REGULAR SESSION OF THE MOWER COUNTY BOARD OF COMMISSIONERS

February 27, 2024

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session February 27, 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, and Austin Daily Herald Editor Eric Johnson.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to approve the revised agenda as distributed. Motion carried.

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

1. Approve Minutes of February 13, 2024
2. Approve late claim for expense reimbursement for employee #5113 ($5.24)
3. Approve Tobacco License Application for AMA Corp. dba BEAR'S for period February 27, 2024, ending June 30, 2024
4. Approve Seasonal Liquor Licenses:
   Deer Creek – Seasonal Full Liquor with Sunday Sales – 7 Months April 1, 2024 - October 31, 2024; and
   Meadow Greens - Seasonal Full Liquor with Sunday Sales – 9 Months March 1, 2024 – November 30, 2024

Motion carried.

GIS Administrator Eric Miller provided the Board with a department update. Mr. Miller highlighted the many projects that GIS is performing to compile data for better communications between departments creating efficiencies and better procedures. One of the largest milestones was the successful completion and upload of the NG911 data to the statewide database.

The Board recessed at 9:30 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 9:32 a.m. regarding a Housing Tax Abatement application of Travis and Afton Schmitz for a single-family home located Schmitz's Golf View Lot 002 Block 001 SubdivisionCd 01036, Adams Twp, MN (PIN 01.036.0020). $520,000

County Administrator Trish Harren reviewed the application and recommended approval.

The applicants Travis and Afton Schmitz were present. No one spoke for or against the Travis and Afton Schmitz housing tax abatement application.

The Chair closed the Public Hearing at 9:35 a.m. regarding the Travis and Afton Schmitz Housing Tax Abatement application.

The Chair called the Public Hearing to order at 9:35 a.m. regarding a Housing Tax Abatement application of Matthew & Rebecca Schmitz for a single-family home located Section 21 Township 102 Range 016 E580FT S380FT NE 1/4 NE 1/4, Marshall Twp, MN (PIN 12.021.0021).

County Administrator Trish Harren reviewed the application and recommended approval.

The applicants Matt Schmitz (Rebecca remotely) were present. Applicant Matt Schmitz spoke on his own behalf in favor of his application. No one else spoke for or against the Matthew & Rebecca Schmitz housing tax abatement application.

The Chair closed the Public Hearing at 9:36 a.m. regarding the Matthew & Rebecca Schmitz Housing Tax Abatement application.

The Chair called the Public Hearing to order at 9:36 a.m. regarding the Impassable Road Petition of The Meadows on Dobbins Creek regarding the road maintenance on 228th Street and 574th Avenue in Red Rock Township.

For the Record it was noted the persons that were present for the hearing: Justin Hultgren, Sen Truong, Ken and Roxanne Roche, Cheri & Paul Jenkins and remotely: Dan Hodgeman. It was noted that the following Mower County staff were present remotely but not necessarily present for the hearing: Cameron Heard, Marcus Thompson, Mindy Williamson, Mower County Jail, Sarah Belden, TJ Lynch, Valerie Sheedy, Angie Lipelt.

County Administrator Trish Harren Gjersvik noted for the record that Red Rock Township had received notice of the hearing but that representatives were unable to attend. Red Rock Township submitted a comment letter and documents prior to the hearing and it will be included as part of the record. Red Rock Township is IN OPPOSITION to the petition.

Below is a summary of the Comments received during the hearing:

Paul Jenkins	IN FAVOR Mr. Jenkins is one of the petitioners and obtained the signatures on the petition. Mr. Jenkins stated that Red Rock Township has abandoned plowing the roads after doing it for 15 – 20 years and the abandonment creates hazardous travel for the residents, delivery persons and school buses.
Ken Roche	IN FAVOR Mr. Roche, a petitioner, expressed concerns:

	Pothole hazards and the impact on school buses using the roads, Of not knowing why the township accepted 227 and not 228th Of why only plowing done and not maintenance of the road surface Mr. Roche noted that there was a need for a secondary ingress / egress routes for safety reasons due to over ½ mile and that both routes need to be passable.
Justin Hultgren	IN FAVOR Mr. Hultgren, a petitioner, expressed concerns: Townships refusal to fix pothole hazards and asphalt breaking up; The asphalt road was one of desirable purchasing points for his move to parcel.
Dan Hodgeman	IN FAVOR Dan Hodgeman was one of the developers on the subdivision with his brother who has since passed away. The roads were installed and paved as part of the development about 20 years ago providing proper ingress and egress for the parcels in the development in accordance with the subdivision ordinance. The subdivision project was to be built in phases. The roads were built according to specs and were paid for by the developer and the costs were incorporated into the sale price of a lot. There was an agreement with the township for maintenance and the developer bonded the project for 2-3 years. It was noted for the record that Red Rock Township documentation submitted indicates that Red Rock Township did accept the road 227 as a township road and the document has been recorded. There is no apparent record of the Township accepting and entering into an agreement for the maintenance of 228 or a developers bond and attempts to contact the developer have failed to produce a response from the developer. Mr. Hodgeman indicated that he had not received any correspondence from Red Rock Township. Mower County Attorney Kristen Nelsen requested that Mr. Hodgeman search his records to produce for the record his referenced agreement with Red Rock Township for the maintenance of 228. Mr. Hodgeman indicated that he would search for documentation among his records for submission during the comment period.
Roanne Roche	IN FAVOR Ms. Roche, a petitioner, 1) expressed concern for the continued need for proper ingress and egress for safety reasons; 2) questioned who did do the work of putting some oil maintenance on her road. (It was noted that a review of a county bill would need to be analyzed.) and 3) expressed a concern that Red Rock Township may extinguish the road. County Attorney Kristen Nelsen noted that the possible extinguishing (vacate/abandonment) of the road by the Township was a separate issue than today's hearing on impassable road.

The Chair closed the Public Hearing at 10:34 a.m. regarding the Impassable Road Petition of The Meadows on Dobbins Creek.

The County Board reconvened its regular session at 10:34 a.m.

Date: February 27, 2024 **Res. #24-24**

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 27, 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, Travis and Afton Schmitz are the owner(s) of certain property within Mower County, legally described as follows:

Schmitz's Golf View Lot 002 Block 001 SubdivisionCd 01036, Adams Twp, MN (PIN 01.036.0020)

WHEREAS, Travis and Afton Schmitz 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 27, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, Travis and Afton Schmitz 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 27th day of February, 2024.

Date: February 27, 2024 **Res. #25-24**

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

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 27, 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, Matthew and Rebecca Schmitz are the owner(s) of certain property within Mower County, legally described as follows:

Section 21 Township 102 Range 016 E580FT S380FT NE1/4 NE1/4 Marshall Twp, MN (PIN 12.021.0021)

WHEREAS, Matthew and Rebecca Schmitz 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 27, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, Matthew and Rebecca Schmitz 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 27th day of February, 2024.

The Board discussed the next steps in response to the Impassable Road Petition received. It was noted that Mr. Hodgeman would be looking for documentation and residents in the subdivision were encouraged to do the same as well as Red Rock Township. The comment period will be left open to allow for additional documentation.

Motion made by Commissioner Ankeny, seconded by Commissioner Sparks, to extend the public comment period on the Impassable Road Petition of The Meadows on Dobbins Creek to 4:30 p.m. March 22, 2024. The Board will respond to the petition on March 26, 2024. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the Health & Human Services accounts payable totaling $255,594.82. Motion carried.

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

Vendor Name	Amount	Vendor Name	Amount
180 Degrees, Inc.	4,988.48	Little Falls Machine, Inc.	2,000.12
Apex Equipment LLC	2,876.60	Mayo Clinic	2,713.60
Austin Automotive LLC	2,131.49	Metro Sales, Inc	2,198.05
Baudoin Oil Company	26,963.96	Midwest Monitoring & Surveillance	2,217.00
Boyer Ford Trucks Inc	308,467.87	Minnesota Counties Computer Cooperative	5,875.00
Bustad Dozing & Excavating Inc	27,300.00	Mower Soil & Water Conservation District	4,379.65
CDW Government	25,869.54	Overhead Door Of Albert Lea, Inc	11,677.63
Charm-Tex Inc	2,469.50	Petroblend Corp.	2,159.05
Department Of Corrections	44,175.00	Pomp's Tire Service, Inc	3,737.52
Diamond Drugs, Inc.	5,255.86	RDO Equipment Co.	3,072.61
Election Systems & Software, LLC.	22,630.17	Rolling Green Fencing, Inc	27,196.00

Falkstone LLC	27,487.89	Stellar Truck & Trailer	37,370.80
Fortra, LLC	7,837.42	Taylor Print & Visual Impressions, Inc.	11,093.26
Fox Electric Company	11,331.70	Tek84 Inc.	395,000.00
Gallagher Benefit Services Inc	4,000.00	TOWMASTER	28,500.00
Insight Direct USA, Inc	11,885.86	USI Consulting Group, Inc	4,000.00
J & S Repair Inc	28,033.38	Ziegler, Inc	136,329.48
Jones Haugh & Smith Inc	5,597.50	80 Payments less than 2000	45,258.63
Leadership Development Resources	5,030.00	**Final Total:**	**1,299,110.62**

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Sparks, to approve the ArcaSearch agreement to digitize for Historical Archives 2023 Board Minutes (estimated $425). Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny, to approve the City of Lyle Contract for Law Enforcement Services effective 3/1/24 – 12/31/24. Motion carried.

Date: February 27, 2024 **Res. #26-24**

RESOLUTION

On motion of Commissioner Ankeny, 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 Pheasants Forever has received an appropriation form the Legislature as recommended by the Lessard-Sams Outdoor Heritage Council to purchase 155.98 acres within Mower County legally defined as T103N R18W, S28 & 29 Lansing Township, and

WHEREAS the landowner is interested in seeing their land conserved as wildlife habitat and made available for public use for future generations,

WHEREAS Pheasant Forever would like to donate this land to the State of Minnesota to create a State Wildlife Management Area; and

WHEREAS a county board resolution is required for MN DNR Wildlife Management Area for direct acquisitions, donations of WMA land by conservation groups such as Pheasants Forever utilizing Lessard-Sams Heritage (Legacy) Council funding; and

WHEREAS Pheasants Forever intends to donate this parcel to the State as the Murphy Lake WMA Addition, and

WHEREAS the land will be open to the public and managed by the Minnesota DNR for wildlife, conservation, and recreational purposes including hunting, fishing, hiking, mushroom picking, shed antler gather, wildlife observation, photography, and environmental education, and

WHEREAS these lands will also serve the public through many benefits including but not limited to flood reduction/surface water storage; soil erosion control; ground water recharge; carbon sequestration; surface and groundwater quality control; wildlife habitat conservation;

pollinator habitat; preservation of genetic diversity of native plants and animals; and to provide habitat for species of special concern, threatened and endangered species, and

WHEREAS there will be no loss of property tax revenue to township, school district, county or any other taxing authority in Mower County as current property tax payments are approximately $8,270 and the estimated annual PILT payment from the state to Mower County would be $11,355, and

NOW, THEREFORE, BE IT RESOLVED, the Mower County Board of Commissioners does hereby submit its support of the land transfer to the State of Minnesota for the purpose of the creation of the Murphy Lake WMA Addition.

Passed and approved this 27th day of February 2024.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve quote and agreement for the purchase of DebtBook Recap software ($10,000). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the ERSI 3-year agreement ($39,700 annually) effective 2/27/24 – 2/26/27. Motion carried.

Human Resource Director Kris Kohn indicated that with the new Law Enforcement Services Contract for the City of Lyle the Sheriff's office needs to add an additional 1.0 FTE Deputy to fulfill the contract.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve an increase in the 2024 staffing levels by adding one FTE deputy position in the Sheriff's department. Motion carried.

Under Committee Reports Commissioner Mueller reported that both he and Commissioner Reinartz attended the Personnel Committee meeting on 2/13/24. Commissioner Glynn reported that even though she missed the SEMCAC meeting on 2/12/24 she has corresponded with the director since then and learned that the new building construction estimates were extremely high and the design plan has been changed to excluded space for daycare in order to lower construction costs and reduce square footage to 13300. Commissioner Glynn further reported that she attended the Southeast MN Regional Trails meeting via zoom on 2/15/24. The 4 miles to be constructed south of Taopi to connect to the Iowa trail was discussed. A representative from Iowa was present and reported that the trail in Iowa is complete to the border. On 2/21/24 Commissioner Glynn attended the SWCD meeting held at the Nature Center. Valerie Sheedy presented septic information. Lastly Commissioner Glynn reported that on 2/26/24 she attended the One Water Shed One Plan meeting in Preston at which 2024 plans were discussed. Commissioner Sparks reported that he attended the Association of Minnesota Counties legislative day at the capital on 2/21/24.

The Chair adjourned the meeting at 11:18 a.m. The next meeting is scheduled for March 5, 2024 at 1:00 p.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: ______________________________ **Chairperson**

Attest:

By: ______________________________
Clerk/Administrator