

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

February 13, 2024

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session February 13, 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 and 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 with the addition of the following: 1) motion to appoint two commissioners to the Canvassing Board to meet March 8, 2024. Motion carried.

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

1. Approve Minutes of January 23 and February 6 Work Session, 2024
2. Approve Resolution approving Allzin For Alzheimers MN lawful gambling application

Date: February 13, 2024

Res. #13-24

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 February 13, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, on February 13, 2024 the Allzin For Alzheimers presented a request for a Minnesota Lawful Gambling LG240B Application to Conduct Excluded Bingo at the Lansing Corners Bar & Grill located at 27017 HWY 218, Austin, MN on February 25, 2024.

BE IT RESOLVED THAT, the Mower County Board of Commissioners hereby approves Allzin For Alzheimers' Minnesota Lawful Gambling LG240B Application to Conduct Excluded Bingo at the Lansing Corners Bar & Grill located at 27017 HWY 218, Austin, MN on February 25, 2024.

Passed and adopted this 13th day of February, 2024.

3. Approve Resolution approving Cedar River Archery Club's Mn Lawful Gambling application

Date: February 13, 2024

Res. #14-24

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 February 13, 2024 at the Government Center, Austin, Minnesota.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

WHEREAS, on February 13, 2024 the Cedar River Archery Club presented a request for a Minnesota Lawful Gambling LG220 Application for Exempt Permit for gambling at the Cedar River Archery Club located at 54691 270th St., Austin, MN on June 9, 2024.

BE IT RESOLVED THAT, the Mower County Board of Commissioners hereby approves Cedar River Archery Club's Minnesota Lawful Gambling LG220 Application for Exempt Permit for gambling at the Cedar River Archery Club located at 54691 270th St., Austin, MN on June 9, 2024.

Passed and adopted this 13th day of February, 2024.

4. Appoint Lasha Bungum and Amy Hahn to the Mower County Extension Committee as adult representatives for a 1st term effective 2/13/24-12/31/26.

5. Approve late claim for expense reimbursement for employee #0762 (\$17.69)
Motion carried.

Emergency Manager / Operations Manager Amy Bramwell provided the Board with an update on the Mower County 911 Communications / Dispatch Center. In 2023 the center received 12,967 9-1-1 calls and 34,555 administrative calls. The average call length was 2 minutes, the call ring time was 4 seconds. Friday and Tuesday were the busiest call days, and 2 – 3 p.m. was the busiest call time. The department is focusing on staff training and development. The search for a Dispatch supervisor is underway.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Advanced Correctional Healthcare, Inc	40,378.17	Harty Mechanical Inc	4,064.00
AMI Imaging Systems Inc	53,940.00	Healthiest You	3,360.00
Ancom Technical Center, Inc.	26,604.25	Insight Direct USA, Inc	35,713.15
Armon Architecture, Inc.	7,564.82	Jones Haugh & Smith Inc	3,300.20
Association Of Minnesota Counties	3,250.00	KRIS Engineering Inc	5,324.50
Austin Automotive LLC	5,118.24	Ledwell & Son Enterprises, Inc.	174,338.28
Austin Township	2,481.44	Mayo Clinic Ambulance Services	2,410.62
Axon Enterprise Inc	17,138.88	MCHS SE Minnesota	8,129.50
Baudoin Oil Company	4,754.41	Midwest Monitoring & Surveillance	7,890.25
Bound Tree Medical LLC	2,694.67	Minnesota Sheriffs Association	10,591.31
Bright Life House	4,355.09	Mower Soil & Water Conservation District	35,778.95
Cedar Valley Services, Inc	58,355.53	Nu-Tek BioSciences, LLC	80,100.00
CivicPlus, LLC	4,494.00	OnSolve LLC	9,855.32
Commissioner of Transportation	2,513.13	OpenGov, Inc	37,275.00
Consolidated Correctional Foodservice	19,567.40	Overhead Door Of Albert Lea, Inc	2,184.00
Continental Research Corporation	2,456.72	Petroblend Corp.	2,764.47
Dave Lucas Consulting	2,030.00	Professional Development Academy, LLC	10,000.00
David C Patterson Plumbing LLC	3,186.50	Ratwik, Roszak & Maloney, P.A.	2,226.00
Dell Marketing L P	38,391.47	Rural Minnesota Energy Board	2,500.00
Diamond Drugs, Inc.	15,211.82	Schneider Geospatial, LLC	7,104.00
Discover Austin	2,500.00	SeaChange Print Innovations	2,996.17
Election Systems & Software, LLC.	5,515.10	SEMNRBB	9,700.00
Fox Electric Company	3,490.23	Syverson Truck Center/Dave	7,473.74
Freeborn County	10,097.68	The Master's Touch, LLC	19,409.41
Freeborn County Co-Operative Oil Co.	13,277.43	Thomson Reuters-West Payment Center	3,321.88
Hanson Tire Of Austin Inc	3,581.73	Ziegler, Inc	2,272.48
Harbaugh Septic LLC	13,345.00	94 Payments less than 2000	48,401.34
		Final Total:	904,778.28

Motion carried.

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

Quantity	Item	Department
30	Umbrellas (donation to HHS clients)	HHS
2	Milnor E-P Plus wash machines Model 30022VRJ (for auction)	Jail

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 Ankeny, to approve the Health & Human Services accounts payable totaling \$146,037.74. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to appoint Joan Hanson, Sara Salas Ramirez and Lesley Heimer to the Mower County Community Health Services Advisory Committee effective February 13, 2024. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the formation of an employee committee dedicated to creating a Tobacco Free Grounds Policy with implementation plan for Board review and approval for a tobacco free campus no later than December 31, 2024. Motion carried.

Public Health Division Manager Pam Kellogg provided a brief overview of the Women Infant and Children (WIC) management evaluation. The program is evaluated every four years and many changes occurred during COVID to provide services virtually. Now services are being provided both in-person and over the phone. Currently the program is serving 1209 individuals and interpreters are needed for approximately 27% of these individuals. Currently Mower County has 1.2 FTE's dedicated to this program which is a high ratio case load of about 1 to 1000. DHS recommends a 1 to 500. Program hours are limited to two days a week which makes it difficult for eligible people to be served due to the hours of the clinic. The department is looking at options to expand service offering including providing services during non-traditional hours.

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

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the Purchase of Service Agreement renewals effective 1/1/24 – 12/31/24 unless noted otherwise for the following:

Electronic Document Management System:	MN Prairie – effective to 12/31/25
Family Services – Helping Homes & Parent Education Services:	Parenting Resource Center, Inc.
Family Services – Parents Forever Services:	Parenting Resource Center, Inc.
Family Services – Seibel Visitation Services:	Parenting Resource Center, Inc.

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to adjourn the Health & Human Services Board meeting at 9:49 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 9:50 a.m. for regular business items.

Date: February 13, 2024

Res. #15-24

RESOLUTION

SET PUBLIC HEARING DATE TO HEAR IMPASSABLE ROAD COMPLAINT

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 February 13, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, pursuant to Minn. Stat. §163.16, when a written complaint, signed by five or more landowners of any town is presented to the county board stating that a described town road in or on the line of the town has not been opened and constructed or is not properly maintained, and because of such neglect is not reasonably passable, the county board by resolution, shall fix a time and place for hearing the complaint; and

WHEREAS, on or about January 26, 2024, a Petition was presented to the Mower County Board of Commissioners seeking relief pursuant to Minn. Stat. §163.16 to declare a certain portion of a Town roadway commonly known as 228th Street and 574th Ave in The Meadows at Dobbins Creek in Red Rock Township as an Impassable Road as defined in Minn. Stat. §163.16.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board does hereby set a Public Hearing date of February 27, 2024, at 9:30 a.m. in the Mower County Board Room at 201 1st Street NE, Austin, MN to hear the complaint.

Passed and adopted this 13th day of February, 2024.

Date: February 13, 2024

Res. #16-24

RESOLUTION

GRANT FUNDING ASSISTANCE FOR C016-23-4D

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 February 13, 2024, at the Government Center, Austin, Minnesota.

WHEREAS, the County of Mower ("County") has the legal authority to apply for financial assistance, and the institutional, administrative, and managerial capability to ensure adequate acquisition, construction, maintenance and protection of the proposed project described as Wanhi Yukon Trail-Grand Meadow Chert Quarry Arch & Cultural Preserve; and

WHEREAS, the County has the financial capability to provide any required matching funds and that the source of the matching funds shall be cash reserves from American Rescue Act revenue and will not include other State funding sources; and

WHEREAS the total project cost is \$245,250; and

WHEREAS the County wrote and received a state grant in the amount of \$183,937; and

WHEREAS the County agrees to complete the project or phase if it exceeds the total funding provided by the proposed \$183,937 State grant; and

WHEREAS the County has not incurred any reimbursable expenses prior to the effective date of the agreement; and

WHEREAS the County has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

NOW, THEREFORE BE IT RESOLVED, that upon approval of its application by the state, the County may enter into an agreement with the State of Minnesota for the above-referenced project, and that the County certifies that it will comply with all applicable laws, environmental requirements, regulations, terms and conditions as stated in the grant agreement.

Passed and approved this 13th day of February, 2024.

Motion made by Commissioner Sparks, seconded by Commissioner Reinartz, to appoint Commissioner Reinartz and Commissioner Sparks to the County Canvassing Board scheduled to meet on Friday, March 8, 2024, at 11:00 a.m. at the Mower County Government Center. Motion carried.

Date: February 13, 2024

Res. #17-24

**RESOLUTION
REDESIGN OF MINNESOTA STATE FLAG AND SEAL**

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 February 13, 2024, at the Government Center, Austin, Minnesota.

WHEREAS the 2023 Legislature created a State Emblems Redesign Commission in the Laws of Minnesota, Chapter 62, Article 2, Section 118, the purpose of which is to redesign the official state flag and official state seal, and

WHEREAS the Redesign Commission was charged with bringing recommendations on the redesign to the Legislature by no later than January 1, 2024, and

WHEREAS the official seal of the State of Minnesota has remained unchanged since 1858; the current official state flag was created in 1957 with minor modifications done in 1983, and

WHEREAS, the official state flag and seal are symbols of our state, but also of our history and both the current official state flag and official state seal contain historical information on our farming background, Native American heritage and the co-existence that is part of the rich history of our state, and

WHEREAS if a change to the state flag and seal was being contemplated, the legislative branch with members who hold election certificates, a body that is designed to solicit and hear public opinion would have been the appropriate means to oversee any redesign process, and

WHEREAS there is a substantial public cost associated with implementing this change that in essence is an unfunded mandate and determined after county levies were certified for 2024, including all state flags, seals in each courtroom and county boardroom, every deputy badge and patches, notary stamps, and vital statistic certificate paper public expense, and

WHEREAS the public reaction to the proposed design changes has thus far been overwhelmingly negative.

NOW, THEREFORE, BE IT RESOLVED, the Mower County Board of Commissioners hereby respectfully requests our legislative delegation and the Governor to reject the work of the State Emblems Redesign Commission and give ample acknowledgment to public and local government input and the true cost implications of a design change implementation.

BE IT FURTHER RESOLVED, if the adoption of the new state flag and seal is not overturned, the Mower County Board of Commissioners respectfully requests that local units of government be given additional time to comply and given implementation funding.

Passed and approved this 13th day of February 2024.

The Board recessed at 10:02 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 10:02 a.m. regarding a Housing Tax Abatement application of Scott Drew & Renelle Lindquist Drew for a single-family home located in Section 12 Frankford Township, MN (PIN 06.006.0041)

County Administrator Trish Harren reviewed the application and recommended approval.

Applicant Scott Drew was present and spoke on his own behalf. No one else spoke for or against the Drew housing tax abatement application.

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

The Chair called the Public Hearing to order at 10:04 a.m. regarding a Housing Tax Abatement application of Jered & Kelly Iverson for a single-family home located at Lot 007 Block 001 Buckridge Estates Subd, Grand Meadow Township, MN (PIN 07.045.0070).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant was not present. No one spoke for or against the Iverson housing tax abatement application.

The Chair closed the Public Hearing at 10:05 a.m. regarding the Iverson Housing Tax Abatement application.

The Chair called the Public Hearing to order at 10:05 a.m. in regard to a proposed Ordinance Amendment (landowner request) to use in the Industrial Zone.

Angela Lipelt, Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

No one spoke for or against the proposed Zoning Ordinance amendment.

The Chair closed the Public Hearing at 10:14 a.m. regarding the proposed Zoning Ordinance Amendment.

The Chair called the Public Hearing to order at 10:15 a.m. in regard to CUP #970 of Michael Ruhland, Ruhland Properties LLC for a Functional Fitness facility in the Industrial Zone. If the County Board adopts the ordinance amendment, Mr. Ruhland will submit a Conditional Use Permit for consideration.

Angela Lipelt, Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

The Petitioner Mr. Ruhland was present remotely. No one spoke for or against CUP #970.

The Chair closed the Public Hearing at 10:19 a.m. in regard to CUP #970 of Michael Ruhland, Ruhland Properties LLC.

The Chair called the Public Hearing to order at 10:19 a.m. regarding CUP #973 for Cory and Melissa Carroll for a kennel facility.

Angela Lipelt, Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations. It was noted that the request is for a temporary 12-month CUP.

The Petitioner Cory Carroll was present and spoke on his own behalf in favor of CUP #973. No one else spoke for or against CUP #973.

The Chair closed the Public Hearing at 10:46 a.m. in regard to CUP #973 of Cory and Melissa Carroll.

The County Board reconvened its regular session at 10:46 a.m.

Date: February 13, 2024

Res. #18-24

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

On motion of Commissioner Glynn, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 13, 2024, 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 Scott Drew and Renelle Lindquist Drew are the owner(s) of certain property within Mower County, legally described as follows:

Section 12 Township 103 Range 014, 5.18AC BLDG SITE SE COR SW1/4 NW1/5; DOC#643774 Frankford Township (PIN 06.006.0041)

WHEREAS Scott Drew and Renelle Lindquist Drew 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 February 13, 2024, before the Mower County Board of Commissioners, on said application.

WHEREAS Scott Drew and Renelle Lindquist Drew have met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision 1(1) and Subdivision 2(i) as well as Mower County's criteria for tax abatement;

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

1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of the single-family home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This

will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated, and the property owner will need to reapply in accordance with this policy.

3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 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 13th day of February 2024.

Date: February 13, 2024

Res. #19-24

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

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 February 13, 2024, 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 Bradley R. Grafe (Seller) is the owner(s) of certain property within Mower County, legally described as follows:

Lot 007 Block 001 Buckridge Estates Subd Subdivision Grand Meadow Township (PIN 07.045.0070)

WHEREAS, Jered and Kelly Iverson (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 February 13, 2024, before the Mower County Board of Commissioners, on said application.

WHEREAS Bradley R. Grafe (Seller) and Jered and Kelly Iverson (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 single-family home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated, and the property owner will need to reapply in accordance with this policy.
3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 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 13th day of February 2024.

Date: February 13, 2024

Ord. #01-24

ORDINANCE
Zoning Ordinance

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held February 13, 2024, at the Mower County Government Center, Austin, Minnesota.

WHEREAS a Notice of Intention to hold a public hearing to consider amending Sections of the Mower County Zoning Ordinance was published in Mower County's official newspaper, the Austin Daily Herald, on January 24, 2024, and in the Mower County Independent on January 25, 2024; and

WHEREAS notices were made by first class mail to affected parcels and Townships on February 1, 2024. An official list is kept on file in the office of the Environmental Services. Notice was sent to City and Township Clerks on February 1, 2024; and

WHEREAS the Planning Commission held a public hearing on said amendment on February 6, 2024, at 5:30 p.m. in the Mower County Government Center, Board Room, before the

Mower County Planning Commission at which any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS the Mower County Planning Commission recommended by a majority vote to revise sections of the Mower County Zoning Ordinance; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on February 13, 2023, at 5:30 p.m. in the Mower County Government Center, Board Room before the Mower County Board of Commissioners, on said petition and adopted; and

WHEREAS, Notice having been duly given, a public hearing was held on February 13, 2024, before the Mower County Board of Commissioners, on said petition; and

BE IT ORDAINED those revisions incorporating all previously approved amendments and including minor corrections, of the Mower County Zoning Ordinance effective 1/1/2003, amended henceforth shall be incorporated and adopted in their entirety; and

BE IT ORDAINED that the following proposed revisions to Zoning Ordinance Division 8 Industrial District Section 14-83 Conditional Uses Item (k) [new], and Section 14-7 Definitions "Functional Fitness" [new] shall be incorporated and adopted in its entirety;

Division 8. "I" Industrial District

Section 14-83 Conditional Uses

(k) Functional Fitness facilities, as defined in Section 14-7 Definitions

Division 2

Section 14-7 Definitions

Functional Fitness: A Functional Fitness gym is a fitness facility that offers a unique and intense approach to physical fitness. It combines elements of weightlifting, high intensity interval training, cardiovascular exercises and functional movements to help individuals build strength, endurance, and overall fitness. Functional Fitness facilities provide a space for members to participate in instructor led workouts that challenge their physical capabilities. These workouts can include activities such as weightlifting, calisthenics, and aerobic exercises, often incorporating a variety of equipment such as barbells, kettlebells, pull up bars and rowing machines. Functional Fitness facilities have a need for high ceilings, open floor plans and durable floors.

BE IT FURTHER ORDAINED that Ordinance #01-24 shall be effective upon publication in the Legal Newspaper of Mower County, the "Austin Daily Herald." *(Published 2/24/24)*

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

Passed and approved this 13th day of February 2024.

Date: February 13, 2024

Res. #20-24

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 February 13, 2024, at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #970, by Michael Ruhland c/o Ruhland Properties LLC, Landowner and Petitioner, have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

a conditional use permit to operate a Functional Fitness facility in an existing building located in the Industrial Zone.

Located in Mower County, Minnesota and legally described as:

OUTLOT 2 Subdivision Cd 08043 AUSTIN INDUSTRIAL SERVICE CENTER

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

And identified per Mower County tax records as parcel 08.043.0020; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on February 6, 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 February 13, 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, including, but not limited to handicap accessibility a federal code requirement, fire code, state building code requirements for the use provided or any other applicable regulations. This parcel is in Lansing Township which may also have zoning requirements and it is the applicant's responsibility to obtain all necessary permits through the township in addition to those of Mower County. Lansing Township can be more restrictive than County zoning and the applicant/owner is required to meet all conditions or requirements of both entities. When one LGU (local unit of government) authority is more restrictive or in conflict than the other; the

more restrictive requirement shall apply. It is the owner/applicant's responsibility to demonstrate these items have been met or exceeded.

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.
3. A Zoning Permit shall be obtained prior to any construction or structural modification of any structure on the property in accordance with the zoning ordinance.
4. A replacement septic system is required and is currently past-due for installation in accordance with Mower County's septic ordinance. Replacement was required on or before 1/1/2024. Replacement must be completed by August 1, 2024. The septic system shall include a water meter which requires no less than monthly readings and recordings to determine if the Type III system is operating within its flow limits. This system is a Type III septic system because the system has been downsized due to site constraints. This system is required to be serviced annually by a service provider who shall be required to submit annual flow reports to Mower County. For the first-year, water flow reports shall be recorded and reported monthly to the Environmental Services office for sanitarian review. The next following 2 years, water flow reports from the meter shall be reported by the service provider quarterly to Mower County Environmental Services office for sanitarian review.

The Type III septic system is designed for a maximum of 75 members who use up to 300 gallons of water per day. To compensate for any additional use, sinks or toilet issues the system MAX capacity was increased to 450 gallons per day.

The facility currently has 2 bathrooms and one shower. Should additional water sources be added to the system, meaning additional sinks, stools, showers or any other water using devices be added to the system; additional water metering reports shall be required by the county sanitarian to determine the septic system is not being overused, blown out or damaged by overuse. If water flows are over and above the capacity of the system, the system may need to be expanded accordingly.

The secondary site must be protected from heavy equipment, parking, compaction, or any other damage, as there will be no other option for a septic system on this property if damaged. If a septic system cannot be installed on the property, the property shall be required to connect to municipal sewer to support this use.

5. The owner shall provide proof of constant and continual liability insurance coverage to Mower County Environmental Services Department until this land use no longer exists and extinguished. This condition is applicable to this and all future Functional Fitness facility owners.
6. Anytime the facility is open to the public there shall be no less than one staff member present.
7. Mower County and Lansing Township shall receive written notice of any "special" outdoor events such as competitions or activities and the details of what is anticipated for such events which will draw additional people into the facility from those above the capacity of a normal class no less than 30 days prior to the event. This allows the county to determine if any special safety measures by the public entity will need to be implemented. This may include law enforcement protection or signage by the highway department for protection of the spectators or participants.
8. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
9. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and

10. 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
11. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around etc. 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 parking requirements of the zoning ordinance shall apply; and
12. 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.
13. Outdoor lighting shall be for safety and deflect downward in a manner to not create a nuisance for neighboring residential properties.
14. Hours of operation for membership activities shall be set at 4:00 am to 11:00 pm daily.

This permit is issued in accordance with Section 14-83 Industrial District, Conditional Uses, and 14-17 Site Development, Landscaping, Screening, and Greenbelt Requirements for Business and Industrial Zoning District of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 13th day of February 2024.

Date: February 13, 2024

Res. #21-24

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 February 13, 2024, at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #973, by Cory Carroll and Melissa Carroll Landowner(s), and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

A conditional use permit for operation of a dog kennel facility with up to 35 animals (20 Dogs, 15 Cats)

Located in Mower County, Minnesota and legally described as:
Section 06 Township 103 Range 017 5AC BLDG SITE ALONG W LINE N1/2 SW1/4;
DOC#661454 (*Full legal description on file in the office of Environmental Services.*)
And identified per Mower County tax records as parcel 16.006.0045; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on February 6, 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 February 13, 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 denied as proposed, as recommended by the Mower County Planning Commission, and instead approval of a temporary CUP valid for 12 months with the following **10 conditions** as follows:

1. The facility is permitted for the temporary kenneling of the dogs and cats currently on site, both personal animals, sanctuary animals, and animals held under "The Rescue Connection"; no additional animals may be taken in or sheltered for any reason; and
2. The conditional use permit shall be valid for a period of 12 months, expiring on February 14, 2025, for the express purpose of providing time to reduce the number of animals; and
3. The Owner/Applicant shall find homes, shelters, or other living arrangements for all of the indoor animals so there are no more than three (3) on the premises at any given time; and
4. The Owner /Applicant shall immediately make arrangements to complete the required vaccinations and to spay, neuter, or home any animals that are currently in-tact; and
5. The Owner/Applicant shall keep the property clean, such that animal feces and urine do not create nuisance conditions; and
6. The Owner/Applicant shall keep the animals contained on the property under safe and humane conditions at all times. Upon request, Mower County and/or its representatives shall be granted access enter the premises and review conditions; and
7. The Owner/Applicant shall obtain and maintain current vaccination records for animals that are kept on the premises; and
8. If the Owner/Applicant desires to continue operating The Rescue Connection, they are encouraged to invest in suitable building(s) outside of the home to house the animals in which have features like hard floors that are easily cleaned, designated spaces for the animals, indoor/outdoor runs, and the applicant needs to demonstrate the ability to obtain/maintain vaccination records and spay/neuter animals at the earliest appropriate age; and
9. Any application to amend this CUP to a permanent use must be received by January 10, 2025, in order to be considered before this permit expires; and
10. Failure to comply with this permit is a violation of the Zoning Ordinance which is prosecutable by the Mower County Attorney for violations to the Zoning Ordinance and/or any applicable state laws.

This permit is issued in accordance with Section Agricultural District, Section 14-51 Conditional Uses, Item (f): Kennel, of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 13th day of February 2024.

Motion made by Commissioner Ankeny, seconded by Commissioner Sparks, to amend Resolution #03-24 adopted January 2, 2024, by adding the two additional financial institutions (First National Bank and Moreton Capital Markets) into the list as designated 2024 depositories. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to amend Resolution #02-24 adopted January 2, 2024, pertaining to Auditor Warrants by adding one additional resolution paragraph as follows:

BE IT FURTHER RESOLVED that the auditor warrant file and electronic fund transfer payments be available for inspection in the Finance office.
Motion carried.

Mike Hanson, Public Works Director, presented bid information received for projects SAP 050-604-017 and SAP 050-606-029, SAP 050-606-030 and SAP 050-620-017, and SAP 050-599-184.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to award the low bid of Rochester Sand & Gravel on projects SAP 050-604-017 and SAP 050-606-029 with a low bid of \$3,031,524.85 and have the projects commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to award the low bid of Asphalt Surface Technologies Corp. on projects SAP 050-606-030 and SAP 050-620-017 with a low bid of \$465,662.51 and have the projects commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to award the low bid of Fitzgerald Excavating on project SAP 050-599-184 with a low bid of \$150,975.00 and have the projects commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Date: February 13, 2024

Res. #22-24

RESOLUTION
Local Road Improvement Program Grant Agreement
Grant Terms and Conditions
SAP 050-599-184

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 February 13, 2024, at the Government Center, Austin, Minnesota.

WHEREAS Mower County has applied to the Commissioner of Transportation for a grant from the Local Road Improvement Fund for the construction of Bridge No. 50L01; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available; and

WHEREAS the amount of the grant has been determined to be \$140,975.00 by reason of the lowest responsible bid;

NOW THEREFORE, BE IT RESOLVED that Mower County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52, and will pay any additional amount by which the cost exceeds the estimate and will return to the Local Road Improvement Fund any amount appropriated for the project but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Passed and approved this 13th day of February 2024.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to set the project letting date to March 21, 2024, at 1:00 p.m. at the office of Public Works and awarded at the County Board of Commissioner's meeting for the following County seasonal projects:

CP 50-24-02 – Seasonal Bituminous

CP 50-24-04 – Seasonal Aggregate

Motion carried.

Date: February 13, 2024

Res. #23-24

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 February 13, 2024, at the Government Center, Austin, Minnesota.

2024 ROAD RESTRICTION RESOLUTION

BE IT RESOLVED, that pursuant to Section 169.87, Seasonal Load Restrictions and 163.02, Subdivision 3, Load Restrictions, the following described County State Aid Highways and County Roads within Mower County, Minnesota, are hereby restricted to a maximum axle load as noted below, that the County Highway Engineer is hereby authorized to impose weight and load restrictions on any highway under County Jurisdiction during the calendar year of 2024 and the County Engineer be hereby authorized to erect proper signs plainly indicating the prohibition or restriction at each end of these described roads. All restrictions shall become

Six Tons per axle

C.S.A.H. No. 5- From T.H. 218 to C.S.A.H. No. 7
C.S.A.H. No. 11- From T.H. No. 56 to East County Line
C.S.A.H. No. 16 - From C.S.A.H. 2 to County Road 57
C.S.A.H. No. 18 - From C.S.A.H. No. 7 to Iowa State Line
C.S.A.H. No. 22 - From T.H. 218 to C.S.A.H. No. 19
County Road No. 52 - From C.S.A.H. No. 4 to T.H. 56

Seven Tons per axle

C.S.A.H. No. 1 & 15 - C.S.A.H. No. 20 to C.S.A.H. No. 8
C.S.A.H. No. 1- From C.S.A.H. No. 8 to East County Line
C.S.A.H. No. 3- From T.H. 56 to C.S.A.H. No. 8
C.S.A.H. No. 4- From C.S.A.H. No.7 to C.S.A.H No. 9
C.S.A.H. No. 6 - From C.S.A.H. No. 19 South to T.H. 56
C.S.A.H. No. 8- From T.H. 16 South to T.H. 56
C.S.A.H. No. 8 - From C.S.A.H No. 1 to North County Line
C.S.A.H. No. 9 - Iowa State Line to C.S.A.H. No. 6
C.S.A.H. No. 10 - From C.S.A.H. No. 1 North to County Line
C.S.A.H. No. 13 - Interstate 90 to C.S.A.H. No. 7
C.S.A.H. No. 16 - From County Road 57 to North County Line

C.S.A.H. No. 20- From C.S.A.H. No. 7 to 1 ½ miles west
C.S.A.H. No. 24- From C.S.A.H. 46 to C.S.A.H. 16
C.S.A.H. No. 26 - From West County Line to T.H. 218
C.S.A.H. No. 27 - From West County Line to 1,595 ft. west of T.H. 218
County Road No. 57 - From C.S.A.H. No. 16 to C.S.A.H. No. 20

Nine Tons per axle

C.S.A.H. No. 1- From C.S.A.H. No. 36 to C.S.A.H. No. 20
C.S.A.H. No. 1 & 10- From C.S.A.H. No. 2 to C.S.A.H. No. 15
C.S.A.H. No. 3 - From T.H. 218 to T.H. 56
C.S.A.H. No. 3 - From C.S.A.H. 8 to East County Line
C.S.A.H. No. 4 - From West County Line to C.S.A.H. No. 7
C.S.A.H. No. 5 - From West County Line to T.H. 218
C.S.A.H. No. 5 - From C.S.A.H. No. 7 to T.H. 56
C.S.A.H. No. 6 - From West County Line to C.S.A.H. No. 19
C.S.A.H. No. 7 - From Iowa State Line to Interstate 90
C.S.A.H. No. 7 - From C.S.A.H. No. 2 to North County Line
C.S.A.H. No. 8 - From T.H. 16 North to C.S.A.H. No. 1
C.S.A.H. No. 16 - From Austin City Limits to C.S.A.H. No. 2
C.S.A.H. No. 19 - From C.S.A.H. No. 46 to C.S.A.H. No. 2
C.S.A.H. No. 19 - From T.H. No. 56 to C.S.A.H. No. 46
C.S.A.H. No. 19 - From C.S.A.H. No. 6 to T.H. 56 at Rose Creek
C.S.A.H. No. 20 - From Interstate 90 to C.S.A.H. No. 3
C.S.A.H. No. 20 - From North County Line to C.S.A.H. No. 46
C.S.A.H. No. 21- From C.S.A.H. No. 28 to T.H. 105
C.S.A.H. No. 23 - From C.S.A.H. No. 28 to Austin City Limits
C.S.A.H. No. 25 - From C.S.A.H. No. 45 to C.S.A.H. No. 1
C.S.A.H. No. 28 - From West County Line to T.H. 218
C.S.A.H. No. 29 - From C.S.A.H. No. 4 to Austin City Limits
C.S.A.H. No. 36 - From C.S.A.H. No. 26 to C.S.A.H. No. 1
C.S.A.H. No. 46 East - From 28 St. N.E. exit to C.S.A.H. No. 20
C.S.A.H. No. 46 West - From Freeborn County Line to 1-90
County Road No. 51- From C.S.A.H. No. 21 to T.H. 105
County Road No. 54 - From Iowa State Line to C.S.A.H. 6
County Road No. 58- From Co. Rd. 58 to T.H. 56
County Road No. 58 - From Interstate 90 to C.S.A.H. No. 3
County Road No. 59 - From West end to C.S.A.H. No. 13
County Road No. 60 - From C.S.A.H. No. 20 east
County Road No. 61-Austin North to C.S.A.H. No. 2

Ten Tons per axle

C.S.A.H. No. 2 - From West County Line to East County line
C.S.A.H. No. 7 - From Interstate 90 to C.S.A.H. No. 2 West
C.S.A.H. No. 8 - From C.S.A.H. No. 1 North to Olmsted County Line
C.S.A.H. No. 12 - From Iowa State line to T.H. 56
C.S.A.H. No. 14 - From T.H. 56 to T.H. 16

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

C.S.A.H. No. 27- From 1,595 ft. West of T.H. 218 to C.S.A.H. No. 45

C.S.A.H. No. 36 - From C.S.A.H. 2 to ½ mile North

C.S.A.H. No. 45 North - From Interstate 90 to T.H. 218

C.S.A.H. No. 45 South - From T.H. 218 to Austin City Limits

Five Tons per axle

All other County State Aid Highways and County Roads of Mower County, Minnesota, not covered by the foregoing 6, 7, 9 & 10 ton per axle restrictions.

Passed and approved this 13th day of February 2024.

Under Committee Reports Commissioner Ankeny reported he attended the Austin Homeownership Fund Board meeting on 2/6 and some changes were made to the program due to low loan activity, higher housing costs and funds available. Commissioner Reinartz attended a Senior Center meeting on 2/7. Commissioner Sparks reported his attendance at the One Watershed One Plan meeting on 2/7. Commissioner Glynn reported she had some computer issues and missed two scheduled virtual committee meetings. Commissioner Mueller reported he attended the Planning Commission meeting on 2/6 and due to the length of the meeting he missed the Fair Board meeting which was also held that evening. Commissioner Mueller attended the SE MN Emergency Communications Board meeting on 2/12. There were discussions concerning combining resources for 9-1-1 services in the region.

County Administrator Trish Gjersvik reported that Farm Bureau is planning to donate fundings to construct a new permanent structure to serve as the Fair Square Stage.

The Chair adjourned the meeting at 11:28 a.m. The next meeting is scheduled for February 27, 2024, at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: John O. Mueller Chairperson

Attest:

By: Trish Gjersvik
Clerk/Administrator