

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

August 9, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session August 9, 2022 at 9:00 a.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).

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the agenda. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve hiring a .5 FTE temporary Technician in Correctional Services not to exceed one (1) year and use ARPA funding. Motion carried.

Correctional Services Director Steve King introduced Probation Officers Deb Schmitt and Ed Schmitt. Both probation officers reviewed department programming designed to reduce recidivism. Deb Schmitt reviewed the Decisions Points program. Ed Schmitt reviewed the Domestic Abuse Intervention Program. These programs along with their other programs (Driving with Care; Adult and Juvenile Diversion [Teen Court]; and Coffee Connection) have a notable success rate among the participants.

**HEALTH & HUMAN SERVICES BOARD:**

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve Health & Human Services accounts payable totaling \$181,658.84. Motion carried.

Health & Human Services Director Crystal Peterson provided department updates that included information pertaining to 1) Monkeypox; 2) Cost and Capacity Survey and 3) Report from the State Auditors Office regarding out of home placement. Monkeypox is a virus similar to Small pox but not as fatal. There are no cases in Mower County. The State Health Community Advisory Committee is conducting a cost and capacity survey to identify spending responsibilities and determine how much money is necessary to fully fund the local health department. And lastly, the 2019 state-wide child removals report is now available regarding out-of-home placements. It was the lowest number in six years with a report of 6431 children removed from their homes.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the renewal Purchase of Service Agreements effective July 1, 2022 – June 30, 2023 (unless noted) for the following:

CHIPS Attorney:	Donnelly, Daniel (1.1.22 – 12.31.23)
Fraud:	Fillmore County
Housing Support:	Lang's Board & Lodge
	MSOCS

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Mueller, to approve the Social Service Actions. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to adjourn the Health & Human Services Board meeting at 9:57 a.m. Motion carried.

**COUNTY BOARD**

The Regular Session of the Board was reconvened at 10:01 a.m. for regular business items.

The Board recessed at 10:01 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 10:01 a.m. regarding a Housing Tax Abatement application of Franz Lubenow to construct a single-family replacement home located W400FT N730FT NW¼ Section 14, Bennington Twp, MN (03.014.0020).

County Administrator Trish Harren reviewed the application and recommended approval.

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

The Chair closed the Public Hearing at 10:04 a.m. regarding the Franz Lubenow Housing Tax Abatement application.

The Chair called the Public Hearing to order at 10:04 a.m. regarding a Housing Tax Abatement application of John & Jennifer Chamberlain to construct a single-family replacement home located N913.19FT E1211.80FT S½ SE; Parcel A in Doc#667715 in Section 17 Racine Twp, MN (15.017.0040).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant was not present. No one spoke for or against the John & Jennifer Chamberlain housing tax abatement application.

The Chair closed the Public Hearing at 10:06 a.m. regarding the John & Jennifer Chamberlain Housing Tax Abatement application.

The Chair called the Public Hearing to order at 10:06 a.m. regarding a Housing Tax Abatement application of Cedar City Builders to construct a single-family home located Lot 2, Block 2 Nature Ridge Third, Austin, MN (34.468.0220).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant was not present. Paul Sween on behalf of the applicant had submitted a written comment in favor of the application. No one else spoke for or against the Cedar City Builders housing tax abatement application.

The Chair closed the Public Hearing at 10:08 a.m. regarding the Cedar City Builders Housing Tax Abatement application.

The County Board reconvened its regular session at 10:08 a.m.

**Date: August 9, 2022**

**Res. #94-22**

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

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 August 9, 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, Franz and Barbara Lubenow are the owner(s) of certain property within Mower County, legally described as follows:

W400FT N730FT NW¼ Section 14, Bennington Twp, MN (03.014.0020)

WHEREAS, Franz Lubenow 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 August 9, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Franz and Barbara Lubenow 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 9<sup>th</sup> day of August, 2022.

**Date: August 9, 2022**

**Res. #95-22**

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

On motion of Commissioner Glynn, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 9, 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, Jennifer Chamberlain is the owner(s) of certain property within Mower County, legally described as follows:

N913.19FT E1211.80FT S½ SE¼; Parcel A in Doc#667715 in Section 17 Racine Twp, MN (15.017.0040)

WHEREAS, John and Jennifer Chamberlain 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 August 9, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, John and Jennifer Chamberlain 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 9<sup>th</sup> day of August, 2022.

**Date: August 9, 2022**

**Res. #96-22**

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

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

Lot 2, Block 2, Nature Ridge Third, City of Austin, MN (34.468.0220)

WHEREAS, Cedar City Builders, LLC (Buyer) has made application to Mower County for the abatement of taxes as to the above-described parcel; and

WHEREAS, Notice having been duly given, a public hearing was held on August 9, 2022 before the Mower County Board of Commissioners, on said application.

WHEREAS, Nature Ridge Properties of Austin Co. (Seller) and Cedar City Builders LLC (Buyer) have met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision 1(1) and Subdivision 2(i) as well as Mower County's criteria for tax abatement;

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

1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of 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 9<sup>th</sup> day of August, 2022.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the minutes of August 2, 2022 regular and work session. Motion carried.

**COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA**

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Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the following Commissioner warrants for payment:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Above All Cleaning, Inc	6,255.24	Henry G Meigs, LLC	218,863.00
Advanced Correctional Healthcare, Inc	37,186.58	Intradyn	2,125.00
Anoka County Corrections	29,869.26	Northwestern Minnesota Juvenile Center	8,370.00
Austin Electric Inc.	9,208.00	Petroblend Corp.	3,275.94
CDW Government	2,224.14	Rupp, Anderson, Squires & Waldspurger Pa	2,000.00
Freeborn County Co-Operative Oil Co.	37,544.80	Thomson Reuters-West Payment Center	3,929.56
Hancock Concrete Products, Llc	4,392.00	63 Payments less than 2000	32,358.78
Harty Mechanical Inc	2,970.52		
		<b>Final Total:</b>	<b>400,572.82</b>

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn to deny the request of Darlene Bos for a refund of after-the-fact permit fees for a septic system.

Motion carried.

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

<u>Quantity</u>	<u>Item</u>	<u>Department</u>
55	Contoured stackable Fabric Guest Chairs with metal sled base from Ki (with three chair racks)	Administration
1	Garland Electric Stove with griddle top (Model #3.96-7)	Administration
1	2001 Sterling L8511 dump truck (auction at Richie Bros.) VIN #2FZAAWAK71AF83313	Public Works

Motion carried.

The Board reviewed and discussed two proposed resolutions to modify after-the-fact permit fees. Currently in effect is Resolution #50-16 which was adopted in 2016 to establish a penalty of triple fees for failure to obtain land use permits prior to construction which was intended to discourage after-the-fact permitting. One proposed resolution reduced after the fact fees from triple to double the base fee and the second proposed resolution eliminated the base fee reducing all affected fees to \$0 and establishing an after-the-fact fee at the current base permit fee. A discussion followed reviewing the proposed resolutions.

**Date: August 9, 2022**

**Res. #97-22**

**RESOLUTION**

On motion of Commissioner Mueller, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 9, 2022 at the Government Center, Austin, Minnesota.

**WHEREAS** The Mower County Board of Commissioners have adopted a Comprehensive Land Use Plan to promote health, safety, order, convenience, and general welfare of citizens by regulating the use of land, the location, height and size, and the use of buildings and the arrangement of buildings on lots, the density of population and the division of the County into districts for trade, commerce, industry, residence and other purposes for the orderly future development of the area, as well as protecting the natural resources for Mower County; and

**WHEREAS** Mower County Board of Commissioners adopted a supporting Zoning Ordinance which establishes a set of enforceable laws to ensure land practices align with the Comprehensive Land Use Plan including requiring land use permits; and

**WHEREAS** on September 6, 2016, the Mower County Board of Commissioners adopted Resolution #50-16, effective January 1, 2017, establishing a penalty of triple fee (3x) for failure to obtain land use permits prior to construction which was intended to discourage after-the-fact permitting; and

**WHEREAS** the Mower County Board of Commissioners now wishes to rescind Resolution #50-16 and replace it with the following, effective immediately;

**NOW, THEREFORE, BE IT RESOLVED**, the Mower County Board of Commissioners hereby eliminates land use permit fees when land use permits (zoning, conditional use, variance, or Shoreland alteration) are obtained prior to the initiation of construction or land use activity, except in situations where the permit is requested after the fact; and

**BE IT FURTHER RESOLVED** that an after the fact permit shall be charged at the current fee schedule rate for the permit, and this rate will be reviewed and approved annually as part of the Mower County fee schedule.

Passed and approved this 9<sup>th</sup> day of August, 2022.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to set a moratorium on the after-the-fact land use permit fees through December 31, 2023. Motion carried.

Public Works Director Michal Hanson and Assistant Public Works Director Dennis Zwiener presented to the Board a request to purchase equipment. In addition, the Director requested a letting date be set for some bridge projects.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to make the following 2022 budgeted equipment purchases in Public Works

LiteReader VCMS Model 1020A-4 New Sign for back of a truck - \$11,204.61  
Bat Wing Mower Model XH1500 Series 4 Rotary Cutter - \$36,304.45  
Snow blower for skid loader - \$9,088.60

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to set the project letting date to September 22, 2022 at 1:00 p.m. at the office of Public Works (QWEST electronic bidding) and awarded at the County Board of Commissioner's meeting for the following County projects:

SAP 050-599-176: Replace Bridges 2474 and 2475 in Udolpho Township  
SAP 050-599-180: Replace Bridge 3344 in Austin Township  
SAP 050-599-182: Replace Bridge 3345 in Austin Township

Motion carried.

Under Committee Reports Commissioner Ankeny reported that he had attended the Fairboard meeting on 8/2/22 and everything appears to be in order for the fair including even practicing a lock down. A sign for the gravel garden is still being worked out. Commissioner Glynn reported she attended the SEMCAC meeting on 8/8/22 and there was a discussion concerning the pending purchase (letter of intent) of the KAAL building for a new facility for Headstart program. Commissioner Glynn will be attending the SWCD meeting on 8/10/22. Commissioner Mueller reported he had attended the Se MN Emergency Communications Board meeting. There is a large number of projects and there are efforts to have statute changes and efforts to finding funding for the projects. Commissioner Baldus reported he had attended the Library Board meeting on 8/8/22 and the building project is progressing and a budget has been prepared to discuss with the Mower County finance committee next week. Commissioner Baldus also shared a letter he had received from FEMA regarding the Community Rating System (CRS) audit. Mower county successfully passed the compliance audit which allows residents to receive a 10% discount on flood insurance. Commissioner Mueller reported that he has been attending some of the township meetings and the clerks would like to be added to the Mower County agenda list. Commissioner Glynn reported that the Grand Meadow City Administrator has been working diligently on the removal of the stored decommissioned wind turbines from the Warmka property in Grand Meadow. Lastly, Commissioner Glynn shared that she had received a notice of a Public Hearing on the Pleasant Valley power line project. Mike Hanson reported that he and staff have been working on an official comment on behalf of Mower County.

The Chair adjourned the meeting at 11:11 a.m. The next meeting is scheduled for August 23, 2022 at 9:00 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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