

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

July 5, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session July 5, 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, and Austin Daily Herald Editor Eric Johnson (remote) as well as Finance Manager Loni Swenson, Assistant Public Works Director Valerie Sheedy (remote) and citizens Troy Stafford and Lonnie Wendt.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Ankeny, seconded by Commissioner Mueller, to approve the agenda with the addition to approve Intercreditor and Subordination Agreement with Horicon Bank and JCW related to the Nutek project and to delete minutes for approval. Motion carried.

Under Committee Reports Commissioner Baldus reported that Commissioner Reinartz and he had attended the Family Connection meeting but it wasn't very well attended and it was more of a meet and greet with new members. It was noted that two schools have canceled pending bond issues due to the current state of the economy. Commissioner Baldus thanked Kevin Whalen for his assistance in driving the Western Star county snow plow truck in the Austin Freedom Fest parade to carry the Grand Marshall. Commissioner Glynn reported that she had attended the SE Minnesota League of Municipalities Blooming Prairie event where Taopi Mayor and Jim Kiefer gave an account of the Taopi tornado and a panel discussed ambulance services.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the Intercreditor and Subordination Agreement between Horicon Bank, JCW Creekside LLC and Mower County related to the additional loan for the NuTek project. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
AUSTIN AUTOMOTIVE LLC	2,702.98	Kiker Brothers, Inc.	5,315.00
Consolidated Correctional Foodservice	17,379.20	MP Washing Solutions	4,602.50
Falk Construction Co./L.R.	7,298.50	REDI Transports, LLC	6,900.00
Freeborn County Co-Operative Oil Co.	10,044.15	Regents Of The University Of Minnesota	31,909.32
Hanson Tire Of Austin Inc	7,908.96	SeaChange Print Innovations	10,947.64
Harty Mechanical Inc	9,256.00	48 Payments less than 2000	23,421.68
		<b>Final Total:</b>	<b>137,685.93</b>

Motion carried.

The Board recessed at 1:17 p.m. for a public hearing(s).

The Chair called the Public Hearing to order at 1:17 p.m. regarding a Housing Tax Abatement application of Mundfrom Builders, Inc. for a single-family home located Block 3, Lot 3 Buckridge Estates Subd, Grand Meadow Township, MN (07.045.0220).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant Eric Mundfrom was present remotely and spoke on his own behalf. No one else spoke for or against the Mundfrom Builders housing tax abatement application.

The Chair closed the Public Hearing at 1:19 p.m. regarding the Mundfrom Builders, Inc. Housing Tax Abatement application.

The Chair called the Public Hearing to order at 1:19 p.m. regarding CUP #931 of Richard A. and Karen Schaufler, landowners, request an after the fact Conditional Use Permit to operate an extended home occupation to host seasonal craft show located in an accessory building on the property, located in Section 24, Clayton 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 #931.

The Chair closed the Public Hearing at 1:30 p.m. regarding CUP #931 of Richard A. and Karen Schaufler.

The Chair called the Public Hearing to order at 1:31 p.m. regarding CUP #939 of Darcy Tello and Jessie Riese, landowners, request a Conditional Use Permit to operate an extended home occupation business out of a machine shed on the property, which provides flooring services and stores construction tools and equipment. No retail sales or services will be conducted on the property, located in Section 22, Dexter 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 #939.

The Chair closed the Public Hearing at 1:36 p.m. regarding CUP #939 of Darcy Tello and Jessie Riese.

The County Board reconvened its regular session at 1:36 p.m.

**Date: July 5, 2022**

**Res. #71-22**

**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 July 5, 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, Mundfrom Builders, Inc. are the owner(s) of certain property within Mower County, legally described as follows:

Block 3, Lot 3 Buckridge Estates SUBD, Grand Meadow TWP MN (07.045.0220)

WHEREAS, Mundfrom Builders, Inc. 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 July 5, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Mundfrom Builders, Inc. 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 5<sup>th</sup> day of July, 2022.

**Date: July 5, 2022**

**Res. #72-22**

**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 July 5, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #931, by Richard and Karen Schaufler, Landowner(s), and Petitioner(s), 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 operate an extended home occupation which hosts a seasonal craft show located in an accessory building on the property

Located in Mower County, Minnesota and legally described as:

Starting from a point 2,246 feet due north from the SE corner of the East Half of Section 24, Township 102 North, Range 15 West, thence due West 429 feet, thence due North 305 feet, thence due East 429 feet, thence due South 305 feet

And identified per Mower County tax records as parcel 04.024.0020; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on June 28, 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 July 5, 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. Facilities open to the public shall meet or exceed ADA guidelines for small businesses regarding handicap accessibility, and applicable fire code requirements; and
3. 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; and
4. A Zoning Permit shall be obtained prior to the construction of any structure on the property; and
5. Any expansion, intensification, or change in this use shall require amendment of this Conditional Use Permit; and
6. Prior to any new construction, Wetland Review is 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.
7. 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
8. Access to the site via CSAH 8 must be kept open and clear of obstructions for emergency vehicles; any additional access must be approved by Mower County;
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 keep the site in a neat, orderly and aesthetically pleasing condition; and
11. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
12. 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
13. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

**BE IT FURTHER RESOLVED** the Mower County Board of Commissioners has received the applicant's written request to waive the after-the-fact permitting fees, and has agreed to a full waiver of the additional permit fee.

This permit is issued in accordance with Article II, Section 14-18.3 and 14-51 (Conditional Use Permits) (q)Extended Home Occupation; 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 5<sup>th</sup> day of July, 2022.

Date: July 5, 2022

Res. #73-22

**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 July 5, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #939, by Ralph and Bonnie Pitts, Landowner(s), and Darcy Tello and Jessie Riese, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

to operate an extended home occupation business out of a machine shed on the property which provides flooring services and stores construction tools and equipment. No retail sales or services will be conducted on the property

Located in Mower County, Minnesota and legally described as:

Block 1, Tapp's Acres in the Northeast Quarter of the Northwest Quarter of Section 22, Township 103 North, Range 16 West, Mower County, Minnesota

And identified per Mower County tax records as parcel 05.039.0010; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on June 28, 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 July 5, 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. Facilities open to the public shall meet or exceed ADA guidelines for small businesses regarding handicap accessibility, and applicable fire code requirements; and
3. Any expansion, intensification, or change in this use shall require amendment of this Conditional Use Permit; and
4. 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

5. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
6. 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
7. The Owner/Applicant shall keep the site in a neat and orderly condition. 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
8. 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
9. 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
10. 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
11. 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 14-18.3 and 14-51 (Conditional Use Permits) (q)Extended Home Occupation; 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 5<sup>th</sup> day of July, 2022.

**Date: July 5, 2022**

**Res. #74-22**

### **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 July 5, 2022 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 5<sup>th</sup> day of July, 2022.

Motion made by Commissioner Mueller, seconded by Commissioner Ankeny, to approve the DataWorks Plus maintenance and technical support renewal agreement for the jail fingerprinting machine (\$275.94). Motion carried.

**Date: July 5, 2022**

**Res. #75-22**

**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 July 5, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS,** the Mower County Board of Commissioners has received an application for repurchase of tax forfeited property located at 1203 9<sup>th</sup> Street NE, Austin, MN 55912 and legally described as Lot 11, Block 2, Crane First Addition, City of Austin, Mower County, Minnesota (PIN 34.160.0220); and

**WHEREAS,** the Mower County Board has determined and classified the parcel as non-conservation land as provided for in Minnesota's Statutes 282.01; and

**WHEREAS,** the Mower County Board has determined the repurchase of the parcel by the former owner MNNIC 1701 Trust, c/o Greg Frazee, trustee, will promote the use of the land that will best serve the public.



**NOW, THEREFORE, BE IT RESOLVED** that the Mower County Board of Commissioners approve the repurchase of the tax forfeited property parcel #34.160.0220 by the former owner MNNIC 1701 Trust, c/o Greg Frazee, trustee, at the repurchase price of \$9,265.85 with the repurchase to be completed by July 5, 2022.

Passed and approved this 5<sup>th</sup> day of July 2022.

Motion made by Commissioner Mueller, seconded by Commissioner Ankeny, to sell back parcel 20.036.0085 to The Cress Family Farm Trust for \$1 and authorize the Chair to sign a Quit Claim Deed for the transfer. Motion carried.

The Chair adjourned the meeting at 2:02 p.m. The next meeting is scheduled for July 12, 2022 at 9:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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