

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

August 2, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session August 2, 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, Jason Duffy District 3 Commissioner candidate, Loni Swenson, Mr. and Mrs. Nicholas Johnsen and Austin Daily Herald Editor Eric Johnson. Remotely attending were representatives from Louise Solar and Public Works Accountant Becky Handegraaf.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the agenda adding 1) Set date and time for canvassing board to meet following the August 9 primary election. Motion carried.

There wasn't anything to report with Committee Reports.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the minutes of July 26, 2022. 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>
Baudoin Oil Company	35,921.22	Minnesota Counties Computer Cooperative	17,005.30
CliftonLarsonAllen LLP	2,441.25	MJ O'Connor Inc	3,172.65
Commissioner Of Transportation	13,310.43	Olmsted Co Public Health	2,000.00
Donnelly Law Firm, PLLC	11,835.95	REDI Transports, LLC	7,700.00
Government Management Group Inc	5,250.00	Ziegler, Inc	5,192.28
Larson Law Office/Evan	2,050.00	44 Payments less than 2000	18,742.07
		<b>Final Total:</b>	<b>124,621.15</b>

Motion carried.

**Date: August 2, 2022**

**Res. #86-22**

**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 August 2, 2022, at the Government Center, Austin, Minnesota.

**WHEREAS**, On June 28, 2022 the Mower County Board of Commissioners passed Resolution 66-22 authorizing an Order to Abate Solid Waste pursuant to authority granted in the Mower County Solid Waste Management Ord# 21, Section 19.2; and

**WHEREAS**, on June 29, 2022 at 4:55 p.m. the Mower County Sheriff served the Abatement Order on Vicky L. Johnson, C/O Arnie Johnson for property number 28.002.0150 located at 310 Taylor Avenue, Austin MN; and

**WHEREAS**, on July 6, 2022 Mower County received written notice from Arnie Johnson to appeal the June 28, 2022 Abatement Order; and

**WHEREAS**, the Mower County Board has reviewed the Mower County Solid Waste Management Ord# 21, Section 19.3 (Hearings);

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board of Commissioners designates Mr. Tomas C. Baudler, Attorney at Law as the Hearing Examiner to conduct the hearing accordance with the procedures established by Ord# 21 section 19.3 and to make findings of fact, conclusions and a recommendation to the County Board; and

**BE IT FURTHER RESOLVED**, that pursuant to Ord. #21 Section 19.2G a Preconference Hearing shall be held on August 31, 2022 at the Mower County Justice Center in Austin, MN; and

**BE IT FURTHER RESOLVED**, that the Appeal Hearing shall be held on September 14, 2022 at the Mower County Justice Center in Austin, MN.

Passed and approved this 2<sup>nd</sup> day of August, 2022.

Motion made by Commissioner Ankeny, seconded by Commissioner Mueller, designating Commissioner Ankeny and Commissioner Glynn to serve on the canvassing board following the August 9 primary election. Commissioner Mueller to serve as an alternate, if needed. The Canvassing Board will meet on August 12, 2022 at 11:00 a.m. in the Mower County Board Room. Motion carried.

Under miscellaneous correspondence a thank you was received from the Mower County Senior Center for the Mower County Resiliency Grant. The Austin Area Arts sent a thank you for the downtown power pedestal and named Mower County an Honorary Member of the Austin Area Arts for one year.

The Board recessed at 1:08 p.m. and reconvened at 1:11 p.m.

Environmental Services Supervisor Angela Lipelt presented two Resolutions adopting Assessment for septic loans.

**Date: August 2, 2022**

**Res. #87-22**

**RESOLUTION ADOPTING ASSESSMENT**

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 August 2, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, pursuant to the policies of the Mower County Septic Loan program the owner of property has requested a loan from Mower County for replacement of a failing septic system on the below-listed property and has requested to pay back that loan by assessment to the subject property, to Mower County, over a ten year term.

**Property owner(s):** Richard Finley and Jennifer St. Amend

**Property address:** 29530 660<sup>th</sup> Ave, Dexter MN 55926

**Parcel Identification No:** 17.026.0010

**Tax parcel legal description:**

*That part of the West Half of Section 26, Township 104 North, Range 16 West, Mower County, Minnesota, described as follows: Beginning at the West Quarter corner of said Section 26, thence North 00 degrees 00 minutes 00 seconds East assumed bearing 515.00 feet along the West line of said Section 26, thence North 90 degrees 00 minutes 00 seconds East 445.00 feet, thence South 00 degrees 00 minutes 00 seconds West 705.00 feet, thence South 90 degrees 00 minutes 00 seconds West 445.00 feet to the West line of said Section 26, thence North 00 degrees 00 minutes 00 seconds East 190 feet to the point of beginning.*

**Assessment amount:** \$22,000 (Twenty-Two Thousand dollars and no/100)

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

1. Such proposed assessment, made part hereof, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land herein included is hereby found to be benefitted by the proposed improvement and the amount of the assessment levied against it.
2. Such assessment shall be payable in simple decreasing installments extending over ten (10) years. The first of the installments shall be payable along with the first half taxes when due, as reflected on the tax statement payable year 2023, and shall bear interest at the rate of three percent per annum. Each payment including interest thereafter will be paid with taxes payable, until the assessment obligation is satisfied.
3. The owner of any property, so assessed, may pay the entire assessment on such property by December 31 2022 without interest accrued.

Thereafter the owner of property, so assessed, may pay the annual assessment amount, or any amount exceeding the annual assessed amount so listed on the tax statement,

with any unpaid interest accrued to December 31 of the year in which such payment is made.

Payments will be accepted by the County up until the close of business day December 31 in the year of payment. If December 31<sup>st</sup> is a weekend or holiday; payment must be received in advance of closing of the last business day in the year payment is made.

4. There shall be no penalty for early payment or pay-off of the full balance of the assessment.
5. The County Administrator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.
6. This assessment must be paid in full at time of property transfer to any other owner, owners, heirs, assigns or entity.

**BE IT FURTHER RESOLVED**, that the Mower County Board Chair is hereby authorized to execute the Promissory Note on behalf of the County for the loan of funds from the Mower County Septic Loan program.

Passed and approved this 2<sup>nd</sup> day of August, 2022.

**Date: August 2, 2022**

**Res. #88-22**

**RESOLUTION ADOPTING ASSESSMENT**

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 August 2, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, pursuant to the policies of the Mower County Septic Loan program the owner of property has requested a loan from Mower County for replacement of a failing septic system on the below-listed property and has requested to pay back that loan by assessment to the subject property, to Mower County, over a ten year term.

**Property owner(s):** David Jondal

**Property address:** 56485 270<sup>th</sup> St, Austin MN 55912

**Parcel Identification No:** 16.007.0010

The following portion of the Northwest Quarter of Section 7, Township 103 North, Range 17 West, Mower County, Minnesota; Commencing at the Northeast corner of the Northwest Quarter of said Section 7, thence South a distance of 570.00 feet along the East line of said Northwest Quarter; thence West, parallel to the North line of said section for a distance of 440.00 feet; thence North, parallel to the East line of said Northwest Quarter for a distance of 570.00 feet to the North line of said Section 7; thence East along the North line of Section 7 for a distance of 440.00 feet to the point of beginning.

**Assessment amount:** \$17,775 (Seventeen Thousand Seven Hundred Seventy-Five dollars and no/100)

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

1. Such proposed assessment, made part hereof, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land herein included is hereby found to be benefitted by the proposed improvement and the amount of the assessment levied against it.
2. Such assessment shall be payable in simple decreasing installments extending over ten (10) years. The first of the installments shall be payable along with the first half taxes when due, as reflected on the tax statement payable year 2023, and shall bear interest at the rate of three percent per annum. Each payment including interest thereafter will be paid with taxes payable, until the assessment obligation is satisfied.
3. The owner of any property, so assessed, may pay the entire assessment on such property by December 31 2022 without interest accrued.

Thereafter the owner of property, so assessed, may pay the annual assessment amount, or any amount exceeding the annual assessed amount so listed on the tax statement, with any unpaid interest accrued to December 31 of the year in which such payment is made.

Payments will be accepted by the County up until the close of business day December 31 in the year of payment. If December 31<sup>st</sup> is a weekend or holiday; payment must be received in advance of closing of the last business day in the year payment is made.

4. There shall be no penalty for early payment or pay-off of the full balance of the assessment.
5. The County Administrator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.
6. This assessment must be paid in full at time of property transfer to any other owner, owners, heirs, assigns or entity.

**BE IT FURTHER RESOLVED**, that the Mower County Board Chair is hereby authorized to execute the Promissory Note on behalf of the County for the loan of funds from the Mower County Septic Loan program.

Passed and approved this 2<sup>nd</sup> day of August, 2022.

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

The Chair called the Public Hearing to order at 1:15 p.m. regarding CUP #940 of Melissa Schmit c/o National Grid Renewables for Louise Solar Project, LLC for 161kV gen-tie transmission line from Louise Solar Project LLC to ITC Midwest Substation located in Section 18, Lodi Township. Property Owners: John W. Sathre Rev. Living Trust and ITC Midwest LLC

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

Representatives for the Petitioner Louise Solar were present remotely but did not speak. No one spoke for or against CUP #940.

The Chair closed the Public Hearing at 1:22 p.m. regarding CUP #940.

The Chair called the Public Hearing to order at 1:23 p.m. regarding CUP #941 of Nicholas and Crystal Johnsen to operate retail store on-site for disc golf equipment and bird seed located in Section 27, Lansing Township.

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

The Petitioners were present but did not speak. No one spoke for or against CUP #941.

The Chair closed the Public Hearing at 1:28 p.m. regarding CUP #941 of Nicholas and Crystal Johnsen.

The County Board reconvened its regular session at 1:28 p.m.

**Date: August 2, 2022**

**Res. #89-22**

**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 August 2, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #940, by John W. Sathre Rev. Living Trust and ITC Midwest LLC, Landowner(s), and Melissa Schmidt c/o National Grid Renewables for Louise Solar Project, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

161kV gen-tie transmission line from Louise Solar Project LLC to ITC Midwest Substation

Located in Mower County, Minnesota and legally described as:

The Northwest Quarter, Section 18, Township 101 North, Range 15 West, excepting therefrom the following described tracts: The West 660 feet of the North 660 feet and the East 1050 feet of the North 660 feet of said Section 18. Subject to all easements of record.

And identified per Mower County tax records as parcel 10.018.0040; and

**All that part of the West six hundred-fifty (650) feet of the East one thousand-fifty (1,050) feet of the Southwest Quarter (SW ¼) of Section Seven (7), Township One hundred-one (101) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., lying Southerly of the South right of way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad, together with the West six hundred-fifty (650) feet of the East one thousand-fifty (1,050) feet of the North six hundred-sixty (660) feet of the Northwest Quarter (NW ¼) of Section Eighteen (18), Township One Hundred-one (101) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., the above described property all lying in Mower County, Minnesota.**

And identified per Mower County tax records as parcel 10.018.0050; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on July 26, 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 August 2, 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 including but not limited to any conditions or requirements set forth by the PUC Permit IP-7039/GS-20-647; 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 or structure. Site preparation, land clearing or the installation of utilities shall not constitute construction; and

3. 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
4. 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
5. 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
6. 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.
7. Applicant shall notify Mower County of the proposed decommissioning plan and ensure the gen-tie line and associated structures are included for decommissioning with the Louise Solar Project.

This permit is issued in accordance with Article II Division 2 Agricultural District, Section 14-51 conditional uses: item (r) transmission lines over 35kv, of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2<sup>nd</sup> day of August, 2022.

**Date: August 2, 2022**

**Res. #90-22**

**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 August 2, 2022, at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #941, by Nicholas Johnsen and Crystal Johnsen, Landowner(s), and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

to operate store for disc golf equipment and bird seed. Retail sales will take place onsite.

Located in Mower County, Minnesota and legally described as:

**All that part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 103 North, Range 18 West, in Mower County, Minnesota, described as follows:**



Commencing at the southwest corner of the SE ¼ of said Section 27;  
thence North 01°12'09" East a distance of 1328.72 feet, on an assumed bearing on the west line of said SE ¼, to the southwest corner of the NW ¼ of the SE ¼ of said Section 27, which is the point of beginning;  
thence North 01°12'09" East a distance of 305.78 feet, on the west line of said SE ¼;  
thence South 88°23'02" East a distance of 458.00 feet, more or less, to the centerline of Murphy's Creek;  
thence South 01°12'44" West a distance of approximately 294.93 feet (along the centerline of Murphy's Creek), to a point on the south line of said NW ¼ of SE ¼;  
thence North 89°44'28" West a distance of 458 feet, on the south line of said NW ¼ of SE ¼, to the point of beginning.

And identified per Mower County tax records as parcel 08.027.0130; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on July 26, 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 August 2, 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 which may include permitting from Lansing 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; and
3. Facilities open to the public shall meet or exceed ADA guidelines for small businesses regarding handicap accessibility, and applicable fire code requirements; and
4. Access to the site via CSAH 45 must be kept open and clear of obstructions for emergency vehicles; any additional access must be approved by Mower County
5. 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, or as regulated by Section 14-152 and 14-147 for larger signs; and
6. The Owner/Applicant shall keep the site in a neat and orderly condition; there shall not be any accumulation of waste. Waste shall not be contained, stored, or kept on the property for more than 24 hours. The waste may be contained overnight in some circumstances when it cannot be immediately disposed of at a licensed waste facility; and
7. 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
8. 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

9. 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. Any expansion, intensification, or change in this use shall require amendment of this Conditional Use Permit; 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 Division 4 Urban Expansion District, Section 14-51 conditional uses: item (q); Extended Home Occupations in accordance with Section 14-18.3 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2<sup>nd</sup> day of August, 2022.

Environmental Services Supervisor Angela Lipelt presented Resolutions for the Board's approval to approve Orders for Abatement for property clean-up on three separate parcels.

**Date: August 2, 2022**

**Res. #91-22**

**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 August 2, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, the property located at 410 29<sup>th</sup> Avenue SW, Austin MN, Mower County is in violation of the Mower County Solid Waste Ordinance; and

**WHEREAS**, a letter was sent to Gary Anderson, owner of property on 4/26/2019 regarding solid waste violations found onsite; and

**WHEREAS**, a second letter was sent to Gary Anderson on 6/25/2019 regarding solid waste violations onsite; and

**WHEREAS**, a third letter was sent to Gary Anderson on 7/29/2021 regarding solid waste violations onsite; and

**WHEREAS**, a site inspection was scheduled on 8/12/2021; however the letter sent was returned unclaimed; and

**WHEREAS**, a second attempt at a site inspection was scheduled on 11/24/2021; 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 7/14/2022.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The property, located at 410 29<sup>th</sup> Avenue SW, 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 2<sup>nd</sup> day of August, 2022.

**Date: August 2, 2022**

**Res. #92-22**

**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 August 2, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, the property located at 31273 State Highway 56, Waltham MN, Mower County is in violation of the Mower County Solid Waste Ordinance; and

**WHEREAS**, a letter was sent to Ora Farms owner of property c/o Diane Bergstrom on 9/13/2018 regarding solid waste violations reported onsite; and

**WHEREAS**, Mark Decker, informed Mower County he was an owner of Ora Farms and he requested that the County also notify him regarding solid waste matters; and

**WHEREAS**, a letter was sent to Mark Decker, occupant on 7/24/2019 regarding solid waste violations reported onsite; and

**WHEREAS**, a second letter was sent to Ora Farms and Mark Decker on 3/3/2021 regarding solid waste violations onsite; and

**WHEREAS**, Mark Decker completed a solid waste clean up plan, which was accepted by the County, to have the site cleaned up as of 8/1/2021; and

**WHEREAS**, the results of that inspection showed some forward progression being made; and

**WHEREAS**, a future site inspection was set for 10/1/2021; and

**WHEREAS**, Upon inspection on 10/1/2021; showed some progress was made for cleanup; Mower County extended the completion date to 6/1/2022; and

**WHEREAS**, the site was again reviewed by Mower County staff on 7/15/2022 and

**WHEREAS**, the owner has not completed cleaned up the property as requested and solid waste violations still exist as shown in pictures taken at the property on 7/15/2022.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The property, located at 31273 State Highway 56, Waltham, 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 2<sup>nd</sup> day of August, 2022.

**Date: August 2, 2022**

**Res. #93-22**

**RESOLUTION**

On motion of Commissioner Mueller, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 2, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS**, the property located at 27013 745<sup>th</sup> Avenue, Grand Meadow MN, Mower is in violation of the Mower County Solid Waste Ordinance; and

**WHEREAS**, a letter was sent to Knud & Wilma (Wilma is deceased, but still on title) Jorgensen, owners of property on 4/23/2019 to follow up on site inspection conducted and state violations found; and

**WHEREAS**, a letter was sent to Cory and Sabrina Jorgensen, occupants of property on 4/23/2019 requesting a site inspection due to a complaint received about junk in the yard on the property; and

**WHEREAS**, a site inspection was scheduled and completed on 5/24/2019; and

**WHEREAS**, a second letter was sent to Knud & Wilma (Wilma is deceased, but still on title) Jorgensen, owners of property 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 second letter was sent to Cory and Sabrina Jorgensen, occupants of property on 6/16/2021 to request a progress report on the remediation of the Solid Waste Ordinance violations; and

**WHEREAS**, a site inspection was scheduled and completed on 8/16/2021; and a second follow up inspection was conducted on 10/12/2021; 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 6/21/2022.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The property, located at 27013 745<sup>th</sup> Avenue, Grand Meadow, 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 2<sup>nd</sup> day of August, 2022.

The Chair adjourned the meeting at 2:00 p.m. The next meeting is scheduled for August 9, 2022 at 9:00 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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