

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

October 4, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session October 4, 2022 at 1:00 p.m. at the Government Center in Austin, Minnesota.

Members present, viz: Chair Jeff Baldus, John Mueller, Jerry Reinartz and Polly Glynn. Member excused: Vice-Chair Mike Ankeny. Also in attendance were County Attorney Kristen Nelsen, County Administrator Trish Harren, Executive Assistant Denise Barthels (remote), and Austin Daily Herald Editor Eric Johnson.

The meeting was opened with the Pledge of Allegiance.

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

Communication Clerk/Dispatcher Lori Reed was recognized for retirement from Mower County with 30 years of service.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the minutes of September 27, 2022. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
AVENU INSIGHTS & ANALYTICS, LLC	6,821.04	Lenway Law Office	2,512.50
CliftonLarsonAllen LLP	20,256.60	MIDSTATES EQUIPMENT & SUPPLY	3,208.20
Commissioner Of Transportation	3,633.44	NetMotion Software, Inc	5,282.58
Harbaugh Septic LLC	6,185.00	Pro-West & Associates, Inc.	2,800.00
J & S REPAIR, INC	43,246.41	SYVERSON FREIGHTLINER/DAVE	4,146.38
Jones Law Firm	3,412.50	54 Payments less than 2000	23,525.10
		Final Total:	125,029.75

Motion carried.

Date: October 4, 2022

Res. #115-22

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 October 4, 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): Cindy King

Property address: 22024 566th Ave Austin MN 55912

Parcel Identification No: 16.041.0200

Tax parcel abbreviated description:

Lot One (1) and Lot Two (2), Block Three (3), Country Club First Addition, Mower County, Minnesota, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said county.

Assessment amount: \$20,819.00 (Twenty Thousand Eight Hundred Nineteen 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 whole 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 31st 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-Treasurer 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 the funds from the Mower County Septic Loan program.

Passed and approved this 4th day of October, 2022.

The Board recessed at 1:13 p.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 1:15 p.m. regarding CUP #944 of James Thorson for an additional dwelling in the quarter section located in an area which is not suitable for agricultural purposes, located in Section 23, Racine Township.

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

The Petitioner James Thorson was not present. No one spoke for or against CUP #944 of James Thorson.

The Chair closed the Public Hearing at 1:23 p.m. regarding CUP #944 of James Thorson.

The Chair called the Public Hearing to order at 1:23 p.m. regarding CUP #945 of Brooke Hamilton to build up to six greenhouse structures (15'x6'.6"x6'.6") and to operate a commercial greenhouse for the sale of flowers located in Section 14, Austin Township.

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

The Petitioner Brooke Hamilton was not present. No one spoke for or against CUP #945.

The Chair closed the Public Hearing at 1:31 p.m. regarding CUP #945 of Brooke Hamilton.

The County Board reconvened its regular session at 1:31 p.m.

Date: October 4, 2022

Res. #116-22

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 October 4, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #944, by James Thorson, Landowner and Petitioner, who has petitioned the Mower County Board of Commissioners to allow for the site to be used for:

additional dwelling in the quarter section located in an area which is not suitable for agricultural purposes.

Located in Mower County, Minnesota and legally described as:

Commencing 46 rods North of the Southeast (SE) corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Four (104), North, Range Fourteen (14) West, thence Westerly parallel with the South line of said Southwest Quarter (SW $\frac{1}{4}$) 50 rods, thence Northerly parallel with the Easterly line of said Southwest Quarter (SW $\frac{1}{4}$) to the North line of the South Half of said Southwest Quarter (S $\frac{1}{2}$ of SW $\frac{1}{4}$), thence Easterly along the North line 50 rods to the East line of the Southwest Quarter (SW $\frac{1}{4}$), thence Southerly on said East line to the point of beginning. Less that part thereof conveyed to the Township of Racine by Deed recorded in Book 54 of Deeds, Page 350, in the Mower County Recorder's office. Above property lying in and being part of Racine Township, Mower County, Minnesota;

And identified per Mower County tax records as parcel 15.023.0041; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on 9/27/2022 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 October 4, 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. The conditional use permit shall become void if the use is established, but then discontinued for a period of one (1) year. (Refer Section 14-36 Discontinuance). A conditional use permit shall become void two (2) years from the date of approval by the County Board if no construction has begun or the use has not been established. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction; and
3. An approved ISTS Design for the proposed septic system shall be permitted by Mower County prior to construction of the residence and/or any other structure; and

4. A secondary Type I system site shall be located for future placement and placed on a map and kept on file in the CUP file and homeowner's records. The area should be preserved and protected from compaction and/or construction or other damages. If a Type I septic system primary and secondary site(s) cannot be located on the proposed parcel, a variance is required before a zoning permit can be issued, or the site is not developable for residential purposes; and
5. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
6. Petitioner must sign and notarize the "Rural and Agricultural Homeowners Assumption of Risk Assessment Form and have it recorded at the Mower County Recorder's Office; and
7. Wetland Review required: Petitioner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. A "Wetland Replacement Plan" approval.
8. Owner shall provide the County a copy of the well log and a water sample demonstrating the well is safe for human consumption.
9. Access to the site is through existing driveways; primary access to 302nd Street, a Township Road.
10. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is issued in accordance with Article II, Section 14-51 (Conditional Uses) and 14-18.4 (d)(1) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 4th day of October, 2022.

Date: October 4, 2022

Res. #117-22

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 October 4, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #945, by Brooke Hamilton, Landowner and Petitioner, who has petitioned the Mower County Board of Commissioners to allow for the site to be used for:

to build up to six green house structures (15'x6.6x6.6) and operate a commercial greenhouse for sale of flowers

Located in Mower County, Minnesota and legally described as:

Outlots 14 and 15, Plat of Outlots in the North Half of the Southeast Quarter of Section 14, Township 102 North, Range 18 West, Mower County, Minnesota.

And identified per Mower County tax records as parcel 02.052.0220 and 02.052.0230; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on 9/27/2022, 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 October 4, 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. 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. This permit is for installation of several small greenhouse structures (Minor Structures) to support a flower business. No retail space or public access is proposed or permitted. Any expansion, intensification, or change in this use shall require amendment of this Conditional Use Permit; and
4. No zoning permit is required for Minor Structures; however, a zoning permit application shall be submitted for Zoning Review; and
5. Access to the site via CSAH 28 must be kept open and clear of obstructions for emergency vehicles; any additional access must be approved by Mower County
6. Wetland Review required: Petitioner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. A "Wetland Replacement Plan" approval.
7. 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
8. 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
9. 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
10. 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

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 III, Section 14-56 and 14-51 (Conditional Uses) (h) and (q), and in accordance with Section 14-18.3 Extended Home Occupations, of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 4th day of October, 2022.

Facilities Manager Jason Murphy presented quotes received for three projects of which two have been included in next year's budget. It is prudent to proceed with acquiring and accepting quotes now for 2023 projects in order to be able to get on the contractor's work schedule for spring with parts available at the time of the project. There continues to be supply chain delays.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the following UHL quotes for 2023 budgeted building maintenance capital projects:

Proposal CJ22100 for Boiler automation upgrades \$16,945

Proposal CJ22101 for Generator Integration for Load Shedding \$6,435

Proposal CJ22103 for Misc. HVAC automation upgrades \$29,585

Motion carried.

The Chair adjourned the meeting at 1:43 p.m. The next meeting is scheduled for October 11, 2022 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

INDEX

A

adjourn, 299
agenda, 293
award quote
 building maintenance projects - UHL
 boiler automation upgrades, 299
 generator integration for load shedding, 299
 HVAC automation upgrades, 299

M

minutes, 293

P

Public Hearing
 CUP #944 Thorson, 295
 CUP #945 Hamilton, 295

R

Res. #115-22 SSTS loan assessment King 16.041.0200, 293
Res. #116-22 CUP #944 Thorson, 295
Res. #117-22 CUP #945 Hamilton, 297
retirement
 Communications Clerk/Dispatcher Lori Reed, 293

W

warrants
 Commissioner, 293