

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

June 25, 2024

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session June 25, 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 Reinartz, seconded by Commissioner Glynn, to approve the agenda adding 1) Approve Resolution for Peacetime State of Emergency for the June 21 flooding. Motion carried.

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

1. Approve Minutes of June 11, 2024
2. Resolution to approve MN Lawful Gambling Exempt Permit application of DAV Mayo Southeast Chapter 28

Date: June 25, 2024

Res. #57-24

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 June 25, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, on June 25, 2024 the DAV Mayo Southeast Chapter 28 presented for approval a Minnesota Lawful Gambling LG220 Exempt Permit Application for gambling to be conducted at Deercreek Speedway located in Frankford Township, MN on August 10, 2024.

BE IT RESOLVED THAT, the Mower County Board of Commissioners hereby approves the LG220 Minnesota Lawful Gambling Exempt Permit Application of DAV Mayo Southeast Chapter 28 for gambling at Deercreek Speedway located in Frankford Township, MN on August 10, 2024.

Passed and adopted this 25th day of June, 2024.

3. Resolution to approve Mn Lawful Gambling Exempt Permit application of St. John the Baptist Church

Date: June 25, 2024

Res. #58-24

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 June 25, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, on June 25, 2024 St. John the Baptist Church presented for approval a Minnesota Lawful Gambling LG220 Exempt Permit Application for gambling to be conducted at the church's premises located in Adams Township, MN on September 8, 2024.

BE IT RESOLVED THAT, the Mower County Board of Commissioners hereby approves the LG220 Minnesota Lawful Gambling Exempt Permit Application of St. John the Baptist Church for gambling to be conducted at the church's premises located at 10343 640th Avenue, Adams Township, MN on September 8, 2024.

Passed and adopted this 25th day of June, 2024.

4. Approve Tobacco License Application for Patriot Travel Plaza, for the period July 1, 2024, ending June 30, 2025.
5. Approve Tobacco License Application for DG Retail, LLC d/b/a Dollar General Store #23892 for the period July 1, 2024, ending June 30, 2025.
6. Approve Fireworks Permit for Deer Creek Speedway, LLC for 6/29/24 (rain date 7/13/24) - pending Sheriff's Approval
7. Approve Fireworks Permit for Deer Creek Speedway, LLC for July 4, 2024, pending Sheriff's approval
Motion carried.

Child Support Officer Cliff Helkenn and Case Aide I Ivan Estupinan provided the Board with a Health & Human Services Department Update related to Child Support. The department's purpose is to ensure the child's right to financial support by both parents is met by obtaining and enforcing court orders. To achieve this purpose the department provides services to establish paternity, establish support, enforce and collect child support, modifications to existing orders and locate parents. For fiscal year 2023, Mower County had 1694 open child support cases with established court orders serving 2,206 children and collected \$5,714,562. Statistically the County as a return of \$3.75 for every dollar of expenses when the Statewide average is \$2.68.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the Health & Human Services accounts payable totaling \$130,861.97. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Austin Electric Inc.	6,727.00	Hanson Tire Of Austin Inc	4,435.08
Baudoin Oil Company	23,833.28	Harty Mechanical Inc	9,837.09
Bruening Rock Products Inc	7,940.44	High Forest Bobcat Service Llc	2,893.00
CDW Government	3,965.79	Joseph Company, Inc/The	8,500.00
Cedar Valley Services, Inc	55,024.48	Matthew Bender & Co., Inc.	2,949.83
Cole's Electric, Inc	8,875.00	Metro Sales, Inc	2,170.76
Damel Corporation Morem Tree Service	5,750.00	Midwest Monitoring & Surveillance	5,034.74
Department Of Corrections	35,340.00	Plan It Software LLC	3,500.00
Diamond Mowers Inc	2,149.52	Southern Minnesota Education Consortium	5,000.00
Emergency Automotive Technologies, Inc	10,261.60	Swanston Equipment Companies	7,834.03
Erickson Engineering Co., LLC	4,390.00	Thomson Reuters-West Payment Center	2,455.36
Falk Construction Co./L.R.	7,527.48	Ulland Brothers Inc.	19,442.55
Greenman HVAC, Inc.	3,905.75	53 Payments less than 2000	26,813.28
		Final Total:	276,556.06

Motion carried.

Date: June 25, 2024

Res. #59-24

RESOLUTION

On motion of Commissioner Sparks, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 25, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, In 2010, the Minnesota Legislature created the Council on Local Results and Innovation; and

WHEREAS, The Council on Local Results and Innovation developed a standard set of performance measures that will aid residents, taxpayers, and state and local elected officials in determining the efficacy of counties in providing services and measure residents' opinion of those services; and

WHEREAS, Benefits to Mower County for participation in the Minnesota Council on Local Results and Innovation's comprehensive performance measurement program are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, any county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, the Mower County Board has adopted and implemented at least 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

NOW THEREFORE LET IT BE RESOLVED THAT, Mower County will continue to report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing, posting on the county's website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

BE IT FURTHER RESOLVED, Mower County will submit to the Office of the State Auditor the actual results of the performance measures adopted by the county.

Passed and approved this 25th day of June, 2024.

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 Matthew & Rebecca Wildeman for a single-family replacement home located at S600FT W380FT SW¼ SW¼ OF SECTION 25 Pleasant Valley Township Mower County MN (PIN 14.019.0070).

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

The Applicant Rebecca Wildeman was present and spoke on her own behalf. No one else spoke for or against the Wildeman housing tax abatement application.

The Chair closed the Public Hearing at 9:32 a.m. regarding the Wildeman Housing Tax Abatement application.

The Chair called the Public Hearing to order at 9:32 a.m. regarding a Housing Tax Abatement application of Brady Kiefer for a single-family home located at Original Village of Taopi Block 5 Subdivision Cd32001 Lots 9 & 10 Taopi, MN (PIN 32.001.0290)

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

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

The Chair closed the Public Hearing at 9:33 a.m. regarding the Kiefer Housing Tax Abatement application.

The County Board reconvened its regular session at 9:33 a.m.

Date: June 25, 2024

Res. #60-24

**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 June 25, 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 Wildeman are the owner(s) of certain property within Mower County, legally described as follows:

S600FT W 380FT SW¹/₄ SW¹/₄ of Section 25 Pleasant Valley Township Mower County MN (PIN 14.019.0070)

WHEREAS, Matthew and Rebecca Wildeman 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 June 25, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, Matthew and Rebecca Wildeman 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 replacement 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 revoked 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 25th day of June, 2024.

Date: June 25, 2024

Res. #61-24

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

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 June 25, 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, Ted Kiefer (seller) is the owner(s) of certain property within Mower County, legally described as follows:

Subdivision Name Original Village of Taopi Block 5 Subdivision Cd32001 Lots 9 & 10, Taopi, MN (PIN 32.001.0290)

WHEREAS, Brady Kiefer (buyer) 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 June 25, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, Ted Kiefer (seller) and Brady Kiefer (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 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 revoked 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 25th day of June, 2024.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to accept the updated/amended Mower County Election Emergency Plan (EEP) on file in the office of the Auditor-Treasurer. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the Broadband Access Grant Program Agreement effective April 1, 2024 through June 30, 2026 between Mower County and Tekstar Communications, Inc. (d/b/a Arvig) regarding funding border to border project (\$584,157) ARPA funded. Motion carried.

Date: June 25, 2024

Res. #62-24

RESOLUTION

Austin Transfer Station - Change in Operator

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 June 25, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota counties are required by law to manage solid waste in a manner that protects the state's land, air, water and other natural resources, and public health by ensuring that reduction, separation and recovery, resource recovery, and proper disposal methods of solid waste is set forth in an ordinance; and

WHEREAS, Mower County's Solid Waste Management Ordinance (ORD-21) requires solid waste facilities operating within the County to obtain and maintain a County License and, if applicable, an MPCA permit, and

WHEREAS, on June 8, 2021, the County issued a Solid Waste Facility License renewal to the City of Austin for the Austin Transfer Station naming Waste Management, Inc. (WM) as the Operator; and

WHEREAS, the city of Austin informed Mower County that the city will not be renewing their contract with WM as their Operator, and that Thompson Sanitation, Inc. will be taking over operations effective July 1, 2024; and

WHEREAS, a change in Operator is considered a Major Modification of the Solid Waste Facility License issued to the city of Austin for the Austin Transfer Station; and

WHEREAS, the Austin Transfer Station provides an important service in the overall management of solid waste within the County as it referenced in the current County Solid Waste Management Plan; and

WHEREAS, the County recognizes the need and importance to allow for continued and un-interrupted services until the city's Solid Waste Facility License may be modified.

BE IT ORDAINED that the Mower County Board will allow for continued and un-interrupted services of the Austin Transfer Station under the following conditions:

1. The Austin Transfer Station shall maintain compliance with ORD-21 and its current License.
2. The city of Austin will have revised application materials to the County for consideration no later than August 1st, 2024.

3. The city of Austin will immediately notify the County of any further changes in operations during this interim approval.

BE IT FURTHER ORDAINED that a modified County License, naming Thompson Sanitation, Inc. as Operator, will be presented to this County Board for consideration and approval no later than August 13th, 2024.

Passed and approved this 25th day of June, 2024.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the purchase of the Cascade Box Handler for Recycling Center from Atlas Toyota \$22,911. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to amend the SSTS Loan Program Policy effective June 25, 2024 as follows:

Add the following Paragraph 2.6:

2.6 NOTICE OF ACCEPTANCE (NOA)

Written documentation from Mower County Environmental Service that the application has been approved for funding in accordance with this policy. NOA will include:

1. *A letter stating the project has qualified for funding in accordance with this policy,*
2. *The amount of money which has been reserved for future disbursement, for the intended project,*
3. *A Promissory Note which needs to be signed in front of a notary and returned to the Environmental Services within 7 days of receipt,*
 - a. *Mower County ENVIRONMENTAL SERVICES staff have the ability to extend this time limit when special circumstances arise which would not allow for documents to be signed and returned within the specified time limit.*
4. *A DRAFT Assessment document which will be presented to the County Board for approval once the septic system has been installed and the Certificate of Compliance has been issued.*
5. *A DRAFT amortization schedule.*

By amending Paragraph 3.1

3.1 VERIFICATION / REVIEW

The Mower County Environmental Services will review the following information regarding each property or property owner to determine if a person or project can be financed:

- *The full names of all owners of record, including first name, last name, middle name, or initial and any additional names which may appear in the Recorder's records, such as maiden names.*
- *Subject parcel is properly identified.*
- *Documentation of single-family dwelling residential residency.*
- *Current estimated market value of the property.*
- *Any encumbrances recorded against the property or person. Encumbrances may include but are not limited to: governmental tax liens; construction, mechanic, or other liens; mortgages or other financial obligations have not been demonstrated as satisfied.*
- *Records of any property foreclosure within the past 5 years.*
- *Records of any unpaid financial obligations within the past 5 years.*

By amending Paragraph 4.2

4.2 APPLICATION SELECTION AND APPROVAL

The following factors will be considered in selection:

- *Applicants will be accepted throughout the entire length of the program or until available funds are exhausted.*
- *No eligible applicant shall be selected or rejected on the basis of nationality, ethnic origin, race, color, creed, religion (or lack thereof), language, gender, or lifestyle.*
- *Applications will be rated on a first come first serve basis per date of submittal of a completed application.*
- *Letters of rejection will be issued to applicants who are not selected stating the reason(s) for rejection.*
- ***Mower County reserves the right to deny loans deemed “high risk”; applicants have the right to appeal to the Mower County Finance Committee.***

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the cost estimating proposal from Contegrity Group for the county space study (\$5,500). Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to authorize the Chair to sign the Request for State Assistance to Governor Walz in response to the Preliminary Damage Assessment for Southern Minnesota Municipal Power Association (SMMPA). Motion carried.

Emergency Manager Amy Bramwell requested the Board consider adopting a resolution for a peacetime state of emergency in response to the June 21 rain and flooding event.

Date: June 25, 2024

Res. #63-24

RESOLUTION

On motion of Commissioner Sparks, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 25, 2024 at the Government Center, Austin, Minnesota.

WHEREAS severe storms and flooding impacted the population of Mower County and its cities, townships, public utilities and electric cooperatives; and

WHEREAS the storm event has caused damage to infrastructure such as roadways; and

WHEREAS the Mower County Sheriff's Office, Division of Emergency Management requests the Mower County Board of Commissioner to declare Mower County in a State of Peacetime Emergency for the June 21, 2024 severe storms,

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board of Commissioners declares Mower County in a State of Peacetime Emergency for conditions resulting from severe storm event of June 21, 2024 and continuing.

Passed and approved this 25th day of June, 2024.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to set the project letting date to August 8, 2024 at the office of Public Works and awarded at a subsequent County Board meeting for the 2024 roadway striping project CP 50-24-07. Motion carried.

Under Committee Reports Commissioner Glynn reported that on 6/13 she attend the SE EMS meeting and on 6/18 she attended a Finance Committee meeting. Commissioner Reinartz reported for all the commissioners that the County Board of Appeals and Equalization was held and attended by all members on 6/18. Commissioner Ankeny reported that on 6/13 he attended the 4-H Extension Committee meeting and on 6/18 the Finance Committee meeting. Commissioner Reinartz reported that on 6/14 he attended a Senior Center meeting. Commissioner Ankeny reported that on 6/24 he attended the Rotary banquet where the County Land Records Taxpayer Services Director Joy Kanne received the 2024 Rotary Excellence in Public Service Government Award. Commissioner Sparks reported that on 6/19 he attended a SMART meeting. Commissioner Mueller reported that with the exception of attending the County Board of Appeal & Equalization already reported, he did not attend any specific committee meetings. However, he has spent some extensive time on Fairgrounds facility and grounds project planning.

The Chair adjourned the meeting at 10:14 a.m. The next meeting is scheduled for July 2, 2024 at 1:00 p.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: John S. Mueller Chairperson

Attest:

By: Josh Gysvick
Clerk/Administrator