

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

April 9, 2024

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session April 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: County Attorney Kristen Nelsen and County Administrator Trish Harren Gjersvik.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the agenda adding 1) Chert Quarry Driftless Pathways Service Agreement and 2) Award quote on CP 50-24-03 weed spraying. Motion carried.

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

1. Approve Minutes of March 26 and April 2 Work Session
2. Resolution to establish / re-establish change and petty cash funds

Date: April 9, 2024

Res. #35-24

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

WHEREAS, Minnesota Statute 375.162 allows for imprest cash funds and Minnesota Statute 375.45 allows for change funds, and,

WHEREAS, the Mower County Finance Manager has reviewed all departmental needs and requests for said funds and found them valid,

THEREFORE BE IT RESOLVED that the following departmental change and imprest funds be established or re-established effective April 9, 2024:

Change Funds

Treasurer	\$ 1,000.00
Recorder	100.00
Extension	40.00
LEC	100.00
Health & Human Services	100.00
Public Works	30.00
Recycling	100.00

Petty Cash Funds

Health & Human Services	\$ 300.00
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BE IT FURTHER RESOLVED that all previous approvals for change or petty cash funds be repealed and replaced with the amounts in this resolution.

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

3. Approve late claim for expense reimbursement for employee #5081 (\$2.68)
 4. Amend list of 2024 Committee Appointments to add Cannabis Committee with Mike Ankeny appointed to the Committee (Polly Glynn alternate)
 5. Approve New Solid Waste hauler licenses for Helping Hands Junk Removal LLC effective 4/9/24-1/31/25
- Motion carried.

Veteran Services Officer Rod Streich provided the Board with a department update. Based on general population statistics it is estimated that there are 2,339 Veterans living in Mower County. The department has plans to create an online monthly newsletter, start a coffee hour at the Senior Center for Veterans and start attending more of the local Veterans Club meetings which are usually held in the evenings. Soon the fund-raising campaign will be launched for the Veterans Memorial revision/remodel. The department continues its program of providing rides for veterans to the Minneapolis VA facility and plans to replace the two vans with one new full-size van. In addition, Mr. Streich provided a general synopsis of programs and services provided for local veterans.

Motion made by Commissioner Ankeny, 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	38,803.31	Falkstone LLC	9,277.50
Ancom Communications	120,520.00	Fitness Machine Technicians	2,992.74
Andersen, Inc./Earl F.	10,497.00	Freeborn County Co-Operative Oil Co.	8,341.63
Austin Daily Herald	2,497.04	Insight Direct USA, Inc	11,625.36
Beckleys	7,171.75	Minnesota Counties Computer Cooperative	12,650.00
CDW Government	6,595.36	Pomp's Tire Service, Inc	4,967.76
Consolidated Correctional Foodservice	19,977.30	Regents Of The University Of Minnesota	46,243.40
Dave Lucas Consulting	3,080.00	TOWMASTER	171,919.24
Dell Marketing L P	15,257.33	Uline	3,663.84
Department Of Corrections	38,813.74	57 Payments less than 2000	36,302.96
		Final Total:	571,197.26

Motion carried.

Sheriff Steve Sandvik presented to the Board for its consideration and approval three proposed joint powers agreements with the cities of Austin, Brownsdale and Grand Meadow to outline and establish guidelines for responsibility for data put into the joint law enforcement records management system and designating the responsible authorities regarding public data requests in accordance with Minnesota Statute Chapter 13. During discussion it was noted that Brownsdale and Grand Meadow have not yet been notified concerning this proposed agreement by Mower County.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny to table the Joint Powers Agreements with the Cities of Austin, Grand Meadow and Brownsdale regarding Law Enforcement Public Data until such time as all three cities have been informed and have had an opportunity to review and comment on the proposed agreements. Motion carried.

The Board reviewed the proposed contract with Lode Star Consulting for the firm to deliver wellness support programs for all the members of the Sheriff's office to be paid for out of the one-time public safety funding received in 2024.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the Lode Star Contract (*one year agreement with automatic renewals*) effective March 17, 2024. Motion carried.

The Board recessed at 9:49 a.m. for the purpose of the Health & Human Services Board.

HEALTH & HUMAN SERVICES BOARD:

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the Health & Human Services accounts payable totaling \$111,951.07. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the Memorandum of Agreement with the State of Minnesota and Minnesota State University to provide internships to social work students effective 8/1/24 through 8/1/29. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to accept a \$3,000 donation from Blue Cross Blue Shield to be utilized to support health screenings in rural settings. Motion carried.

Public Health Supervisor Sally Garry provided a report to the Board concerning a collaboration developing with the Hormel Institute community engagement to explore the possibility of providing mobile health clinic(s) around Mower County possibly starting with Grand Meadow. Clinic(s) would be for basic wellness care such as blood pressure and glucose tests and not for diagnosis or treatment because a physician would not be present.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve social service actions. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to adjourn the Health & Human Services Board meeting at 10:03 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 10:03 a.m. for regular business items.

The Board recessed at 10:03 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 10:03 a.m. in regard to proposed amendments to the Mower County Subsurface Sewage Treatment (SSTS) Ordinance with the goal to remove the zoning permit requirement for systems over 20 years and instead putting in place "Priority Areas" criteria for compliance inspections including abatement. Also

included are changes/clarifications to the use of Type III systems on new construction. A summary of additions, deletions, or modifications to the SSTS Ordinance are included on the Planning Commission Notice included as an attachment.

Valerie Sheedy, Assistant Public Works Director, reviewed the ordinance amendments for the SSTS Ordinance and the Planning Commission recommendations.

Two persons spoke in favor of the proposed amendments and no one spoke against amending the SSTS Ordinance.

The Chair closed the Public Hearing on the proposed SSTS Ordinance Amendments at 10:34 a.m.

The Chair called the Public Hearing to order at 10:34 a.m. in regard to proposed modification to the Zoning Ordinance: Division 5 Board of Adjustment, Section 14-24 Application, Appeal.

Valerie Sheedy, Assistant Public Works Director, reviewed the proposed amendment changes to the Zoning Ordinance and the Planning Commission recommendations.

No one spoke for or against the proposed amendments to Division 5 of the Zoning Ordinance.

The Chair closed the Public Hearing on the proposed Zoning Ordinance Amendments at 10:36 a.m.

The County Board reconvened its regular session at 10:36 a.m.

Date: April 9, 2024

Ord. #02-24

ORDINANCE

Subsurface Sewage Treatment System Ordinance Amendment

On motion of Commissioner Ankeny, seconded by Commissioner Sparks, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held April 9, 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 Subsurface Sewage Treatment System Ordinance (SSTS Ordinance) was published in Mower County's official newspaper, the *Austin Daily Herald*, on March 20, 2024 and in the Mower County Independent on March 21, 2024; and

WHEREAS, the Planning Commission held a public hearing on said amendment on April 2, 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 Subsurface Sewage Treatment System Ordinance (SSTS Ordinance); and

WHEREAS, Notice having been duly given, a public hearing was held on April 9, 2024 before the Mower County Board of Commissioners at which any concerned citizen was given an opportunity to speak on the matter; and

BE IT ORDAINED that revisions incorporating all previously approved amendments, and including minor corrections, of the Mower County Subsurface Sewage Treatment System Ordinance (SSTS Ordinance) effective 4/1/2021, shall be incorporated and adopted in their entirety; and

BE IT FURTHER ORDAINED that the following proposed revisions to Section 1.16 and 1.17, Sections 4.02, 4.07, 4.09, 4.12, 4.13, 5.03, 5.04, and Section 8.10 of the Mower County Subsurface Sewage Treatment System Ordinance (SSTS Ordinance) shall be incorporated and adopted in their entirety; and

New Section, 1.16 Priority Areas:

Priority areas will be established annually with a list (and map) available for review at the Department with the goal of identifying properties with the highest risk of failing systems and/or impact to waters. First priority will be established for properties serviced by a septic system with an unknown construction age followed by proximity to sensitive features and/or impaired waters. Subsequent priority will be set by overall system age and proximity to sensitive features.

Modification: renumber Section 1.17 to Definitions, then Add the following:

New:

NEW CONSTRUCTION: New construction refers to the construction of a dwelling on a property that previously has not had any residential structures or the construction of a new dwelling on a property that once had residential use which has lapsed for more than one year (ex. a non-conforming density standard per the Zoning Ordinance). This does not refer to the replacement of a new dwelling within one year of the removal of the previous dwelling.

PRIORITY AREAS: Priority areas are defined annually by the Department as geographic areas that are likely to contain septic systems at the highest risk for noncompliance which may have negative impacts to ground and surface waters. The Department will use metrics such as septic system age and proximity to sensitive features to determine Priority Areas. Priority Areas are subject to compliance inspections in accordance with Section 4.02.

Modification Section 1.16 Definitions:

TYPE III SYSTEM: An ISTS that uses soil to treat sewage but does not meet the size or distribution requirements for a standard Type I system. Type III systems are designed for use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system. TYPE III systems shall meet requirements set forth in Minn. Rules, Chapter 7080.2300.

Generally these type of systems may be used on lots or parcels that are too small to accommodate a standard TYPE I system; the soils do not have a minimum of 12 inches of

separation to the restrictive layer to accommodate a TYPE I system; or the soils have been compacted, disturbed or have problematic characteristics so the soils are not suitable to sustain a standard TYPE I system. Sites with problematic soil characteristics or do not have the minimum of 12 inches of soil separation to the restrictive layer may be subject to premature failure in comparison to a standard TYPE I septic systems.

Mower County will allow the use of ~~shall not encourage the use of~~ TYPE III systems for new construction on undeveloped sites or existing new lots (created after January 23, 1996) that cannot accommodate a TYPE I system. Existing subdivisions remain subject to the provisions of that subdivision, meaning, if lot size was reduced (per the required size in the applicable Zoning District's "Lot and Siting Requirements", those provisions hold.

Section 4.02 Compliance Inspections Required, Item 4 When Obtaining Land Use Permits, item:

~~b. In non-Shoreland Overlay Areas: Non-shoreland areas will be subject to a SSTS compliance inspection when the SSTS is 20 years old or greater any time a zoning permit, variance or conditional use permit is required for improvement to or use of the property. Minor Structures that are exempted from Zoning Permit are also exempted from the COC requirement~~

Section 4.02 Compliance Inspections Required, Item 5 Compliance Inspection by Age or Priority:

a. The Department shall require a compliance inspection when a property is determined to be in a priority area. Priority Areas are set by system construction age and proximity to sensitive features (Section 1.16, Definitions).

Section 4.07, item 3C: ...escrow account for Land Use Permits is non-refundable if the SSTS is not inspected by ~~July~~ June 1st...

Section 4.09 Compliance Inspections & COC for Land Use Permit:

1. The landowner(s) shall be the responsible party for obtaining and submitting a Certificate of Compliance for an existing SSTS when applying for a conditional use permit, zoning permit or variance as indicated by Section 4.02. This requirement does not apply to Minor Structures subject to Zoning Review. This requirement does not apply to an application for a land alteration permit in a shoreland overlay area.
2. A Certificate of Compliance, septic permit, or proof of Escrow Account, as required in Section 4.06 or 4.07, as applicable to the time of year, shall be received by the Department before a zoning permit, conditional use permit, or variance is accepted by the Department for processing as indicated in Section 4.02.
3. If the existing SSTS is non-compliant, or if the existing system is inadequately designed for the proposed use being requested by a zoning permit, conditional use permit or variance request; repair, upgrade or replacement of the SSTS shall be required. See also #4 next.

Section 4.12 Notice of Noncompliance

New, paragraph 4:

A notice of noncompliance shall be issued to a property serviced by an SSTS with an unknown construction date, which shall be presumed to be failing by Straight-Pipe Act of

2006 (Minn. Stat. §115.55). Upon notice from the County, an imminent public health threat may be abated by the County Board and the Department may recover all costs incurred including documented staff time for enforcement and legal fees.

Section 4.13 Timelines When Receiving A Notice of Non-Compliance:

New, item c:

c. An SSTS with an unknown construction date shall be presumed to be failing by Straight-Pipe Act of 2006 (Minn. Stat. §115.55). Upon written notice from the County a landowner must act within 15 days to challenge the assertion, or it becomes valid and enforceable. See 4.13(b) for timelines to correct an imminent public health threat.

Section 5.03 Additional Soil Treatment Area Requirements

All new lots created after January 23, 1996, shall demonstrate through soil borings, there is a primary and secondary soil treatment area which can support a (standard) TYPE I soil treatment system.

The landowner is responsible for preserving the suitability of the primary and secondary (alternate) site or use as an SSTS soil treatment area in the future.

TYPE III systems shall not be allowed, and shall be prohibited for use on newly created (subdivided) ~~and/or undeveloped~~ lots. Type III systems are not allowed on exiting lots when a Type I system can be accommodated.

Section 5.04 Plats

New, paragraph 4:

Existing subdivisions remain subject to the provisions of that subdivision, meaning, if lot size was reduced (per the required size in the applicable Zoning District's "Lot and Siting Requirements", those provisions hold.

New Section;

8.10 ABATEMENT

If the Department is required to remove or abate an imminent threat to public health or/and safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees.

At the discretion of the County Board, the cost of enforcement action under this Section may be assessed and charged against the real property on which the public health nuisance was located.

All costs associated with the inspection, design construction, repair, replacement, alteration or extension of on-site sewage treatment systems shall be the responsibility of the current landowner, unless otherwise provided for in this Section.

BE IT FURTHER ORDAINED that Ordinance #02-24 shall be effective April 24, 2024.

A copy of the entire Mower County Subsurface Sewage Treatment System Ordinance is on file in the Mower County Public Works Office, at the Mower County Auditor-Treasurer office, and online at the Mower County website.

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

Date: April 9, 2024

Ord. #03-24

ORDINANCE
Zoning Ordinance Amendment

On motion of Commissioner Ankeny, seconded by Commissioner Sparks, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held April 9, 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 March 20, 2024 and in the Mower County Independent on March 21, 2024; and

WHEREAS, the Planning Commission held a public hearing on said amendment on April 2, 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 April 9, 2024 before the Mower County Board of Commissioners at which any concerned citizen was given an opportunity to speak on the matter; and

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

BE IT FURTHER ORDAINED that the following proposed revision to Division 5 Section 14-24 of the Mower County Zoning Ordinance shall be incorporated and adopted in their entirety;

Division 5 Board of Adjustment, Section 14-24 Application

Appeal: An appeal from any order, requirement, decision or determination of an administrative official shall be filed with the Board of Adjustment through the Office of the Zoning Administrator within 30 days, after receipt of written notice, together with the required fee. Any Notice of Appeal shall specify the grounds thereof. The Zoning Administrator shall refer the appeal and grounds thereof to the Board of Adjustment; and

BE IT FURTHER ORDAINED that Ordinance #03-24 shall be effective April 24, 2024.

A copy of the entire Mower County Zoning Ordinance is on file in the Mower County Public Works Office, at the Mower County Auditor-Treasurer office, and online at the Mower County website.

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

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the proposal of PAAPE Companies, Inc. (\$15,540) for Access It! Software Conversion and Upgrade for electronic key/card access. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the service agreement with Driftless Pathways to develop trails and signage at the Chert Quarry (\$55,096 grant funded). Motion carried.

Under miscellaneous correspondence County Administrator Trish Harren Gjersvik reported that the Department of Human Services sent notice that the federally mandated annual single audit of Health & Human Services will be conducted. In addition, the Administrator has received a letter from J&S Repair, Inc. The company is looking to expand/relocate and is considering different locations based on possible economic development incentives available from respective counties and/or cities in consideration.

A Mower County Soil & Water Conservation District & Cedar River Watershed District annual updates were provided by Cody Fox and Tim Ruzek. The gentlemen reviewed various waterway improvement projects performed in the last year. There was a good response to the water testing for nitrates offered. The canoe mobile will continue again this year. It continues to be a good outreach to introduce youth to water recreation and conservation.

Date: April 9, 2024

Res. #36-24

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

BE IT RESOLVED, that Mower County enter into MnDOT Agreement No. 1056267 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use and maintenance of County State Aid Highway No. 28, County State Aid Highway No. 3, County State Aid Highway No. 58, County State Aid Highway No. 27 and County State Aid Highway No. 45 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 90 from 350' west of T.H. 105 to 1300' east of T.H. 218/21st St under State Project No. 5080-170 (T.H.90=009).

BE IT FURTHER RESOLVED that the Mower County Board Chair and the Mower County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

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

Mike Hanson, Public Works Director, presented a quote received for project CP 50-24-03 weed spraying.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to award the \$18,225 low quote of Sunshine Enterprises, LLC for project CP 50-24-03 for 2023 weed spraying and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Under Committee Reports Commissioner Mueller reported that on 4/2/24 he attended the Planning Commission meeting and the Fair Board meeting. Commissioner Glynn reported that on 4/4/24 she toured the 4 miles of proposed bike trail route south of Taopi with the engineer and the county administrator. There is a planned meeting with the landowners. Commissioner Glynn reported that on 4/8 she attended the SEMCAC meeting. Plans for the new facility are commencing.

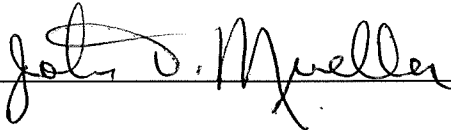
Under miscellaneous business Commissioner Sparks informed the Board that he had received a communication from Senator Dornick concerning options the County has in reference to the State considering a bill to make high power rifle deer hunting available across the entire state. The Senator could exempt Mower County in the bill with an option to decide to opt in at a later date with the decision to be made on a local level versus a state level. A discussion followed.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to send a letter to Senator Dornick with the request that Mower County be listed as exempt in the bill for state-wide rifle hunting with the option to opt-in and allow rifle hunting if decided upon at the local county level at a later date. Motion carried.

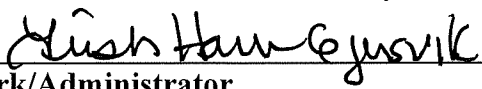
Steve Gleason appeared before the Board as a walk-in to report that he is still having a problem with his neighbor having abandoned vehicles on his property. Staff will follow-up with Mower County Environmental Services to provide Mr. Gleason with a status update.

The Chair adjourned the meeting at 11:23 a.m. The next meeting is scheduled for April 23, 2024 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY:  Chairperson

Attest:

By: 
Clerk/Administrator