent to Arnie Johnson and Vicki L. Johnson on 8/2/2021 for the Mapleview Compost Facility; and

WHEREAS, the owner has not cleaned up the property as requested and solid waste violations still exist as shown in pictures taken at the property on 6/23/2022.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The property, located at 310 Taylor Ave, Austin, Minnesota, is hereby declared to be in violation of the Mower County Solid Waste Ordinance.
2. The Mower County Environmental Services Department is hereby directed to issue an Order for Abatement of the Property per Solid Waste Ordinance Sec 19.2(D). Environmental Services has discretion for the best manner for serving of the Order for Abatement consistent with the requirements of State law.
3. If the Property Owner fails to timely comply with the Order for Abatement, then the Mower County Environmental Services Department is hereby directed to complete a full remediation and abatement of the Property at the expense of the Property Owner. County officials shall exercise their discretion in completing the abatement but shall provide status updates as needed to the Board, including upon completion of the remediation.
4. If County abatement is necessary due to a failure of the property owner to comply with the Order for Abatement, County officials may attempt to collect the costs of the abatement directly from the Property Owner. If the Property Owner fails to voluntarily pay the costs, then the cost of the abatement shall be assessed and charged against the Property pursuant to the provisions of the solid waste ordinance. The Mower County Auditor shall extend the cost so assessed and charged on the tax roll of the County against the Property.

Passed and approved this 28th day of June, 2022.

Date: June 28, 2022

Res. #67-22

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 28, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, the property located at 24223 534th Avenue, Austin MN Mower County owned by Troy Nicol is in violation of the Mower County Solid Waste Ordinance; and

WHEREAS, a letter was sent to Troy Nicol on 5/1/2008 for a Notice of Violation in regards to a large number of tires accumulating on the property; and

WHEREAS, a letter was sent to Troy Nicol on 5/1/2018 for a Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Troy Nicol on 11/15/2019 for a Notice of Violation of the Mower County Solid Waste Ordinance in regards to a large number of tires accumulating on the property; and

WHEREAS, a request for deadline extension was made by Troy Nicol; and

WHEREAS, a letter was sent to Troy Nicol on 1/6/2020 extending the deadline to dispose of waste tires to 2/1/2020; and

WHEREAS, a letter was sent to Troy Nicol on 6/16/2021 for a Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Troy Nicol on 7/20/2021 for a Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Troy Nicol on 8/25/2021 stating that a site inspection would be conducted on 9/8/2021; and

WHEREAS, the owner has not cleaned up the property as requested and solid waste violations still exist as shown in pictures taken at the property on 6/17/2022.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The property, located at 24223 534th Ave, Austin, Minnesota, is hereby declared to be in violation of the Mower County Solid Waste Ordinance.

2. The Mower County Environmental Services Department is hereby directed to issue an Order for Abatement of the Property per Solid Waste Ordinance Sec 19.2(D). Environmental Services has discretion for the best manner for serving of the Order for Abatement consistent with the requirements of State law.
3. If the Property Owner fails to timely comply with the Order for Abatement, then the Mower County Environmental Services Department is hereby directed to complete a full remediation and abatement of the Property at the expense of the Property Owner. County officials shall exercise their discretion in completing the abatement but shall provide status updates as needed to the Board, including upon completion of the remediation.
4. If County abatement is necessary due to a failure of the property owner to comply with the Order for Abatement, County officials may attempt to collect the costs of the abatement directly from the Property Owner. If the Property Owner fails to voluntarily pay the costs, then the cost of the abatement shall be assessed and charged against the Property pursuant to the provisions of the solid waste ordinance. The Mower County Auditor shall extend the cost so assessed and charged on the tax roll of the County against the Property.

Passed and approved this 28th day of June, 2022.

Date: June 28, 2022

Res. #68-22

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 28, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, the property located at 56177 220th Street, Austin MN Mower County owned by Jody Borgschatz is in violation of the Mower County Solid Waste Ordinance; and

WHEREAS, a letter was sent to Jody Borgschatz on 7/12/2021 for a Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Jody Borgschatz on 8/20/2021 stating that a site inspection was scheduled for 9/17/2021; and

WHEREAS, a site inspection was conducted at 56177 220th Street, Austin MN on 9/17/2021; and

WHEREAS, a letter was sent to Jody Borgschatz on 9/24/2021 following up on the site inspection stating that Mower County Solid Waste Ordinance violations were still present and an additional site inspection would be conducted 10/15/2021; and

WHEREAS, a letter was sent to Jody Borgschatz on 9/30/2021 following up on the site inspection stating that Mower County Solid Waste Ordinance violations were still present and an additional site inspection would be conducted 10/15/2021 with a time change from the previous letter sent; and

WHEREAS, the owner has not cleaned up the property as requested and solid waste violations still exist as shown in pictures taken at the property on 6/21/2022.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The property, located at 56177 220th Street, Austin, Minnesota, is hereby declared to be in violation of the Mower County Solid Waste Ordinance.
2. The Mower County Environmental Services Department is hereby directed to issue an Order for Abatement of the Property per Solid Waste Ordinance Sec 19.2(D). Environmental Services has discretion for the best manner for serving of the Order for Abatement consistent with the requirements of State law.
3. If the Property Owner fails to timely comply with the Order for Abatement, then the Mower County Environmental Services Department is hereby directed to complete a full remediation and abatement of the Property at the expense of the Property Owner. County officials shall exercise their discretion in completing the abatement but shall provide status updates as needed to the Board, including upon completion of the remediation.
4. If County abatement is necessary due to a failure of the property owner to comply with the Order for Abatement, County officials may attempt to collect the costs of the abatement directly from the Property Owner. If the Property Owner fails to voluntarily pay the costs, then the cost of the abatement shall be assessed and charged against the Property pursuant to the provisions of the solid waste ordinance. The Mower County Auditor shall extend the cost so assessed and charged on the tax roll of the County against the Property.

Passed and approved this 28th day of June, 2022.

Date: June 28, 2022

Res. #69-22

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 28, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, the property located at 28769 670th Avenue, Dexter MN Mower County owned by Paul A Ulwelling Revocable Living Trust is in violation of the Mower County Solid Waste Ordinance; and

WHEREAS, a letter was sent to Ulwelling Properties, LLC on 12/26/2017 for a Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Dave Cox and Ulwelling Properties LLC on 1/10/2018 approving the written plan for solid waste cleanup; and

WHEREAS, a site inspection was conducted on 6/20/2018 at 28769 670th Avenue, Dexter MN; and

WHEREAS, a letter was sent to Dave Cox on 6/21/2018 following up on site inspection conducted 6/20/2018 and stated that progress was made but some vehicles were still on the property that needed to be removed; and

WHEREAS, a letter was sent to Dave Cox and Ulwelling Properties, LLC on 8/20/2018 for a Second Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Dave Cox on 5/1/2018 as a reminder to cleanup the property and follow the written cleanup plan; and

WHEREAS, a letter was sent to Ulwelling Properties II, LLC on 8/3/2018 as a Notice for Non-Compliant Septic System and stated that an upgrade was due by 5/21/2019; and

WHEREAS, a letter was sent to Dave Cox and Ulwelling Properties, LLC on 9/4/2018 for a Final Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Ulwelling Properties II, LLC on 11/5/2018 as a reminder notice to upgrade the non-compliant septic system by 5/21/2019; and

WHEREAS, a letter was sent to Ulwelling Properties II, LLC on 5/7/2019 as a 3rd notice to upgrade the non-compliant septic system by 5/21/2019; and

WHEREAS, a letter was sent to Ulwelling Properties II, LLC on 1/7/2020 as a past due notice for a non-compliant septic system; and

WHEREAS, a letter was sent to Paul A Ulwelling Revocable Living Trust on 6/16/2021 for a Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Ulwelling Properties II, LLC on 7/28/2021 for a Notice of Violation of the Mower County Septic Ordinance and Order for Abatement; and

WHEREAS, a letter was sent to Ron L Crews on 7/29/2021 requesting a progress report on the site cleanup for the existing Solid Waste Violation; and

WHEREAS, the owner has not cleaned up the property as requested and solid waste violations still exist as shown in pictures taken at the property on 6/21/2022.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The property, located at 28769 670th Avenue, Dexter, Minnesota, is hereby declared to be in violation of the Mower County Solid Waste Ordinance.
2. The Mower County Environmental Services Department is hereby directed to issue an Order for Abatement of the Property per Solid Waste Ordinance Sec 19.2(D). Environmental Services has discretion for the best manner for serving of the Order for Abatement consistent with the requirements of State law.
3. If the Property Owner fails to timely comply with the Order for Abatement, then the Mower County Environmental Services Department is hereby directed to complete a full remediation and abatement of the Property at the expense of the Property Owner. County officials shall exercise their discretion in completing the abatement but shall provide status updates as needed to the Board, including upon completion of the remediation.
4. If County abatement is necessary due to a failure of the property owner to comply with the Order for Abatement, County officials may attempt to collect the costs of the abatement directly from the Property Owner. If the Property Owner fails to voluntarily pay the costs, then the cost of the abatement shall be assessed and charged against the Property pursuant to the provisions of the solid waste ordinance. The Mower County Auditor shall extend the cost so assessed and charged on the tax roll of the County against the Property.

Passed and approved this 28th day of June, 2022.

Date: June 28, 2022

Res. #70-22

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 28, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, the property located at 31315 680th Avenue, Dexter MN Mower County owned by Paul A Ulwelling Revocable Living Trust is in violation of the Mower County Solid Waste Ordinance; and

WHEREAS, a letter was sent to Kim and Deborah Wilson on 10/25/2016 to follow up on site inspection conducted and state violations found; and

WHEREAS, a letter was sent to Kerry Wilson on 1/3/2020 requesting a site inspection due to a complaint received about junk in the yard on the property; and

WHEREAS, a letter was sent to Ulwelling Properties, LLC on 6/16/2021 for a Notice of Violation of the Mower County Solid Waste Ordinance in regards to improper disposal of solid waste and possible unlicensed/inoperable vehicles; and

WHEREAS, a letter was sent to Ulwelling Properties LLC on 7/29/2021 to request a progress report on the remediation of the Solid Waste Ordinance violations; and

WHEREAS, the owner has not cleaned up the property as requested and solid waste violations still exist as shown in pictures taken at the property on 6/21/2022.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The property, located at 31315 680th Avenue, Dexter, Minnesota, is hereby declared to be in violation of the Mower County Solid Waste Ordinance.
2. The Mower County Environmental Services Department is hereby directed to issue an Order for Abatement of the Property per Solid Waste Ordinance Sec 19.2(D). Environmental Services has discretion for the best manner for serving of the Order for Abatement consistent with the requirements of State law.
3. If the Property Owner fails to timely comply with the Order for Abatement, then the Mower County Environmental Services Department is hereby directed to complete a full remediation and abatement of the Property at the expense of the Property Owner. County officials shall exercise their discretion in completing the abatement but shall provide status updates as needed to the Board, including upon completion of the remediation.
4. If County abatement is necessary due to a failure of the property owner to comply with the Order for Abatement, County officials may attempt to collect the costs of the abatement directly from the Property Owner. If the Property Owner fails to voluntarily pay the costs, then the cost of the abatement shall be assessed and charged against the Property pursuant to the provisions of the solid waste ordinance. The Mower County Auditor shall extend the cost so assessed and charged on the tax roll of the County against the Property.

Passed and approved this 28th day of June, 2022.

Solid Waste Consultant Dave Lucas reviewed the drafted 10-Year Plan Solid Waste Management Plan (2023-2033) with the commissioners. The next step is to submit the drafted plan to the Minnesota Pollution Control Agency for review. The review process may go back and forth between Mower County and the MPCA until a final 10-year plan has been established that will then the plan will be required to go through a public comment period before becoming adopted.

For the record, Environmental Services Supervisor Angela Lipelt commented that twenty sites were inspected regarding solid waste and she is impressed that many sites are well-kept and have no issues. The Board needs to act on the few that have an issue but that is only about 2%. The County as a whole keep their parcels in good condition. She is proud of Mower County.

Commissioner Mueller was excused at 11:11 a.m.

Under Committee Reports (continued from earlier) Commissioner Reinartz reported that he had attended a Senior Center meeting the previous Friday and that the Board had discussed budgets, a patio is being built and the City of Austin is redoing the parking lot in stages. There were discussions concerning how to more effectively communicate that the Senior Center is for ALL Mower County seniors and not just those that reside in Austin.

The chair adjourned the meeting at 11:14 a.m. The next meeting is scheduled for July 5, 2022 at 1:00 p.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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