

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

January 9, 2024

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session January 9, 2024 at 9:00 a.m. at the Government Center in Austin, Minnesota.

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

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the agenda adding under the consent agenda to approve the reappointment of Gerald Utz to the Mower County Housing & Redevelopment. Motion carried.

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

1. Approve Minutes of December 26, 2023 and January 2, 2024
2. Approve a late claim for expense reimbursement for employee #5081 (\$3.93)
3. Reappoint Gerald Utz to the Mower County Housing Authority Board for a 4th five-year term effective 1/1/24 – 12/31/2028

Motion carried.

Sentencing to Serve Crew Leader Matt Ziebell along with the Department of Corrections District Supervisor Holly VanPelt provided the Board with a Sentence to Service program update. The Sentence to Service program provides community service opportunities for persons who have court ordered community service hours. Qualified incarcerated persons are also able to reduce their sentence through working on the crew. County, State, Local Government and non-profit organizations provide projects for the Sentence to Service crews to work such as lawn mowing, snow removal, property clean-outs and painting fire hydrants and curbs. There is no cost to the entities for the services provided by the Sentence to Service crews.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Association Of Minnesota Counties	29,361.00	MACO	2,940.00
Bob Barker Company Inc	2,434.52	Minnesota Counties Computer Cooper	102,460.35
Commissioner of Transportation	3,896.91	Minnesota Counties Intergov'tal Trust	609,718.00
Computer Information Systems Inc	61,321.00	Minnesota County Attorneys Assoc	6,336.00
Dell Marketing L P	8,739.94	Schmidt Goodman Office Products Inc	20,071.00
Douglas C Bathke Const. LLC	4,955.00	SGTS Inc	7,600.00
Harty Mechanical Inc	8,245.00	Southern Lock & Glass	4,669.38
Healthiest You	3,340.00	Southern MN Tourism Association	2,001.45

Icon Constructors LLC	90,700.00	White Cap	2,600.00
League of Minnesota Cities	2,340.00	52 Payments less than 2000	26,136.79
Final Total:			999,866.34

Motion carried.

The Board recessed at 9:23 a.m. for the purpose of the Health & Human Services Board.

HEALTH & HUMAN SERVICES BOARD:

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the Health & Human Services accounts payable totaling \$159,275.47. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the Children's Mental Health Respite Grant Amendment to extend the grant through 12/31/2024 for a total grant amount of \$88,482 (2024 amount \$17,659). Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Sparks, to accept a donation from Hormel Foods in the amount of \$5,000 to be utilized to support the Mower County Foster Parent program. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to accept a donation from Grace Lutheran Church in the amount of \$1,500 to be utilized to support the Mower County Foster Parent program. Motion carried.

Health & Human Services Director Crystal Peterson introduced new staff: Minnie Wilkemeyer, Laura Grundmeier and Christi Ellison. She also provided an update on the Mobile Crisis Services. The South Central employee that had been working in a space in Health & Human Services no longer works for South Central. The company is looking to hire another individual. Having an employee local to help with crisis management hasn't been as successful as was hoped and staff is working on a possible revision with the partnership prior to rehiring the rehire on-site here. Lastly, Ms. Peterson provided an update on the community partnerships the community health workers have achieved. The community health workers have been able to partner with Riverland, Quality Pork Products, Hormel, and the public library to be able to inform students, employees and the general public of the services available at Health & Human Services.

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

Motion by Commissioner Glynn, seconded by Commissioner Sparks, to approve the Purchase of Service Agreements renewal agreements effective January 1, 2024 through December 31, 2024 (unless noted differently):

Adult Mental Health Outreach Services (The Bridge)	LGC Services, LLC dba Quality Community Services, Inc.
SILS Services	REM Woodvale, Inc.
SNAP Job Training Program	Workforce Development, Inc. (10/1/23-9/30/24)

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to adjourn the Health & Human /Services Board meeting at 9:45 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 9:49 a.m. for regular business items.

The Board recessed at 9:59 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 10:00 a.m. regarding Conditional Use Permit #971 of Scott Griese to operate a mini storage unit on the property, located in Section 10, Lansing Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations. During discussion the Board requested that two additional conditions be included: one regarding driveway access permit and one for 911 addressing.

The Petitioner was not present. No one spoke for or against CUP #971.

The Chair closed the Public Hearing at 10:13 a.m. regarding Conditional Use Permit #971 of Scott Griese.

The Chair called the Public Hearing to order at 10:13 a.m. regarding Conditional Use Permit #972 of Timothy Carroll and Doreen Carroll for an extended home occupation to operate a logging business utilizing draft horses which stores materials & implements on the premises, including a kiln, and provides sawmill services both on-location for clients & out of an accessory building on the property, located in Section 20 of Lyle Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #972.

The Chair closed the Public Hearing at 10:20 a.m. regarding CUP #972 of Timothy Carroll and Doreen Carroll.

The Chair called the Public Hearing to order at 10:20 a.m. regarding Conditional Use Permit Amendment #957A of Our Hartman Family Farms request an amendment to conditions 3 & 4 of CUP #957 issued March 14, 2023; change to #3 shall record the survey for any parcel less than 10 acres in size, and change to #4 further subdivision must meet all the requirements of Mower County's Ordinances, located in Section 35 of Austin Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #957A amendment.

The Chair closed the Public Hearing at 10:28 a.m. regarding CUP #957A amendment of Our Hartman Family Farms.

The County Board reconvened its regular session at 10:28 a.m.

Date: January 9, 2024

Res. #08-24

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 9, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #971, by Scott Griese, Landowner has petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Conditional Use Permit to operate a mini storage unit on the property.

Located in Mower County, Minnesota and legally described as:

Tax Legal: SubdivisionName LANSING VILLAGE Block 001 SubdivisionCd 08039
S14FT LOT 2; ALL OF LOTS 3, 4, 5 & 7; W60FT LOT 6; E12FT LOT
8; & S1/2 E56FT LOT 10; DOC#678942

(Full legal description on file in the office of Environmental Services.)

And identified per Mower County tax records as parcel 08.039.0040; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on January 2, 2024, 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 January 9, 2024 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. A Zoning Permit shall be obtained prior to any construction of any structure on the property. A zoning permit will only be issued for site layout as presented in this application including fencing, access, and maximum dimensions of the storage units; and
3. 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.
4. Parcel must maintain the Shoreland development standard limit for impervious surface at 25% lot coverage;
5. The Owner/Applicant shall keep the site in a neat, orderly, and aesthetically pleasing condition; and
6. Any vehicles (RV's, trailers, campers, etc.) stored outdoors must be licensed and operable in accordance with Mower County's Solid Waste Ordinance. Any personal items stored on the premises must be kept in a manner that is compliant with Mower County's Solid Waste Ordinance; and
7. The Owner/Applicant shall work cooperatively with Mower County to mitigate any issues brought to the attention of the County that are found to be legitimate and valid that may create a nuisance to adjoining landowners from the proposed use, and
8. Any lighting shall be deflected downward and shall not create a nuisance to the traveling public or adjoining landowners; and
9. Any signage shall comply with Article 1 Outdoor Advertising and Section 14-152 of the Mower County Ordinance regarding business signs; 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;
11. 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
12. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use. Any expansion to or modification beyond what is approved by this permit will require amendment to the CUP; and
13. Hours of operation shall not exceed 7am to 10pm daily; and
14. 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.
15. Applicant shall apply for a Driveway/Access permit from Mower County prior to initiating any construction on the property.
16. Applicant shall apply for a 911 address from Mower County prior to initiating any construction on the property.

This permit is issued in accordance with Section Section 14-103.3 c. Commercial uses in B District, Section 14-71 Conditional Uses e. Mini Storage and Section 14-17 Site

Development Standards for business and industrial zoning of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 9th day of January, 2024.

Date: January 9, 2024

Res. #09-24

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 9, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #972, by Timothy E Carroll and Doreen Carroll, Landowner(s) and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

An extended home occupation to operate a logging business utilizing draft horses which stores materials & implements on the premises plus a kiln, and provides sawmill services both on-location for clients & out of an accessory building on the property

Located in Mower County, Minnesota and legally described as:

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

(Full legal description on file in the office of Environmental Services.)

And identified per Mower County tax records as parcel 11.020.0040; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on January 2, 2024, 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 January 9, 2024 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. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
4. An approved ISTS Design for the proposed septic system obtained and submitted prior to construction of the residence and/or any other structure; and
5. 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
6. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
7. The Owner/Applicant shall work cooperatively with Mower County to mitigate any issues brought to the attention of the County that are found to be legitimate and valid that may create a nuisance to adjoining landowners from the proposed use, and
8. The Owner/Applicant shall abide by all road and bridge weight restrictions or postings that apply to roads used as an ingress/egress to the property; and
9. 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 or trailers can not be parked or backed onto the premises from the road or its right-of-way; and
10. 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
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 Section 14-50 (q) Extended Home Occupations in accordance with Section 14-18.3 of this Ordinance, (m) Agriculturally-oriented businesses, and (u) Other uses of the same general character. of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 9th day of January, 2024.

Date: January 9, 2024

Res. #10-24

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 January 9, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #957A, by Our Hartman Family Farms John F. Hartman and Christopher P. Hartman, Landowner(s), and Nichole M. Rustad, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Amendment to conditions #3 & 4 of CUP #957 issued March 14, 2023; change to: #3-shall record the survey for any parcel less than 10 acres in size. #4-further subdivision must meet the requirements of Mower County's Ordinances.

Located in Mower County, Minnesota and legally described as:

Tax Legal: Section 35 Township 102 Range 018 N2784.38FT E2640FT E1/2 OF
SEC EXC E495FT N458FT & EXC 6.39 AC RR RWY & EXC 6.39 AC
DNR AREA

(Full legal description on file in the office of Environmental Services.)

And identified per Mower County tax records as parcel 02.032.0060; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on January 2, 2024, 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 January 9, 2024, 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 permit shall become void two (2) years from the date of approval by the County Board if the split has not been completed through Property Adjustment Application. Note, all structures must meet setbacks in place at the time of subdivision for the split to be approved; and
3. Landowner shall record a survey, completed by a licensed surveyor, along with the deed for transfer of title for any parcel created less than 10 acres in size; and
4. Further subdivision must meet the requirements of Mower County's Ordinances; and
5. Petitioner must sign and notarize the "Rural and Agricultural Homeowners Assumption of Risk Assessment Form" prior to transfer of the land to another party, and have it recorded at the Mower County Recorder's Office; and
6. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and

7. A Certificate of Compliance on existing septic systems is required prior to transfer of property in accordance with Mower County Ordinance. The landowner (seller) is required to comply with the requirements thereof; and
8. 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.
9. Any new or replacement dwelling must be setback equal to or greater than the existing dwelling from the closest adjacent registered feedlot, as defined. To be placed closer to the feedlot than the home that exists today, will require a variance from the Board of Adjustment prior to construction. If the feedlot ceases existence prior to a new or replacement dwelling being requested/placed on this property (PID 02.032.0060), this condition shall be considered canceled. Note: The current zoning ordinance requires a dwelling to be located 1000 feet from an existing feedlot.

Reference: Minnesota Statute 169.88. *"Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which the highway or highway structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in Sections 168.80 to 169.88.*

When such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. Any person who by willful acts or failure to exercise due care damages any road, street or highway or highway structure shall be liable for the amount thereof. Damages under this section may be recovered in a civil action brought by the authorities in control of such highway or highway structure."

This permit is issued in accordance with Section Subdivision 13-129 - Small Subdivision of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 9th day of January, 2024.

Mower County Assistant Public Works Director Valerie Sheedy and the City of Austin Planning and Zoning Administrator Holly Wallace presented to the Board a Comprehensive Planning Update. In community partnership a Request for Qualifications for a comprehensive plan is ready to be sent to invite consulting firms to develop and outline two distinct Comprehensive Plans that include citywide and countywide policies, goals and strategies which will reflect a unified vision for both the City of Austin and Mower County for years to come. It is recommended that the selection committee include representatives from the City of Austin, Mower County and the community.

Land Records Taxpayer Services Director Joy Kanne appeared before the Board with the staff with enthusiasm following a successful staff meeting in which the department outlined goals for the next six months that align with the County's vision and goals to ultimately provide better customer service.

Under Committee Reports Commissioner Mueller reported that on 1/5/24 he had attended the meeting with Fair Board members, Trish Gjersvik and Finance Manager Loni Swenson to discuss fair projects. Commissioner Glynn reported that on 1/8/24 she attended a SEMCAC meeting. The new director is in place. The new building project is taking a new direction for funding and SEMCAC will be working with the Finance Committee.

The Chair adjourned the meeting at 10:53 a.m. The next meeting is scheduled for January 23, 2024 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: John O. Mueller Chairperson

Attest:

By: Michelle Ann Ceynska
Clerk/Administrator