REGULAR SESSION OF THE MOWER COUNTY BOARD OF COMMISSIONERS

April 23, 2024

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session April 23, 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 and County Administrator Trish Harren Gjersvik.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Ankeny, seconded by Commissioner Sparks, to approve the agenda deleting the Finance department update and the Finance business items. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Glynn, to approve the consent agenda as presented:
1. Approve Minutes of April 9, 2024
2. Approve Tobacco License Application for NuWay-K&H Cooperative d/b/a LeRoy Classic Stop for period July 1, 2024, ending June 30, 2025.
3. Approve Transient Merchant Application of TNT Fireworks effective 6.20.24 – 7.5.24
4. Approve late claims for expense reimbursement for employees #5114 ($103.19), #5083 ($37.55) and #0204 ($144.05)

Motion carried.

Human Resource Director Kris Kohn provided two items reviewed and recommended by the Personnel Committee for Board approval.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the revised Bailiff position description as reviewed by David Drown & Associates with a recommended revised reclassification from A11 to B21 DMB rating effective April 23, 2024. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve increasing the 2024 staffing levels for detention deputy from 32 to 36 due to on-going understaffing related to FMLA, short-term disability, Worker's Comp and extended military leaves. Motion carried.

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

Vendor Name	Amount	Vendor Name	Amount
180 Degrees, Inc.	2,137.92	Midstates Equipment & Supply	3,536.14
Austin Automotive LLC	44,107.00	Midwest Monitoring & Surveillance	2,739.00

Baudoin Oil Company	45,972.06	Minnesota Counties Computer Cooperat	24,987.96
Beckleys	2,635.80	Northland & Companies	3,684.00
Bright Life House	3,276.60	Pitney Bowes	11,367.45
CDW Government	22,307.84	Proline Dist Inc	2,585.78
Cedar Valley Services, Inc	66,957.13	Sharrow Lifting Products	3,400.00
Damel Corporation Morem Tree Service	19,945.00	Sign Solutions USA	2,619.11
Dell Marketing L P	3,704.40	The Master's Touch, LLC	9,661.10
Department Of Corrections	44,175.00	Thomson Reuters-West Payment Center	2,657.84
Department Of Transportation	94,587.78	Uhl Company Inc	7,519.00
Endres Window Cleaning, Inc.	2,633.00	Village Ranch Inc	20,512.08
Evans Publishing & Printing Inc	2,478.90	White Cap	2,237.50
Healthiest You	3,440.00	Zack's, Inc.	2,273.16
Kiesler's Police Supply Inc	13,384.82	Zahl Equipment Service Inc	2,169.50
MCHS SE Minnesota	7,164.50	81 Payments less than 2000	45,227.19
		Final Total:	**526,084.56**

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the Health & Human Services accounts payable totaling $173,881.39. Motion carried.

Feedlot Officer Danielle Anderson reviewed and presented to the Board for approval the 2023 Feedlot Annual Report.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the 2023 Feedlot Annual Report. Motion carried.

The Board recessed at 9:29 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 9:30 a.m. regarding a housing tax abatement application of Pinewood Builders, LLC for a single-family home located Villas San Fernando Block 3, Lots 7&8, Austin, MN (PIN 34.751.0190)

County Administrator Trish Harren Gjersvik reviewed the application and recommended approval.

The Applicant Pinewood Builders was not present. No one spoke for or against the Pinewood Builders housing tax abatement application.

The Chair closed the Public Hearing at 9:31 a.m. regarding the Pinewood Builders Housing Tax Abatement application.

The Chair called the Public Hearing to order at 9:31 a.m. regarding a Housing Tax Abatement application of Turtle Creek Construction (Hillier Revocable Living Trust) for the construction of a twin home located on Lot 1 and Lot 2, Block 2 the Meadows, Austin, MN (PINs 34.742.0070 and 34.742.0080)

County Administrator Trish Harren Gjersvik reviewed the application and recommended approval. (The Board questioned the estimated project value which was later verified by the applicant that the estimated project value of $350,000 was for ½ of the duplex and the entire project would be estimated at $700,000.)

The Applicant Turtle Creek Construction was not present. No one spoke for or against the Turtle Creek Construction housing tax abatement application.

The Chair closed the Public Hearing at 9:34 a.m. regarding the Turtle Creek Construction Housing Tax Abatement application.

The County Board reconvened its regular session at 9:34 a.m.

Date: April 23, 2024 **Res. #37-24**

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 April 23, 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, Pinewood Builders, LLC is the owner of certain property within Mower County, legally described as follows:

Villas San Fernando Block 003 Lots 7 & 8 Old #08.055.0190, Austin, MN (PIN 34.751.0190)

WHEREAS, Pinewood Builders, LLC has 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 April 23, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, Pinewood Builders, LLC has 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 23rd day of April, 2024.

Date: April 23, 2024 **Res. #38-24**

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

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 April 23, 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, David G. Hillier Revocable Living Trust and Carolyn R. Hillier Revocable Living Trust (Sellers) are the owners of certain property within Mower County, legally described as follows:

Lot 1 and Lot 2, Block 2, Meadows, Austin, MN (PINs 34.742.0070 and 34.742.0080)

WHEREAS, David G. Hillier Revocable Living Trust (Seller) and Turtle Creek Construction (Buyer) 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 April 23, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, David G. Hillier Revocable Living Trust (Seller) and Turtle Creek Construction (Buyer) 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 twin 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 23rd day of April, 2024.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the request of Todd and Sydney Weisinger for a 12-month extension to CUP 927 for additional dwelling in a mature wooded area. Motion carried.

Assistant Public Work Director Valerie Sheedy presented for discuss and possible adoption a new policy on Septic Priority Areas and Abatement. The policy would support the Septic Ordinance amendment adopted by the Board on April 9 to provide guidelines and clarity for priority area determinations.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to adopt the a new policy Septic Priority Areas and Septic Abatement Policy effective April 24, 2024 and the new policy is as follows:

Septic Priority Areas and Septic Abatement Policy

effective April 24, 2024 and until further notice or revision

PURPOSE

The Mower County Board of Commissioners is dedicated to improving water quality by checking the compliance status on exiting septic systems in service throughout the county. The purpose of this policy is to define Priority Areas and to provide guidelines for using the Abatement mechanism, when needed, for compliance inspection or septic system replacement. The goal of Priority Areas is to identify the highest risk systems based on the current data available and actively seek out compliance inspections on the highest priorities first, and when necessary, to inspect and/or replace these systems through an abatement process.

AUTHORITY

Mower County Subsurface Sewage Treatment Systems (SSTS) Ordinance, adopted Jan 12, 2021 and effective April 1, 2021 with subsequent revisions, provides the authority to apply Priority Areas (Section 1.16 and 4.02) and Abatement (Section 8.10). The Ordinance exists to protect surface water and groundwater from contamination by human sewage and water-borne disease, household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statute Chapters 115 and 145A.01 through 145A.08 and Minnesota Rules 7080-7083, as amended, that may pertain to sewage and wastewater treatment.

GUIDELINES

I. Priority Areas

Definition (per SSTS Ordinance): *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.*

The Department will use septic system age, in combination with proximity to sensitive features, to determine Priority Areas for each year. Sensitive features include things like Shoreland, watersheds with impaired stream segments (per current MPCA impaired waters list), Drinking Water Supply Management Areas (DWSMA), or other similar ground or surface water sensitivities.

The first priority area, to begin in 2024, is denoted by residences with septic systems of an unknown age, meaning, Mower County does not have a current record of the septic system. If a record is identified which demonstrates the septic system drains to a field tile or drywell, the system will be considered an Imminent Public Health Threat and enforced accordingly (Minn. Stat. §115.55 and Mower County SSTS Ordinance).

Further, within the first priority area, compliance inspections will be required based on proximity to sensitive features in three tiers:

1- Shoreland,
2- Impaired watersheds (based on latest MPCA impairments available and DNR's HUC 7 level watershed boundaries),
3- Any remaining residences.

Subsequent priority areas will be identified when the final tier of first priority systems are notified. The subsequent priority area(s) will be recommended by staff for approval by the County Board through revision of this policy, and shall be determined manner similar to the first priority area based on septic system age and proximity to sensitive features.

II. Abatement

Abatement will be exercised following a non-responsive landowner or landowner refusal to comply with Mower County SSTS Ordinance. Every attempt to gain participation shall be made prior to requesting an abatement order. Efforts ahead of abatement shall include written notice, second notice, letter of warning and/or notice of violation. Abatement orders are authorized by the Mower County Board of Commissioners.

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny, to approve Registered Land Survey No. 6 (Parcel B, R.L.S. No. 5) on parcel 02.021.0010 in Austin Township. Motion carried.

Public Works Director Michal Hanson requested approval of a quote from Dave Syversons for a sign truck chassis.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the Dave Syversons sign truck chassis quote. ($107,157). Motion carried.

There was a brief update on the landowner discussions for the bike trail route south of Taopi to the Iowa border. Funding for the trail has not yet been approved by legislators. Conversations regarding easements with impacted landowners continue.

Under Committee Reports Commissioner Glynn reported that she attended meetings along with the Engineer Michal Hanson with Taopi residents on the bike trail route on 4/9 and 4/10. On 4/17 she attended the SWCD meeting. Commissioner Reinartz reported that he (along with Commissioner Mueller) attended the Personnel Committee meeting on 4/9. He also attended the Senior Center meeting on 4/19 and budgets and the parade entry were discussed. Commissioner Sparks reported that he attended the Association of Minnesota Counties meeting the prior week. Deputy Administrator Matthew Verdick reported that Mower County was not included in the legislation for rifle hunting. Commissioner Mueller reported in addition to the Personnel Committee meeting on 4/9 he attended the DNR trout release at Todd Park on 4/11. Commissioner Ankeny reported that the MN photo – op tourism structure is expected to arrive on May 19. There was a brief report that the Facebook campaign for the housing tax abatement program has been doing well in its outreach.

The Chair adjourned the meeting at 10:15 a.m. The next meeting (work session) is scheduled for May 7, 2024 at 1:00 p.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: John S. Mueller
Chairperson

Attest:

By: Trish Harren-Cejnek
Clerk/Administrator