

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 26, 2023

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session December 26, 2023 at 9:00 a.m. at the Government Center in Austin, Minnesota.

All members present, viz: Chair Mike Ankeny, Vice-Chair Jerry Reinartz, John Mueller, Dan Sparks and Polly Glynn. Also in attendance were County Attorney Kristen Nelsen, County Administrator Trish Harren Gjersvik, Executive Assistant Denise Barthels, and Austin Daily Herald Editor Eric Johnson.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the agenda adding under the consent agenda to approve late claim for payment for payment for employee #59. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the consent agenda as presented:

1. Approve Minutes of 12/11/23 2024 Budget & Levy Hearing and 12/12/23 Board;
2. Resolution approving lawful gambling premises permit application of Blooming Prairie Area Chamber of Commerce for gambling at Brookside Campground

Date: December 26, 2023

Res. #99-23

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 December 26, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, on December 26, 2023 the Blooming Prairie Area Chamber of Commerce presented for approval a Minnesota Lawful Gambling LG214 Premises Permit Application for gambling to be conducted at Brookside Campground located at 52482 320th Street in Udolpho Township, MN.

BE IT RESOLVED THAT, the Mower County Board of Commissioners hereby approves the Blooming Prairie Area Chamber of Commerce Minnesota Lawful Gambling LG214 Premises Permit Application for gambling at Brookside Campground located at 52482 320th Street in Udolpho Township, MN.

Passed and adopted this 26th day of December, 2023.

3. Approve Resolutions adopting Assessments for Septic Loans for the following:
 - a. Timothy and Doreen Carroll (PIN 11.020.0040): \$25,956 loan assessment

Date: December 26, 2023

Res. #100-23

RESOLUTION ADOPTING ASSESSMENT

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 December 26, 2023 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): Timothy Carroll and Doreen Carroll, spouses

Property address: 51127 130th Street, Lyle MN 55953

Parcel Identification No: 11.020.0040

Tax parcel legal description: Section 20 Township 101 Range 018 N469FT E465FT W815FT NW1/4 NW1/4 5.0 AC

Assessment amount: \$25,956.00, (Twenty-five thousand, nine hundred fifty-six dollars & 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 2024, 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, 2023, 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.

The County will accept payments 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 advance 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 the 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 26th day of December, 2023.

b. Kay Lynne Jones (PIN 06.007.0170): \$14,017.20 loan assessment

Date: December 26, 2023

Res. #101-23

RESOLUTION ADOPTING ASSESSMENT

On a motion from Commissioner Glynn, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at meeting held December 26, 2023 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): Kay Lynne Jones, a widow

Property address: 25383 795th Avenue, Spring Valley MN 55975

Parcel Identification No: 06.007.0170

Tax parcel legal description: Section 13 Township 103 Range 014 E330FT S528FT N1122FT NE1/4 SW1/4 4AC

Assessment amount: \$14,017.20 (Fourteen-Thousand, Seventeen Dollars & 20/100)

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 2024, 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, 2023, 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.

The County will accept payments 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 advance 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 the 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 December 26, 2023.

3. Approve late claim for payment for employee #59 - \$150.00
- Motion carried.

Human Resources Director Kris Kohn provided the Board with a department update. The department task goals for 2023 including using more of the UKG payroll modules, updating policies were accomplished. In 2023 the County hired 56 persons, promoted or transferred 16 persons within or between departments, and experienced 59 persons separating from employment. Currently 29 active employees are eligible for retirement in 2024. Ms. Kohn outlined the department goals for 2024.

Motion made by Commissioner Sparks, seconded by Commissioner Reinartz, to maintain the use of Policy B130, Recruitment and Selection, and to approve the annual staffing levels for 2024 for all departments as on file in Human Resources and summarized as follows:

Department	Qty	Department	Qty
Administration	3	HHS	105.5
Attorney	15.8	HR	4
Bldg. Maintenance	4	IT	6
Commissioners	5	Land Records/Taxpayer Services	16.6
Community Corrections	13	Public Works	36
Finance	4	Sheriff	88
GIS	4	Vet Services	2.8
Approved Staff Count			307.7

Motion carried.

Human Resources Director Kris Kohn reported that meetings were held with each elected officials to review activities and discuss compensation. Recommended 2024 salaries for each elected official were presented to the Board for its consideration and approval.

Date: December 26, 2023

Res. #102-23

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 26, 2023, at the Government Center, Austin, Minnesota.

BE IT RESOLVED THAT; the annual salary for the elected official of County Attorney for Mower County payable in bi-weekly installments, be set as follows for 2024:

County Attorney
as of 01/01/2024.....\$178,588.36

Passed and approved this 26th day of December, 2023.

Date: December 26, 2023

Res. #103-23

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 December 26, 2023, at the Government Center, Austin, Minnesota.

BE IT RESOLVED THAT; the annual salary for the elected official of County Auditor-Treasurer for Mower County payable in bi-weekly installments, be set as follows for 2024:

County Auditor-Treasurer
as of 01/01/2024.....\$111,474.44

Passed and approved this 26th day of December 2023.

Date: December 26, 2023

Res. #104-23

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 December 26, 2023, at the Government Center, Austin, Minnesota.

BE IT RESOLVED THAT; the annual salary for the elected official of County Sheriff for Mower County payable in bi-weekly installments, be set as follows for 2024:

County Sheriff
as of 01/01/2021.....\$147,932.79

Passed and approved this 26th day of December 2023.

Date: December 26, 2023

Res. #105-23

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 26, 2023, at the Government Center, Austin, Minnesota.

BE IT RESOLVED, that the annual salary for the elected official of County Commissioner for Mower County payable in bi-weekly installments, be set as follows for 2024:

County Commissioner
as of 01/01/2024.....\$25,652.00

BE IT FURTHER RESOLVED, that the 2024 Chair of the Board receive an annual bonus of \$500.00 payable at year end.

Passed and approved this 26th day of December 2023.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to set 2024 non-union salaries with a 6.0% increase above the 2023 rate along with applicable anniversary step increases on the wage scale. Motion carried.

Date: December 26, 2023

Res. # 106-23

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 26, 2023, at the Government Center, Austin, Minnesota.

BE IT RESOLVED that effective January 1, 2024, a Commissioner per diem for in-county meetings, noticed special events and Board approved meetings be set as follows:

Less than 2 hours:	\$50
2 – 4 hours:	\$75
Over 4 hours or Two or more meetings on same day:	\$100

BE IT FURTHER RESOLVED that effective January 1, 2024, a Commissioner per diem for Out-of-County meetings, noticed special events and Board approved meetings be set at one hundred dollars (\$100) *(if meeting held virtually, per diem in accordance with in-county per diems)*

BE IT FURTHER RESOLVED that effective January 1, 2024, a per diem of one hundred fifty dollars (\$150) be set for the Rural MN Energy Board and Minnesota Rural Counties working committees. *(if meeting held virtually, per diem in accordance with in-county per diems)*

BE IT FURTHER RESOLVED that effective January 1, 2024 a per diem of one hundred fifty dollars (\$150) be set for meetings requiring overnight stays *(day with the overnight)*.

BE IT FURTHER RESOLVED that effective January 1, 2024 a per diem for the following non-county board working committees: Extension Committee, Planning Commission, Board of Adjustment, Mower County Community Health Services Advisory Committee, State C.H.S. Advisory Committee, Joint Powers Boards, and all regional or state boards, be set as follows:

Less than 2 hours	\$50
2 – 4 hours	\$75
Over 4 hours or Two or more meetings on same day	\$100

Passed and approved this 26th of December, 2023.

Human Resources Director Kris Kohn reported that there is a new law effective January 1, 2024 regarding Employee Sick and Safe Time (ESST). Mower County has a good established paid time off policy. To be compliant with the new law it is recommended to adopt an Employee Sick and Safe Time (ESST) policy.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to adopt Personnel Policy D131 Employee Sick and Safe Time (ESST) Policy effective January 1, 2024. The newly adopted policy is as follows:

Policy D131
Earned Sick & Safe Time (ESST)

Purpose of policy. To define the availability, accrual and use of ESST for eligible employees.

Legal references and authority.

MN Statutes §181.9445- 181.9448

Definitions.

Earned Sick & Safe Time (ESST). The law requires employers to provide earned sick and safe paid leave to eligible employees who work in Minnesota.

Family Member. Under ESST, family member includes: spouse or registered domestic partner; child, foster child, adult child, legal ward, child for whom employee is legal guardian, or child to whom employee stands or stood in loco parentis; sibling, step sibling, or foster sibling; biological, adoptive or foster parent, stepparent, or other person who stood in loco parentis when employee was a minor child; grandchild, foster grandchild, or step grandchild; grandparent or step grandparent; a child of a sibling of the employee; a sibling of the parent of the employee; a child-in-law or sibling-in-law; any of the above family members of a spouse or registered domestic partner; any other individual related by blood or whose close association with the employee is equivalent of a family relationship; up to one individual annually designated by the employee.

PTO. Paid Time Off

Overview.

Beginning January 1, 2024, Minnesota employers must provide employees with up to 48 hours of ESST for care of themselves, their family members, or another designee.

Under the new law, an employee accrues a minimum of one hour of ESST for every 30 hours worked up to a maximum of 48 hours of ESST in 2024; and up to a maximum of 80 hours of ESST thereafter in a calendar year.

An employer with an existing paid leave policy that meets or exceeds this law and does not otherwise conflict with the minimum standards and requirements is not required to provide additional ESST sick and safe time.

Policy.

ESST Eligible Use.

An employee can utilize ESST in 15-minute increments for any of the following for which they need to care for themselves, their family members, or another designee:

Sickness.

- Mental or physical illness, injury, or other health condition.
- Medical diagnosis, care, or treatment of a physical illness or injury.
- Preventative medical or health care.

Safety.

Absence due to domestic abuse, sexual assault, stalking if the absence is to:

- Seek medical attention.
- Obtain services from a victim services organization.
- Obtain psychological or other counseling.
- Seek relocation or take steps to secure housing.
- Seek legal advice or take legal action.

Closures.

- Closure of employee's place of business due to weather.
- To care for a family member whose school or place of business has been closed for the same reason.

Public Emergency.

- Employee is unable to work or telework because employee is:

- Prohibited from working by employer due to health concerns related to transmission of a communicable illness related to a public emergency.
- Seeking or awaiting the results of diagnostic test for medical diagnosis of communicable disease related to public health emergency.
- Absence when it has been determined by health authorities with jurisdiction that presence of employee, or family member of employee, in the community would jeopardize health of others because of exposure of employee or their family member to a communicable disease.

Usage.

ESST can only be utilized on a scheduled workday and cannot be used to create overtime.

Notice.

Mower County may require notice of up to one (1) week in advance to use ESST when the leave is foreseeable. If the need is unforeseeable, the employer may require notice as soon as practicable.

Documentation.

An employee may be required to provide a statement from their health care provider for leave lasting more than three consecutive workdays. If a healthcare provider was not consulted or documentation cannot be obtained in a reasonable time without added expense, then the employee may provide a written statement indicating they are using ESST for a qualifying purpose.

Employees who accrue sick/vacation or PTO.

Designated ESST Hours.

ESST will be designated by the employee selecting ESST when requesting paid time off. Once 48 hours of accrued paid leave (vacation, sick, PTO) has been taken, use of accrued leave must follow current bargaining agreement and/or Mower County policy requirements.

Once an employee utilizes 48 hours of accrued leave in a calendar year, their ESST entitlement is fulfilled for the year and no additional ESST hours will be provided.

Employment Separation & Rehire.

Upon employment separation, sick/vacation/PTO payout will be subject to the current collective bargaining agreement and/or Mower County policy.

When an employee separates and is rehired within 180 days, they retain their previously accrued and unused ESST hours that were not paid out at separation.

Employees who do NOT accrue sick/vacation or PTO.

ESST Accrual.

An eligible employee will accrue one hour of ESST for every 30 hours worked during a calendar year. The employee is eligible to begin utilizing accrued ESST hours after they have worked 80 hours during that calendar year.

Carry Over.

An employee may carry over any unused ESST from one calendar year to another, up to a maximum of 80 hours. At no time can an employee have more than 80 hours of ESST available for use.

Employment Separation & Rehire.

For employees who do not accrue sick/vacation or PTO, ESST hours are not eligible for payout upon separation.

Motion carried.

Ms. Kohn reported that the Correctional Services Director had met with the Personnel Committee with a request for reclassification of 1 FTE probation officer to a new position of Probation Officer / Program Coordinator to manage the cognitive skills classes offered by the department. The new position job description has been reviewed by David Drown and Associates.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to change one FTE position in corrections from Probation Officer (C42) to Probation Officer Program Coordinator (C43) effective January 1, 2024. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the Health & Human Services accounts payable totaling \$342,727.34. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve purchase of service agreement with Nexus Gerard Family Healing ffor residential treatment services effective 1/1/24 – 12/31/24. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
AMI Imaging Systems Inc	8,271.96	Harty Mechanical Inc	11,485.16
Ancom Communications	37,495.00	J & S Repair Inc	6,167.50
Applied Concepts Inc	13,231.00	KNOW iNK	34,205.00
Austin Automotive LLC	8,215.04	Larson Law Office/Evan	6,290.00
Baudoin Oil Company	30,170.41	Leadership Development Resources	4,460.90
Beckleys	2,250.00	Midwest Machinery Co	26,456.40
Bishop Excavating Inc	19,916.71	Minnesota Counties Computer Cooperative	2,383.38
Boe Brothers Tiling Inc	20,536.00	Minnesota Counties Intergov'tal Trust	4,038.08
Brightly Software, Inc.	12,603.21	Minnesota County Attorneys Association	2,925.00
CDW Government	9,119.80	Prairie Lakes Youth Programs Secure	10,575.00
CivicPlus, LLC	4,524.00	Regents Of The University Of Minnesota	45,115.78
Consolidated Correctional Foodservice	19,806.65	Schilling Supply Company	2,522.37
Dell Marketing L P	7,982.50	SGTS Inc	42,589.00
Department Of Corrections	31,200.00	Skyline Salt Solutions	26,016.39
Diamond Drugs, Inc.	9,196.64	Southern Minnesota Education Consortium	2,173.86
Diamond Mowers Inc	3,769.95	Spyhalski/Paul	9,892.50
Dolan's Landscape Center, Inc	6,364.61	Stantec Consulting Services Inc.	3,526.00
Erickson Engineering Co., LLC	2,779.67	Sun Control of Minnesota, Inc.	9,356.00
Finalcover LLC	11,112.00	Ulland Brothers Inc.	10,480.00
Fox Electric Company	6,042.39	Zahl Equipment Service Inc	19,405.55
Gallagher Benefit Services Inc	4,000.00	Ziegler, Inc	6,672.11
Harbaugh Septic LLC	17,960.00	80 Payments less than 2000	40,455.19
		Final Total:	613,738.71

Motion carried.

Date: December 26, 2023

Ord. #03-23

ORDINANCE

AN INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT OF NEW USES OR THE EXPANSION OF EXISTING USES RELATED TO SALES, TESTING, MANUFACTURING, CULTIVATING, GROWING, TRANSPORTING, DELIVERY AND DISTRIBUTION OF CANNABIS PRODUCTS

On motion of Commissioner Mueller, seconded by Commissioner Glynn, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held December 26, 2023 at the Mower County Government Center, Austin, Minnesota.

WHEREAS, the MOWER County Board of Commissioners held a public hearing for input on the proposed interim ordinance on December 12, 2023 at the Government Center located at 201 NE 1st Street, Austin, MN.

WHEREAS, the County of MOWER recognizes significant public interest in changes to state law that took effect on August 1, 2023, that will make it legal to use, possess, and sell cannabis and other products containing THC.

NOW, THEREFORE, BE IT RESOLVED by the County Board of MOWER County, Minnesota that the MOWER County Board adopts the following interim ordinance:

Section 1. Purpose, Authority, and Findings.

A. This ordinance is necessary for the immediate preservation of the public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recent amendments to Minnesota Statute Chapter 152, allowing for the use and possession of cannabis and other products containing Tetrahydrocannabinol, commonly known as THC, and Minnesota Statute §151.72, allowing the sale of edible and nonedible cannabinoid products that contain no more than 0.3% of THC. A prohibition on the establishment of new uses or the expansion of existing uses related to the sale of such products is necessary to ensure that MOWER County has sufficient time to study potential regulations that will protect the health and safety of the residents of the County. Due to recent legislative changes there is insufficient time to complete the ordinary process and procedure for introduction and adoption of a County ordinance.

B. Minnesota Statute §342.13 Subd. E provides that if a local unit of government is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of a cannabis business, the governing body of the local unit of government may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its residents. Before adopting the interim ordinance, the governing body must hold a public hearing. The interim ordinance may regulate, restrict or prohibit the operation of a cannabis business within the jurisdiction or a portion thereof until January 1, 2025.

C. Minnesota Statute §394.34 provides that if a county is conducting, or in good faith intends to conduct studies within a reasonable time for the purpose of considering adopting an official control or an amendment, extension, or addition to an official control, the board, in order to protect the public health, safety, and general welfare, may adopt as an emergency measure, a temporary interim zoning ordinance. The purpose of the interim ordinance is to provide the county with the opportunity to study its comprehensive plan and official controls so that it can, in a meaningful way, consider potential amendments to its ordinances. An interim ordinance may regulate, restrict, or prohibit any use within the County for a period not to exceed one year from the effective date of the interim ordinance. Many jurisdictions have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their residents.

D. The County Board finds there is a need to conduct a study regarding the types of uses that involve the sales, testing, manufacturing, cultivating, growing, transporting, delivery and

distribution of Cannabis Products to evaluate the regulatory options available to the County and is for the purpose of protecting the health, safety, and welfare of county residents.

E. The time will allow for the Office of Cannabis Management (OCM) to provide model ordinances which will further aid the County Board in studying and considering restrictions on the operation of a cannabis business.

F. Due to the effective date of the new legislation, the lack of adequate time to evaluate the situation and enact appropriate controls, and the potential negative impacts on the health, safety, and welfare of its residents, a situation that justifies a temporary interim ordinance exists.

Section 2. Study. The County Board hereby authorizes and directs County staff to study the need for local regulation regarding the sales, testing, manufacturing, cultivating, growing, transporting, delivery or distribution of Cannabis Products within MOWER County. Staff must also study the need for creating or amending zoning ordinances, licensing ordinances, as allowed by the state, or any other ordinances, as allowed and not preempted by the state, to protect the public health, safety, and welfare of the MOWER County residents. Upon completion of the study, staff shall make a recommendation to the County Board about whether the County should amend its zoning, business-licensing, or other ordinance provisions related to these types of uses to better protect county residents.

Section 3. Conditions of the Interim Ordinance.

A. No business, person or entity may establish a new use or expand an existing use that includes or involves the sale, testing, manufacturing, cultivating, growing, transporting, delivery or distribution of Cannabis Products until this ordinance is repealed by the County Board or January 1, 2025, whichever comes first.

B. During the term of this interim ordinance, County staff shall not issue any license or permit, nor will it accept or process any applications for uses related to the sale, testing, manufacturing, cultivating, growing, transporting, delivery, or distribution of Cannabis Products unless required by the MN OCM.

C. Planning or zoning applications related to any Cannabis Products from businesses, persons, or entities involved in the proposed sale, testing, manufacturing, cultivating, growing, transporting, delivery and distribution in MOWER County shall not be accepted or considered until January 1, 2025 unless required by the MN OCM.

D. This interim ordinance does not apply to the sale, testing, manufacturing, cultivating, growing, transporting, delivery or distribution of Cannabis Products related to Medical Cannabis Program as administered by the Minnesota Department of Health (MDH) provided that such activity is done in accordance with regulations and laws of Minnesota regarding Medical Cannabis.

E. This interim ordinance does not apply to the continued sale of THC products allowed under MN Statute §342, which includes edible and nonedible cannabinoid products that contain no more than 0.3% THC, by retailers in existence before August 1, 2023.

Section 4. Enforcement. In addition to any criminal penalties allowed by law, the County may enforce this interim ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also considered a violation of the MOWER County Zoning Ordinance and shall be subject to the County enforcement pursuant to provisions set forth in Chapter 19 of the Zoning Ordinance.

Section 5. Severability. Every section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section, subsection, provision, or part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision, or part.

Section 6. Term. It shall be effective until the earlier of the following events: (a) January 1, 2025 per MN Statute §342 or (b) the date upon which the County Board repeals this Ordinance.

Section 7. Effective Date. This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law. *(published in Austin Daily Herald on 1/3/2024)*

ADOPTED this 26th day of December, 2023.

Date: December 26, 2023

Ord. #04-23

ORDINANCE

**ORDINANCE REGULATING THE USE OF CANNABIS AND CANNABIS
DERIVED PRODUCTS IN PUBLIC PLACES**

On motion of Commissioner Glynn, seconded by Commissioner Reinartz, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held December 26, 2023 at the Mower County Government Center, Austin, Minnesota.

WHEREAS, the MOWER County Board of Commissioners held a public hearing for input on the proposed interim ordinance on December 12, 2023 at the Government Center located at 201 NE 1st Street.

WHEREAS, the County of MOWER recognizes significant public interest in changes to state law that took effect on August 1, 2023, that will make it legal to use, possess, and sell cannabis and other products containing THC.

NOW, THEREFORE, BE IT RESOLVED by the County Board of MOWER County, Minnesota that the MOWER County Board adopts the following ordinance regulating the use of cannabis in public places:

SECTION 1. PURPOSE AND INTENT

This Ordinance is adopted by the MOWER County Commissioners for the purpose of protecting public health and safety by regulating and prohibiting the use of Cannabis and cannabis derived products in public places and places of public accommodation within MOWER County.

Minnesota Session Law 2023, Chapter 63, effective in relevant part August 1, 2023, establishes that the adult use, possession and personal growing of cannabis is legal subject to the requirements and restrictions of Minnesota Statutes.

State legislation authorizes the adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See State Legislation Article 4, Section 19, Minnesota Statute §152.0263, Subdivision 5 or successor statute.

MOWER County (hereinafter “the County”) recognizes the risks that unintended access and use of cannabis products and exposure to cannabis and its effects present to the health, welfare, and safety of members of the public and in particular the youth of the County.

State legislation authorizes adoption of ordinances to regulate actual or potential threats to the public health. See Minn. Statute §145A.05, Subdivision 1 and 7. The County wishes to be proactive in protecting public health and safety by enacting an ordinance that will mitigate threats presented to the public and public health by the public use of cannabis.

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning or revisions occurred to definitions in Minnesota Statute §342.

(a) **Adult-use cannabis flower.** “Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.

(b) **Adult-use cannabis products.** “Adult-use cannabis products” means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

(c) **Cannabis flower.** “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower doesn’t include cannabis seed, hemp plant parts, or hemp-based consumer products.

(d) **Cannabis plant.** “Cannabis plant” means all parts of the plant of the genus Cannabis that

is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

(e) **Cannabis product.** “Cannabis product” means any of the following:

- (1) cannabis concentrate;
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
- (3) any other product that contains cannabis concentrate.

(f) **Hemp derived consumer products.**

- (1) “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
 - (i) contains or consists of hemp plant parts; or
 - (ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
- (2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

(g) **Lower-potency hemp edible.** A “lower-potency hemp edible” means any product that:

- (1) is intended to be eaten or consumed as a beverage by humans;
- (2) contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;
- (3) is not a drug;
- (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabitol, or any combination of those cannabinoids that does not exceed the identified amounts;
- (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
- (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- (8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

(h) **Public place.** A “public place” means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.

(i) **Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”

(j) **Exceptions to the definition of public place or place of public accommodation.** “A public place” or “a place of public accommodation” does not include the following:

- (1) a private residence, including the individual’s curtilage or yard.
- (2) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- (3) on the premises of an establishment or event licensed to permit on-site consumption.

(k) **Smoking.** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

SECTION 3. PROHIBITED ACTS

(a) No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp- derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See Minnesota Statute §152.0263, Subdivision 5, Article 4, Section 19, or successor statute.

(b) No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See Minnesota Statute §342.09, Subdivision 1, Section 9, or successor statute.

SECTION 4. PENALTY

(a) **Criminal Penalty.** A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Nothing in this ordinance shall prohibit the United States, the State of Minnesota, or the County from investigating or prosecuting any other activity that is a crime under any other federal or state statute or county ordinance.

(b) An alleged violation or violation of this ordinance may be investigated by a peace officer as defined in Minnesota Statute §626.84, Subdivision 1. Any alleged violation or violation of this ordinance shall be prosecuted by the Office of the MOWER County Attorney.

SECTION 5. SEVERABILITY

If any section or provision of this ordinance is held invalid, such invalidity will not affect any other section or provision that can be given force and effect without the invalidated section or provision.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law. (*published in Austin Daily Herald on 1/3/2024*)

ADOPTED this 26th day of December, 2023.

Motion to reappoint Steve Lief on the Austin Mower County Homeownership Fund Board (AMCHF).

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to reappoint Steve Lief to the Austin Mower County Homeownership Fund Board (AMCHF) for a three-year term effective 1/1/24 through 12/31/26 as a director representing Mower County area lenders. Motion carried.

The Board recognized Jim Risius for service on the Planning Commission and Board of Adjustment for 9 years. It was noted that Mr. Risius has actually served Mower County 18 of the last 19 years on one or both of these boards.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to appoint Pete Thome to Planning Commission and the Board of Adjustment for a 3-year term effective 1/1/24 – 12/31/26 (1st term). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the 2024 Planning Commission / Board of Adjustment public hearing meeting calendar. Motion carried.

Date: December 26, 2023

Res. #107-23

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 December 26, 2023, at the Government Center, Austin, Minnesota.

WHEREAS, 2014 Session Law Chapter 308 enacted by the Legislature provides Minnesota counties a County Program Aid grant for Aquatic Invasive Species (AIS) prevention. The amount designated for each county is based on the number of watercraft trailer launches as well as the number of watercraft trailer parking spaces within each county; and

WHEREAS, the legislation requires that Mower County must establish, by resolution or through adoption of a plan, guidelines for the use of the proceeds which are to prevent the introduction or limit the spread of aquatic invasive species at all access sites within the county; and

WHEREAS, the County may appropriate the proceeds directly or may use any portion of the proceeds to provide funding for a joint powers board or cooperative agreement with another political subdivision, a soil and water conservation district in the county, a watershed district in the county, or a lake association located in the county. Any money appropriated by the county to a different entity or political subdivision must be used as required under this section; and

WHEREAS, the County utilizes the 2014 AIS Prevention Aid Funds and sequential years as intended and described by state statute; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of Mower County adopt the following 2024 Aquatic Invasive Species work plan and budget using 2024 County

Program Aid AIS funds and, if necessary, designated AIS reserves from prior year AIS allocations:

- | | |
|---|---------|
| 1. AIS Awareness / Prevention advertising in various media and at events | \$3,500 |
| 2. Canoemobile programming with land- and water-based AIS education for 4 th -6 th graders from Mower County public and private school districts and two out-of-county school districts that serve Mower County residents | \$8,550 |

2024 Adopted Work Plan and Budget **\$12,050**

Passed and approved this 26th day of December, 2023.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to approve the 2024 Countywide Fee Schedule as proposed. The fee schedule is on file in the office of the County Finance and Administration and available on the Mower County website at <https://www.co.mower.mn.us/DocumentCenter/View/4365/Countywide-fee-schedule-2024> . Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve CivicPlus, LLC proposal for NextRequest software for managing Freedom of Information Act requests (\$4,494) effective 1/1/24 through 12/31/24. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve CivicPlus, LLC proposal for ArchiveSocial software for managing the archival of social media (\$2,594) effective 1/1/24 through 12/31/24. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to approve the Solid Waste Facility License renewal for Watson Recycling effective December 26, 2023 through December 31, 2026. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the Workshop Communications platform service agreement to facilitate and standardize internal and external county communications effective December 29, 2023 through December 29, 2024 (\$3,825). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the Curbside Recycling Services Contract between Mower County and Cedar Valley Services for curbside recycling services effective January 1, 2024 through December 31, 2027. (extended services). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the Business Recycling Services Contract between Mower County and Cedar Valley Services for business recycling services effective January 1, 2024 through December 31, 2027. (extended services). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to accept the 2nd Chance DWI Traffic Safety Officer Grant in the amount of \$99,374 (1/1/24 – 9/30/24). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the One Net Global proposal for Ring Central phone system replacement \$33,432. Motion carried.

Public Works Director Michal Hanson requested letting dates for 2024 projects and equipment purchase requests.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to set the project letting date to February 8, 2024 at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for County project SAP 050-599-184. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to set the project letting date to February 8, 2024 at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for County project SAP 050-605-017. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to set the project letting date to February 8, 2024 at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for County project SAP 050-606-029. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to set the project letting date to February 8, 2024 at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for County project SAP 050-606-030. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to set the project letting date to February 8, 2024 at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for County project SAP 050-620-017. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to approve purchase of a Caterpillar 262D3 skid steer loader (\$51,796.19) trading-in
2008 Cat 256C Skid Steer Unit # 0058 Serial # DWS01328
Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve purchase of a Caterpillar PC306 cold planer 24" attachment with integrated 42 gal water tank (\$23,294.70) with a trade-in of unit #32
2008 Cat PC206 Milling/Planer Unit # 0032 Serial # DDG00695
Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve purchase of a new Felling FT-50-3 LP Paver Trailer (\$59,825.24) to replace unit #29 and to declare Unit 29 as surplus property for auction:

Unit # 29 2006 B-B Trailer Serial No. 4L5FB33286F011945

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the purchase of a Schulte FLX-1510 flex arm attachment for the mower (\$30,466.16). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the purchase of a new Caterpillar CB2.7GC Paving Compaction equipment (\$58,845.50) to replace Unit #70 and declare unit 70 as surplus property for auction:

1997 Bomag BW120-AD3 Unit #70 Serial No. 101170511295

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the purchase of a new Caterpillar Weiler W530B road widener (\$335,728.42) and declare Unit #28 as surplus property for auction:

1987 Blaw Knox Road Widener Unit #28 Serial No. 10007-05

Motion carried.

Date: December 26, 2023

Res. #108-23

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 December 26, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal; and has determined that Bridge R0975 is obsolete, deficient, and requires attention, and

WHEREAS, local roads play an essential role in the overall State transportation network and local bridges are the critical component of the local roadway system, and

WHEREAS, State support for the replacement of local bridges continues to be crucial to maintaining the integrity of the local roadway system and is necessary for Mower County and its Townships to proceed with the replacement of the following bridge, and

Old Bridge Number	Road Number and Name	Crossing	LPI	Total Project Cost	Township or State Bridge Funds Requested	Local or State Aid Funds	Proposed Construction Year
R0975	TWP T-226 (790 th Avenue)	Spring Valley Creek	44	\$179,360	\$169,360	\$10,000	2024

BE IT RESOLVED that Bridge R0975 is high priority and Mower County intends to replace this bridge as soon as possible, and

BE IT FURTHER RESOLVED that Mower County does hereby request authorization to replace, this bridge, and

BE IT FURTHER RESOLVED that Mower County does hereby request financial assistance with eligible approach grading and engineering costs on township bridges, as provided by law.

Passed and approved this 26th day of December, 2023.

County Engineer Michal Hanson reported to the Board that during the road Project on CSAH 21 right-of-way agreements were not addressed. The project is now complete and cleaning up documentation regarding the right-of-ways is requested. Mr. Hanson presented several documents for the Boards consideration.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to authorize the chair and administrator to sign the following documents related to the right-of-way on CR 21:

- 1) Permanent Easement between Mower County and the City of Austin regarding Parcel F and Parcel N on Mower County Highway Right-of-Way Plat No. 34 and recorded as Document Number 675006
- 2) Warranty Deed whereby Mower County conveys to B&F Distributing Properties, LLC property depicted as Parcel F, Parcel N and Parcel M on Mower County Highway Right-of-Way Plat No. 34 and recorded as Document Number 675006
- 3) Warranty Deed whereby Mower County conveys to the City of Austin property depicted as Parcel G on Mower County Highway Right-of-Way Plat No. 34 and recorded as Document Number 675006

Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the purchase of a new Ledwell LW 4000WT water tank mounted on 2024 Freightliner M2 CARB (R032323) from equipment reserves (\$194,702.07) and declare the following equipment as surplus property for auction

1987	J-Craft	Pup	Trailer	JCPT87007
2000	J-Craft	Tri-Axle Pup	Trailer	1J9PD1439YK222019
2001	East End	Dump	Trailer	1E1D1N4811RH30286
1968	Howard	3250 Gallon Water Truck	Truck	T-208
1995	International	2574 Semi Tractor	Heavy Truck	1HS66AER0SH674281

Motion carried.

Under Committee Reports Commissioner Reinartz reported he had attended the Health Advisory Committee meeting on 12/14; the Senior Center meeting on 12/15; the collaborative meeting on 12/19 and a Personnel Committee meeting on 12/21. Commissioner Mueller reported he had attended the interview for a new member for the Planning Commission and the Board of Adjustment on 12/13; and on 12/21 attended both a

Personnel Committee meeting and an Extension Committee meeting. Commissioner Sparks reported he attended a Buildings & Grounds Committee meeting on 12/15. Commissioner Glynn reported that she also attended the Commissioner cookie party on 12/12 as well as a meeting with MN Dept of Health; the SE EMS meeting on 12/14; and the SWCD and Building Committee meetings on 12/15. Commissioner Ankeny reported he had attended the Extension Committee Meeting on 12/21. It was reported that there are membership openings on the Extension Committee.

The Chair adjourned the meeting at 11:18 a.m. The next meeting is scheduled for January 2, 2024 at 1:00 p.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: John T. Mueller Chairperson

Attest:

By: Trish Hann Czersik
Clerk/Administrator