

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

October 5, 2021

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session October 5, 2021 at 1:00 p.m. at the Government Center in Austin, Minnesota.

Members present, viz: Chair Polly Glynn, Vice-Chair Jerry Reinartz, Jeff Baldus, and John Mueller. Member excused: Mike Ankeny. Also in attendance were, County Administrator Trish Harren, Executive Assistant Denise Barthels, Sheriff Steve Sandvik and Assistant Environmental Services Supervisor Valerie Sheedy. Walk-ins: Tim Sorgine and Sharon Gunderson

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the agenda with the addition to discuss the December Board meeting schedule and Commissioner cookie party. Motion carried.

There were no Committee Reports.

Motion made by Commissioner Reinartz, seconded by Commissioner Baldus, to approve the minutes of September 28, 2021. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
180 Degrees, Inc.	2,019.54	Minnesota Counties Computer Cooperative	3,175.00
Anoka County Corrections	46,358.00	Nexus-Mille Lacs Family Healing	6,263.24
AUSTIN AUTOMOTIVE LLC	2,998.02	Pro-West & Associates, Inc.	2,600.00
CDW Government	7,542.16	Rochester Sand And Gravel, Inc	10,722.25
Commissioner Of Transportation	4,826.53	SGTS Inc	3,800.00
Department Of Corrections	7,130.00	WIESE USA	2,171.84
Emergency Automotive Technologies, Inc	14,831.89	Ziegler, Inc	2,183.59
Freeborn County Co-Operative Oil Co.	10,044.15	49 Payments less than 2000	18,580.99
Mayo Clinic -Rochester	30,608.27	Final Total:	175,855.47

Motion carried.

Sheriff Sandvik requested authorization to order now the three new squads included in the preliminary budget for 2022 capital outlay due to the difficulty in obtaining vehicles. The expenditure will occur when the vehicles are received in 2022.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to authorize the Sheriff department to order three new squad cars included in the 2022 preliminary budget from the most responsible low bidder, Austin Ford with a bid of \$35,548.38 each for a total \$106,645.14. Motion carried.

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

The Chair called the Public Hearing to order at 1:15 p.m. in regard to a Housing Tax Abatement request of Chad & Frances Sonnek, applicants, to construct a twin home Lots 3 and 4, Block 1, The Meadows, Austin, Minnesota (PIN 34.742.0030 & 34.742.0040).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant Chad Sonnek was present via remote connection and spoke on his own behalf. No one else spoke for or against the Chad & Frances Sonnek housing tax abatement application.

The Chair closed the Public Hearing at 1:16 p.m. in regard to a Housing Tax Abatement request of Chad & Frances Sonnek, applicants.

The County Board reconvened its regular session at 1:17 p.m.

Date: October 5, 2021

Res. #73-21

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

On motion of Commissioner Reinartz, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held October 5, 2021 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, David Hillier Trust & the Carolyn Hillier Trust are the owner(s) of certain property within Mower County, legally described as follows:

Lots 3 & 4, Block 1, The Meadows, Austin, MN (PINs 34.742.0030 & 34.742.0040)

WHEREAS, Chad J. and Frances K. Sonnek (buyers) 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 October 5, 2021 before the Mower County Board of Commissioners, on said application.

WHEREAS, David Hillier Trust & the Carolyn Hillier Trust (owners) and Chad J. and Frances K. Sonnek (buyers) 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 twin home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.
3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 30th of that calendar year.
4. The real estate taxes to be abated shall be for up to the full amount of the real estate taxes collected due to the added tax base of the newly constructed housing/home annually. The current value of the property is not eligible for the abatement, will not be abated as part of this program and is further defined as the "original value." Any eligible abatement years are calculated on the tax increase due to a value increase over the original value.

Passed and approved this 5th day of October, 2021.

The Board recessed at 1:19 p.m. for the purpose of holding public hearings.

The Chair called the Public Hearing to order at 1:19 p.m. in regard to CUP #917 of Jessica and Matthew Smidt (owner/applicant) to operate a dog training and boarding facility (kennel) for clients using existing accessory building(s) on the property located in Section 7, Racine 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 #917.

The Chair closed the Public Hearing at 1:29 p.m. in regard to CUP #917 of Jessica and Matthew Smidt (owner/applicant).

The Chair called the Public Hearing to order at 1:30 p.m. in regard to a Rezone request of Haven Hutterian Brethern Inc. (owner) and Hutterian Brethern Church &

Schmiedenleut Inc. c/o Jonathan Wipf (applicant) to rezone the property located in Sections 12, 13 & 14, Sargeant Township from Ag to Rural Management to allow for a Planned Unit Development to support flexibility, economy and creativity of site design to preserve open space, scenic views and rural character in accordance with the PUD Section of the Ordinance.

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

The Petitioner was not present. No one spoke for or against Ordinance Amendment for rezoning.

The Chair closed the Public Hearing at 1:49 p.m. in regard a Rezone request of Haven Hutterian Brethern Inc. to rezone the property located in Sections 12, 13 & 14, Sargeant Township from Ag to Rural Management.

The County Board reconvened its regular session at 1:49 p.m.

Date: October 5, 2021

Res. #74-21

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 October 5, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #917, by Jessica and Matthew Smidt, Landowner(s), and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Request to operate a dog training and boarding facility (kennel) for clients using existing accessory building(s) on the property, located in Section 07 of Racine Township.

Location: on parcel identified per Mower County tax records as 15.007.0010 and legally described as:

THAT PART OF THE EAST ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 104 NORTH, RANGE 14 WEST, MOWER COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 7, THENCE SOUTH, ASSUMED BEARING, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, 843.00 FEET FOR A POINT OF BEGINNING; THENCE N 89 DEGREES 04' 43" W, 647.00 FEET, THENCE SOUTH, PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER, 538.58 FEET; THENCE S 89 DEGREES 04' 43" E. 647.00 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER, THENCE NORTH ALONG SAID EAST LINE, 538.68 FEET TO THE POINT OF BEGINNING. BEING SUBJECT TO AN EASEMENT FOR THE TOWNSHIP ROAD RIGHT OF WAY OVER THE EASTERLY BOUNDARY THEREOF. CONTAINING 8.00 ACRES.

WHEREAS, Notice having been duly given, a public hearing was held on the matter on September 28, 2021, at 7:00 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 5, 2021 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 policies and procedures concerning animal health and welfare; 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. A Zoning Permit shall be obtained prior to any new construction or alteration of any existing structure on the property; and
4. Access to the site shall utilize existing property access route. Any new access points may require the owner to obtain a driveway and/or access permit from the Local Road Authority, and may also require additional 911 addressing; and
5. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
6. 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, including barking or other nuisance conditions that may be a result of the proposed use; and
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. Vehicles cannot be parked or backed onto the premises from the road or its right-of-way; and
8. 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

9. The facility is permitted for dog training, client boarding of up to nine (9) dogs, and small retail sales such as food, toys, and training tools as part of the services offered. No grooming, breeding, or commercial kenneling is allowed; and
10. Owner shall maintain vaccination records for animals that are trained or boarded at the facility; and
11. Dogs must be kept under safe and humane conditions at all time. Upon request, Mower County and/or its representatives shall be granted access enter the facility and review conditions; and
12. Hours of operation are not established and may be designated at Owners convenience; it is understood the intent is for evening and weekend training; and
13. Any waste generated by the training or boarding facilities, be that solid waste or waste water, shall be properly disposed of in accordance with the rules governing such waste. Any vermin, flies, or other pests shall be controlled; and
14. 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
15. 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.
16. The Owner/Applicant shall submit a final layout drawing and waste disposal plan to be approved by Mower County Environmental Services prior to initiating this activity on the site, or the issuance of any zoning permit related to this land use.

This permit is issued in accordance with Article II, Division 2 Agricultural District, Section 14-51(f) Kennels and (q) Extended Home Occupation, 14-18.1(b) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 5th day of October, 2021.

Date: October 5, 2021

Ord. #03-21

ORDINANCE
Zoning Ordinance Amendment

On motion of Commissioner Mueller, seconded by Commissioner Reinartz, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held October 5, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, A public notice was published in the Mower County's official newspaper, the Austin Daily Herald, on September 11, 2021; and

WHEREAS, A public notice was published in the Mower County's secondary newspaper, the Mower County Independent, on September 9, 2021; and

WHEREAS, Notices were made by first class mail to the adjoining landowners in accordance with the Mower Count Zoning Ordinance on September 13, 2021. An official mailing list is kept on file in the office of the Environmental Services; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on September 28, 2021 at 7:00 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 5, 2021 before the Mower County Board of Commissioners, on said petition; and

WHEREAS, at the public hearings any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, the Mower County Planning Commission recommended by a unanimous vote to rezone parcels 17.012.0040, 17.013.0020, 17.013.0040 and 17.014.0020 from Agricultural to Rural Management to allow for a Planned Unit Development to support flexibility, economy and creativity of site design to preserve open space, scenic views and rural character in accordance with the PUD Section of the Ordinance. The intent is to allow for flexibility of housing, community services (IE, school, church), and support industrial uses and growth the Haven Hutterian Community in accordance with their Site Development Plan including the eight (8) conditions required by Mower County as discussed and submitted for long-term use as approved by the County Board; and

NOW, BE IT ORDAINED that the Mower County Zoning Map be changed to reflect the following legally described parcel(s), 17.012.0040, 17.013.0020, 17.013.0040, 17.014.0020, which together comprise:

The Southwest Quarter (SW¼) of Section 12, Township 104 North, Range 16 West, Mower County, Minnesota, EXCEPTING THEREFROM that part thereof lying north of the North Branch of the Root River,

and

The West Half (W½) of Section 13, Township 104 North, Range 16 West, Mower County, Minnesota,

and

The Southeast Quarter (SE¼) of Section 14, Township 104 North, Range 16 West, Mower County, Minnesota

and

The East Half of the Northeast Quarter (E½ of NE¼) of Section 14, Township 104 North, Range 16 West, Mower County, Minnesota, EXCEPTING THEREFROM that part thereof lying west of the North Branch of the Root River

is to be rezoned from Agricultural to Rural Management to allow for Planned Unit Development overlay; and

BE IT FURTHER ORDAINED, that this ordinance is effective upon publication.

(Published in Austin Daily Herald on October 13, 2021)

A copy of the entire Mower County Zoning Ordinance and related maps, if any, are on file in the Mower County Auditor-Treasurer's office.

This amendment is in accordance with Article I Division 7 (Amendments/Rezoning) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 5th day of October, 2021.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to approve the Delegated County Feedlot Grant Agreement. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the Agreement for the Provisions of Health Care to Incarcerated Patients and the accompanying Business Associate Agreement with Advanced Correctional Healthcare, Inc. in the amount of \$445,429. Motion carried. (The 2022 increased expense of \$259,729 will be paid from ARPA funds).

The Board discussed the December Board meeting schedule for its regular meetings in consideration of the previously scheduled 2022 Budget and Levy Hearing.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to reschedule the first Board meeting of the month to December 2, 2021 at 9:00 a.m. in the County Board room. Motion carried.

The Board discussed the annual Commissioner Cookie Party. The Board would like to extend another virtual greeting with treats delivered to every department.

Under Miscellaneous Correspondence it was noted that the Commissioners had received an invitation to attend the KSMQ ground breaking ceremony to be held October 7, 2021.

Human Resources Director Kristina Kohn presented action items for the Board's consideration.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to approve the creation of a Lead Office Technician position. The non-union position(s) will be filled with internal promotion(s) not changing the approved staffing levels for the department(s) and has a DBM pay rating of B23. Motion carried.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to approve the creation of an IT paid intern position in the IT department. It is a full-time intern position for up to two years and has a DBM pay rating of B21. (*To be paid out of ARPA funds.*) Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to temporarily add an additional 1.0 FTE Maintenance & Equipment Operator and increase the

staffing levels in Public Works. When a future vacancy occurs, this position will not be filled. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve a onetime stipend of \$2000 for exempt employee #1428(*to be paid with ARPA funds*) for the employee's conscientious work in assisting in meeting the needs of the Sheriff's department during a staffing dilemma. Motion carried.

County Auditor-Treasurer Scott Felten presented for the Board the Auditor-Treasurer's List of Tax-Forfeited Lands #2021-2 dated October 5, 2021 for the Board to discuss each parcel to set a minimum price and to set an Auction date for the sale of the tax forfeited parcels. A discussion followed and the minimum sale prices were determined for each parcel.

The Board recessed at 3:05 p.m. and reconvened at 3:18 p.m.

Date: October 5, 2021

Res. #75-21

RESOLUTION

On motion of Commissioner Baldus, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held October 5, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, on July 27, 2021 the Mower County Board of Commissioners certified that all parcels of land indicated on the Mower County Auditor-Treasurer's Certified List of Tax-Forfeited Lands #2021-1 dated July 27, 2021, on file in the Auditor-Treasurer's office, are non-conservation land; and

WHEREAS, all parcels have been released by the cities and townships in which they are located for public sale;

NOW, THEREFORE, BE IT RESOLVED that the basic sale price of each parcel included in the Auditor-Treasurer's Certified List of Tax-Forfeited Lands #2021-2 dated October 5, 2021, which is on file in the office of the Mower County Auditor-Treasurer, is hereby approved, and authorization for a public sale of this land is now granted pursuant to M.S. 282.01; and

BE IT FURTHER RESOLVED that said public sale to adjacent property owners will be held on November 8, 2021 at 1:00 p.m. by the Mower County Auditor-Treasurer in the Ballroom/Vault Conference Room (Room 169) of the Mower County Government Center at Austin, Minnesota, and said public sale of all parcels not sold to adjacent property owners will be held on November 10, 2021, at 9:30 a.m. by the Mower County Auditor-Treasurer in the Ballroom/Vault Conference Room (Room 169) of the Mower County Government Center at Austin, Minnesota, and parcels shall be sold to the highest bidder but for not less than the basic sale price – plus any special assessments authorized between date of forfeiture and the

actual sale of the property – and that payment for all sales shall be consistent with the Payment Terms in the County Tax-Forfeited Land Policy on file in the office of the Auditor-Treasurer.

Passed and approved this 5th day of October, 2021.

As a walk-in, Timothy Sorgine addressed the Board concerning his court case(s) being dismissed in the interest of justice. Mr. Sorgine desired his day in court to state his case concerning medical cannabis. The Board informed Mr. Sorgine that the County Board did not have authority to act.

As a walk-in, Sharon Gunderson wished to discuss a letter received from Environmental Services. In response and per the request of the Board, Ms. Gunderson met with County Administrator while the Board prepared for a closed session.

At 3:45 p.m. the Mower County Board of Commissioners entered a closed session Pursuant to MS §13.D05 subd 3(c3) for a discussion regarding property currently for sale located at 310 2nd St. NE, Austin, Minnesota.

At 4:15 p.m., the Board reconvened its regular session.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to adjourn the meeting at 4:16 p.m. Motion carried. The next meeting is scheduled for October 12, 2021 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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