

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 17, 2024

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session December 17, 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 (remote) and County Administrator Trish Harren Gjersvik.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the agenda adding 1) motion to authorize purchase of a vehicle for the County Engineer. Motion carried.

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

1. Approve Minutes of November 26 and December 3 work session.
2. Approve Resolution adopting Assessment for Septic Loan for the following:
 - a. Seguin, Ruth Anne and James Allen, spouses (PIN 02.020.0110): \$19,743.64 loan assessment

Date: December 17, 2024

Res. #96-24

RESOLUTION ADOPTING ASSESSMENT

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, pursuant to the policies of the Mower County Septic Loan program the owner of property has requested a loan from Mower County for replacement of a failing septic system on the below-listed property and has requested to pay back that loan by assessment to the subject property, to Mower County, over a ten-year term.

Property owner(s): Ruth Anne Seguin, and James Allen Seguin, spouses.

Property address: 18430 540TH AVE AUSTIN MN 55912

Parcel Identification No: 02.020.0110

Tax parcel legal description: Section 23 Township 102 Range 018; W198FT N445.5FT N1/2 SW1/4 2.0 AC

Assessment amount: \$19,743.64, (Nineteen Thousand Seven hundred forty-three dollars and 64/100)

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

1. Such proposed assessment, made part hereof, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land herein included is hereby found to be benefitted by the proposed improvement and the amount of the assessment levied against it.
2. Such assessment shall be payable in simple decreasing installments extending over ten (10) years. The first of the installments shall be payable along with the first half taxes when due, as reflected on the tax statement payable year 2025, and shall bear interest at the rate of three percent per annum. Each

payment including interest thereafter will be paid with taxes payable, until the assessment obligation is satisfied.

3. The owner of any property, so assessed, may pay the whole assessment on such property by December 31, (year of installation) without interest accrued.
Thereafter the owner of property, so assessed, may pay the annual assessment amount, or any amount exceeding the annual assessed amount so listed on the tax statement, with any unpaid interest accrued to December 31 of the year in which such payment is made.
Payments will be accepted by the County up until the close of business day December 31 in the year of payment. If December 31st is a weekend or holiday; payment must be received in advance of closing of the last business day in the year payment is made.
4. There shall be no penalty for early payment or pay-off of the full balance of the assessment.
5. The County Administrator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor-Treasurer to be extended on the property tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.
6. This assessment must be paid in full at time of property transfer to any other owner, owners, heirs, assigns or entity.

BE IT FURTHER RESOLVED, that the Mower County Board Chair is hereby authorized to execute the Promissory Note on behalf of the County for the loan of the funds from the Mower County Septic Loan program.

Passed and approved this 17th day of December, 2024.

b. Stayton, Travvis E, single (PIN 10.011.0010): \$9,473.27 loan assessment

Date: December 17, 2024

Res. #97-24

RESOLUTION ADOPTING ASSESSMENT

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, pursuant to the policies of the Mower County Septic Loan program the owner of property has requested a loan from Mower County for replacement of a failing septic system on the below-listed property and has requested to pay back that loan by assessment to the subject property, to Mower County, over a ten-year term.

Property owner(s): Travis E. Stayton, single

Property address: 14006 State Hwy 56, LeRoy MN 55951

Parcel Identification No: 10.011.0010

Tax parcel legal description: Section 11 Township 101 Range 015 - 5.72AC IN SW1/4 SW1/4 ALSO DESCRIBED AS TRACT B ON SURVEY RECORDED AS DOC #A000585393

Assessment amount: \$9,473.27, (Nine thousand four hundred seventy-three dollars and 27/100)

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

1. Such proposed assessment, made part hereof, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land herein included is hereby found to be benefitted by the proposed improvement and the amount of the assessment levied against it.
2. Such assessment shall be payable in simple decreasing installments extending over ten (10) years. The first of the installments shall be payable along with the first half taxes when due, as reflected on the tax statement payable year 2025, and shall bear interest at the rate of three percent per annum. Each payment including interest thereafter will be paid with taxes payable, until the assessment obligation is satisfied.
3. The owner of any property, so assessed, may pay the entire assessment on such property by December 31, 2024, without interest accrued.
Thereafter the owner of property, so assessed, may pay the annual assessment amount, or any amount exceeding the annual assessed amount so listed on the tax statement, with any unpaid interest accrued to December 31 of the year in which such payment is made.

The County will accept payments up until the close of business day December 31 in the year of payment. If December 31st is a weekend or holiday; payment must be received in advance of closing of the last business day in the year payment is made.

4. There shall be no penalty for advance payment or pay-off of the full balance of the assessment.
5. The County Administrator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.
6. This assessment must be paid in full at the time of property transfer to any other owner, owners, heirs, assigns or entity.

BE IT FURTHER RESOLVED that the Mower County Board Chair is hereby authorized to execute the Promissory Note on behalf of the County for the loan of funds from the Mower County Septic Loan program.

Passed and approved this 17th day of December, 2024.

3. Approve Revised Sales Tax Agreement

4. Motion to appoint Christina Swanek for a first 3-yr term on the Mower County Extension Committee effective 1/125-12/31/27

Motion carried.

Community Resource Navigator Alysha Carlisle was recognized by the Board for receiving the Association of Minnesota Counties 2024 County Achievement Award for providing meaningful change by providing skills and resources and overall reentry support for those individuals previous incarcerated back into the community.

County Attorney Kristen Nelsen provided the Board with a department update with the good news that crimes were down in 2024 but unfortunately the number of serious crimes has increased. There were 367 misdemeanors filed and the department has been making progress in finalizing larger cases such as the case of the little girl murdered and left in Blooming Prairie. The Attorney General's office has been assisting on several of the cases and appeals cases. The new case management system has increased the department's workload regarding digitally uploading all trial exhibits no matter their original format. The department continues to explore transcription software and redaction resource options.

The Board recessed at 9:18 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 \$275,523.68. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the Local Public Health Grant and Foundational Public Health Responsibilities Grant for January 1, 2025 to December 31, 2029 in the amount of \$436,564.00 for year 1 of the grant cycle. Motion carried.

Motion made by Commissioner Sparks, seconded by Commissioner Reinartz, to approve the Child and Teen Checkup grant amendment for January 1, 2025 to December 31, 2026 in the amount of \$113,340.00. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the Adult and Children's Mobile Crisis Grant-Cooperative Agreement for January 1, 2025 to December 31, 2026. Motion carried.

Motion made by Commissioner Sparks, seconded by Commissioner Glynn, to approve the Community Supports Program (CSP) contract with the Minnesota Department of Human Services which funds several adult mental health services and programs within the county including The Bridge, an adult Mental Health drop-in center, in the amount of \$556,254.00, effective January 1, 2025, to December 31, 2026. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to approve a new purchase of service agreement for mental health services with Fernbrook Family Center effective January 1, 2025, to December 31, 2025. Motion Carried

Under Health & Human Services Updates staff provided information on the use of the Cannabis and Substance Use Prevention funding to educate school staff on product packaging and an update on the community support through Adult Mental Health Initiative regional funds and how best to use the funds to meet such needs as housing assistance, warming/cooling shelters, or improved mental health services.

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 Reinartz, to approve the following Purchase of Service Agreements renewal agreements effective 1/1/25 – 12/31/25 unless noted otherwise:

Employment Services

Cedar Valley Services – renew agreement for Extended Employment Services

Workforce Development, Inc. – renew agreement for MFIP & DWP Work Program

Workforce Development, Inc. – renew agreement for SNAP Employment Services, effective 10/1/24 – 9/20/25

Family Services

The Katallasso Group – renew agreement for Restorative Family Mediation & Circle Services

Parenting Resource Center – renew agreement for Seibel Family Visitation and Exchange Center

Parenting Resource Center – renew agreement for Parents Forever Services

Mental Health

Dahle, Teya – renew agreement for Mental Health Services

Southeast Adult Mental Health Initiative(AMHI)-renew cooperative agreement with Olmsted County serving as fiscal host for this regional grant funding, effective 1/1/25 – 12/31/2026

SILS

Lutheran Social Service – renew agreement for SILS Services

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to adjourn the Health & Human Services Board meeting at 9:44 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 9:45 a.m. for regular business items.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, 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	31,150.82	Harty Mechanical Inc	4,245.29
Ancom Communications	4,451.84	Healthiest You	3,460.00
Anoka County Corrections	10,075.00	Kamphoff/Cindra	22,750.00
Applied Concepts Inc	17,558.90	KNOW iNK	8,250.00
Austin Community Charitable Fund	18,381.00	Leadership Development Resources	7,150.00
Baudoin Oil Company	17,325.74	Little Falls Machine, Inc.	4,324.17
Berg's Nursery & Landscape LLC	11,308.19	McKay/Neil Troy	2,500.00
Bishop Excavating Inc	13,823.35	MEI Total Elevator Solutions	4,058.20
Boe Brothers Tiling Inc	4,240.00	Midwest Monitoring & Surveillance	5,568.37
Brush and Weed Control Specialists Inc.	10,433.90	Minnesota Counties Intergov'tal Trust	24,870.00
CDW Government	26,564.76	Petroblend Corp.	4,489.55
Cedar Valley Services, Inc	59,909.24	Regents Of The University Of Minnesota	46,243.40
City Of Austin	42,219.33	Rohl Electric and Services LLC	6,520.83
Commissioner of Transportation	9,656.53	Talos Dynamics	12,470.19
Consolidated Correctional Foodservice	20,654.80	The Master's Touch, LLC	3,062.58
Dave Lucas Consulting	6,615.00	Thomson Reuters-West Payment Center	2,891.04
Dell Marketing L P	12,057.35	Trow/Thomas Lambert	2,203.00
Department Of Corrections	22,800.00	Trow/Thomas Lambert	3,780.00
Erickson Engineering Co., LLC	10,062.00	Uhl Company Inc	2,896.74
Fjetland/Tara	3,563.47	Voigt Plumbing and Backflow, LLC	3,120.00
Freeborn County	7,384.11	Ziegler, Inc	8,233.01
Freeborn County Co-Operative Oil Co.	9,544.15	70 Payments less than 2000	37,193.59
		Final Total:	590,059.44

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Sparks, to approve the software renewal agreement with Workshop effective 12/27/24 – 12/26/25 (\$6,545). Motion carried.

Date: December 17, 2024

Res. #98-24

RESOLUTION

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, on September 10, 2024 the Mower County Board of Commissioners adopted a preliminary tax levy;

WHEREAS, on September 10, 2024 the Mower County Board of Commissioners set the public hearing on said levy and County Budget to December 16, 2024 at 6:30 p.m.;

WHEREAS, on December 16, 2024, a public annual budget and levy hearing was held;

NOW THEREFORE BE IT RESOLVED that the 2025 net property tax levy be set at \$26,252,538 (4.99%); and

THEREFORE, BE IT FURTHER RESOLVED that the 2025 non-levy revenue and expenditure budgets which were used as the basis for the property tax levy certification as

recommended by the County Finance Committee are hereby adopted; and that the 2025 budget for the County is as follows:

EXPENSES

General Government	
Board of Commissioners	260,171
Courts	247,500
Administration	738,209
County Auditor/Treasurer	582,552
Taxpayer Services	202,510
Elections	44,614
Technology Services	1,564,775
Human Resources	570,696
Attorney	2,321,370
Law Library	40,327
Recorder	314,504
County Assessor	900,012
GIS	430,085
Buildings & Plant	1,320,460
Veterans Service Officer	338,897
Land Records	131,500
Accounting & Auditing	668,413
Net Use of Reserves	
Total General Government	10,676,595

Public Safety	
Sheriff	5,297,088
E-9-1-1	26,050
Sentence to Serve	77,628
Coroner	139,000
County Jail	5,457,177
Community Corrections	2,468,735
Civil Defense/Emergency Management	176,889
Law Enforcement Center	2,268,882
Canteen	30,000
Bailiffs & Guards	63,848
Total Public Safety	16,005,297

Culture & Recreation	
Historical Society	68,200
Senior Citizens	59,000
CHORE	36,000
Regional Library	347,000
Other	46,620
Total Culture & Recreation	556,820

Conservation of Natural Resources	
Cooperative Extension	249,883
Soil & Water Conservation	175,000
Agricultural Society	79,000
Total Conservation of Natural Resources	503,883

SOURCE of Funds

Revenues- General Government	
Tax Levy	16,541,187
State Formula Aid	3,198,977
Del Tax & Penalties, Mortgage Tax	391,000
Wind Production Tax	981,000
PILT & POWER	150,000
Special Assessments	1,105
License/Permits	66,690
Intergovernmental	2,100,866
Charges For Services	1,469,929
Fines & Forfeits	20,000
Investment Income	900,000
Miscellaneous	1,062,834
Sales	7,200
Net Use of Reserves	2,126,090
Total General Government	29,016,878

Public Works	
Tax Levy	3,252,934
Wheelage Tax	420,000
Local Transit Tax	2,355,000
Wind Tax	680,000
Intergovernmental	12,186,315
Permits	126,500
Charges For Services	196,500
Miscellaneous	2,122,100
Sales	50,000
Net Use of Reserves	400,000
Total Highway & Streets	21,789,349

Human Services & Public Health	
Tax Levy	6,458,417
Intergovernmental	10,869,532
Charges For Services	1,300,300
Miscellaneous	494,530
Net Use of Reserves	700,000
Total Human Services	19,822,779

Sanitation	
Special Assessments	1,255,966
Intergovernmental	151,069
Charges For Services & License	74,640
Sales	126,000
Total Sanitation	1,607,675

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Economic Development	
Development Corporation	421,845
Total Economic Development	421,845
Unallocated	
Insurance	732,000
Other	120,438
Total Unallocated	852,438
Net Use of Reserves	
Total General Revenue Fund	29,016,878

Public Works	
Administration	922,807
Maintenance	5,461,644
Construction	12,857,336
Equipment Maintenance & Shop	1,502,919
Building & Grounds	378,445
Planning & Zoning	185,203
Environmental Health	275,283
Agricultural Inspector	15,741
Feedlot	74,019
Addition to Reserves	115,952
Total Highways & Streets	21,789,349

Human Services	
Income Maintenance	5,956,959
Social Services	11,448,575
Unallocated-ARPA	
Total Human Services	17,405,534

Health	
Community Health Services	1,566,957
State Health Improvement Plan	
MSHO	
Womens, Infant & Children	
Disease Prevention	850,288
Family Health	
Total Health	2,417,245

Sanitation	
Recycling	1,607,675
Addition to Reserves	
Total Sanitation	1,607,675

Capital Projects Fund	
Countywide Projects/Maintenance	132,000
Total Capital Projects Fund	132,000

Ditch	
Repairs & expenses	170,225
Total	170,225

Sewer Loan	
Contracted Services	275,000
Return of Principal	300,000
Total County Expenses	73,113,906

Ditch	
Special Assessments	126,000
Use of Reserves	44,225
Total Ditch Funds	170,225

Capital Projects Fund	
Use of Reserves	
Wind Tax	132,000
Total Building Maintenance	132,000

Sewer Loan	
Revenue	
Interest on Specials	
Special Assessments - Princ	575,000
Use of Reserves	
Total Revenue	575,000

Total County Revenues/Sources	73,113,906
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IT IS FURTHER RESOLVED:

1. Departmental expenditures, except Personnel items, shall not exceed the approved budget. To provide flexibility to the department, the County Administrator is authorized to approve department budget changes up to \$10,000 with an annual maximum of \$50,000. All other budget amendments shall require County Board approval.
2. Personnel line items are based on position authorization listings and estimates of staffing needs developed during the budget preparation process. Any changes in payroll shall be subject to County Board approval through one of the following actions:
 - i. General salary adjustments authorized by the County Board;
 - ii. Salary adjustments pursuant to union contract provisions or statutory requirements;
 - iii. Specific authorization to fill a vacancy, add a new position or change a position classification.
3. Expenditure of funds budgeted shall be subject to applicable statutory procedures requiring proposals or bidding and any proposed expenditure in excess of \$25,000 shall be subject to prior approval of the County Board.
4. Department heads shall be responsible for maintaining sufficient internal departmental expenditure and receipt records to conform to the requirements of this budget policy.

Passed and approved this 17th day of December, 2024.

Date: December 17, 2024

RES. #99-24

**RESOLUTION ESTABLISHING AN ABSENTEE BALLOT BOARD FOR THE 2025
ELECTION YEAR (ENCOMPASSING ALL ELIGIBLE ELECTIONS)**

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County is required by Minnesota Statutes 203B.121, Subd. 1 to establish an Absentee Ballot Board effective December 17, 2024 for the full 2025 Election year for all eligible elections; and

WHEREAS, this board will bring uniformity in the processing of accepting or rejecting returned absentee ballots in Mower County; and

WHEREAS, the Absentee Ballot Board would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy county auditors trained in the processing and counting of absentee ballots;

THEREFORE, BE IT RESOLVED THAT, the Mower County Board of Commissioners hereby establishes an Absentee Ballot Board that would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy auditors to perform the task.

Passed and approved this 17th day of December, 2024.

Date: December 17, 2024

Res. #100-24

RESOLUTION

Establishing Findings of Fact and Granting a Waiver from the Solid Waste Management Ordinance for SKB Lansing Landfill (slope)

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County is a political subdivision organized and existing under the laws of the state of Minnesota; and,

WHEREAS, the Mower County Board of Commissioners has adopted a Solid Waste Management Ordinance (ORD-21) establishing authority for the entire County; and,

WHEREAS, Section 8.2(B) states that development of a solid waste landfill shall not exceed final contours of a minimum 2% and a maximum of 20% slope over entire fill for solid waste landfills; and,

WHEREAS, On October 31, 2024, SKB Lansing submitted an Ord-21 Application for Waiver or Modification to allow an increase to final cover slopes from currently permitted 5H:1V (20%) to a proposed 4H:1V (25%); and,

WHEREAS, Pursuant to Section 3.6 of Ord-21, the County Board may waive or modify the strict application of the provisions of Ord-21.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board finds:

- 1) That the request is reasonable and meets the intent of this ordinance due to: *The intent of Ord-21 is to protect public health and the environment. SKB has previously received a Waiver to final cover slopes on March 3rd, 2020, and this request is consistent with the currently permitted design criteria. SKB has provided a geotechnical stability analysis of the proposed final cover. Approval of this waiver would maximize the waste disposal capacity by allowing consistent 20 percent slopes for the requested expansion area, rather than requesting to permit additional acreage. SKB's request also provides for installation of a composite liner over the WCI Austin Landfill which would enhance overall environmental protection by adding an enhanced final cover over the unlined landfill.*

- 2) That such requirements are unnecessary or impractical in light of the applicant's proposed operation due to: *Approval of this waiver would be consistent with the final grade slopes on existing parts of the landfill that previously received a waiver of 4H:1V. Further, SKB is seeking a waiver to allow continued final grade slopes of 4H:1V, and enhancing overall environmental protection, rather than requesting horizontal expansion.*
- 3) That the waiver or modification will not adversely impact human health or the environment due to: *The purpose to the maximum of a 20% slope is to ensure stable side slopes, and that such slopes can also be maintained long term. SKB's previous MPCA variance request provided various stability calculations and reasonable justification that a 4H:1V can be built and maintained without posing a threat to human health or the environment. Further, this request also provides for placement of an enhanced final cover over unlined portions of a landfill that has experienced leachate seeps.*
- 4) That the request will not adversely affect the County's ability to monitor and enforce compliance with ORD-21 and the applicant's license due to: *An increase from 5H:1V to 4H:1V will not prevent the County to monitor and enforce ORD-21. Such an increase to side slopes will not interfere in the County's ability to conduct site inspections to ensure compliance with the ORD-21 and the landfill's license.*

BE IT FURTHER RESOLVED, that the Mower County Board of Commissioners hereby grants a Waiver to SKB Lansing Landfill, in accordance with Section 3.6 of ORD-21, to allow for an increase in final grade slopes from 5H:1V (20%) to 4H:1V (25%) with the following conditions:

- 1) Applicant shall comply with and maintain compliance with ORD-21, County License, and all applicable Minn. Rules, and this waiver.
- 2) This waiver allows for the increase in final grade slopes of 4H:1V as depicted in drawing C-104 (Final Cover and Surface Water Management) of License Document SKB #2; construction of a slope steeper than 4H:1V shall require another waiver application and approval from the County Board.
- 3) Applicant shall immediately notify the County of any erosion, side slope failure or slumping, leachate seeps, and/or any other adverse impacts.
- 4) Applicant shall allow employees of Mower County and its consultants to inspect the facility to ensure compliance with ORD-21 and its County License.
- 5) All conditions shall apply in full force and effect to any successor in interest to the property.

Passed and approved this 17th day of December, 2024.

Date: December 17, 2024

Res. #101-24

RESOLUTION

Establishing Findings of Fact and Granting a Waiver from the Solid Waste Management Ordinance for SKB Lansing Landfill (*setback*)

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County is a political subdivision organized and existing under the laws of the state of Minnesota; and,

WHEREAS, the Mower County Board of Commissioners has adopted a Solid Waste Management Ordinance (ORD-21) establishing authority for the entire County; and,

WHEREAS, Section 8.5(A) provides for the following: “All solid waste landfills established after the enactment of this ordinance, shall be required to maintain a minimum of a 200-foot separation between the boundaries of the portion of the property used for the deposit of solid waste and the property line of the property described in the application. Access roads, replacement wetlands, storm water run-off ponds, monitoring wells, berming, screening activities, and potential future correction action may be located and occur within the buffer zone upon approval by the Department. The buffer zone shall not include public rights-of-way. For solid waste landfills established prior to the enactment of this ordinance, when there is any modification to an existing County permit or license for any reason, including any change to or addition of waste types accepted for disposal from those accepted prior to the enactment of this ordinance, such landfills shall meet the minimum separation distance herein.”

WHEREAS, On November 1, 2024, SKB Lansing submitted an Ord-21 Application for Waiver or Modification to allow for placement of waste within the 200-foot buffer / setback distance as required in Section 8.5 (A) of Ord-21 at the Facility.

WHEREAS, Pursuant to Section 3.6 of Ord-21, the County Board may waive or modify the strict application of the provisions of Ord-21.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board finds:

- 1) That the request is reasonable and meets the intent of this ordinance due to: *The intent of Ord-21 is to protect public health and the environment. The Phase 6 proposed expansion as designed should not change the County's ability to provide for that protection. The proposed expansion area is between the SKB Lansing landfill and WCI Austin landfill. The expansion area proposes to maintain existing waste limits of 50 feet to maximize operational efficiencies, maintain slope continuity across landfill phases for surface water management, and minimize potential for future cover erosion.*
- 2) That such requirements are unnecessary or impractical in light of the applicant's proposed operation due to: *SKB proposes to maintain existing waste limits of 50 feet*

to ensure slope continuity and to minimize potential for future cover erosion. The northern most part of phase 6 is approximately 230 lineal feet wide, and to require transitioning from a current 50-foot separation distance to that of 200-foot separation distance would not be practical for design and construction, and challenging for operations. Continuing an existing 50-foot separation allows for continuity in storm water controls and final slope. Further, stormwater controls, groundwater monitoring, and the access road will be constructed within the 50-foot separation area, and conforms to MN Rule 7035.2825, Subp 9,H.

- 3) That the waiver or modification will not adversely impact human health or the environment due to: *The purpose of the 200-foot separation between waste limits and property boundary, among other, is to ensure additional space for necessary mitigation and remedial activities as may be necessary. SKB Lansing is proposing a base liner and final cover system that are significantly more protective of the groundwater and environment than is currently required by MN Rules for Class III Demolition Landfills. Installation of this liner also enhances overall environmental protection for WCI Austin Landfill, which is an unlined Class II landfill that has experienced leachate seeps.*
- 4) That the request will not adversely affect the County's ability to monitor and enforce compliance with ORD-21 and the applicant's license due to: *SKB's waiver request for Phase 6 area aligns with the existing separation to waste limits as currently constructed. Access road, groundwater monitoring wells, and stormwater controls are all designed to be constructed within the 50-foot separation area. Groundwater monitoring, and any necessary mitigation and/or remedial activities will occur within the 50-foot separation area.*

BE IT FURTHER RESOLVED, that the Mower County Board of Commissioners hereby grants a Waiver to SKB Lansing Landfill, in accordance with Section 3.6 of ORD-21, to allow for placement of solid waste within the 200-foot separation distance as depicted on Sheet C-101 of License Document SKB #2 with the following conditions:

- 1) Applicant shall comply with and maintain compliance with ORD-21, County License, and all applicable Minn. Rules.
- 2) This waiver allows for the placement of solid waste within the 200-foot separation area for Phase 6 as depicted in drawing C-104 (Final Cover and Surface Water Management) of License Document SKB #2 by maintaining a 50-foot separation; any change from drawing C-104 (Final Cover and Surface Water Management) nullifies this Waiver.
- 3) Applicant shall immediately notify the County of any erosion, side slope failure or slumping, leachate seeps, and/or any other adverse impacts.
- 4) Applicant shall allow employees of Mower County and its consultants to inspect the facility to ensure compliance with ORD-21 and its County License.
- 5) All conditions shall apply in full force and effect to any successor in interest to the property.

Passed and approved this 17th day of December, 2024.

The Board recessed at 10:01 a.m. for the purpose of public hearings.

The Chair called the Public Hearing to order at 10:01 a.m. regarding a Housing Tax Abatement application of John & Delphina Frost for a single-family home located at 4.98 AC SW 1/4 NW 1/4 Section 30 Clayton Twp (PIN 04.030.0030).

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

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

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

The Chair called the Public Hearing to order at 10:04 a.m. regarding a Housing Tax Abatement application of Hung La for a single-family home located at Block 1, Lot 1 North Pointe Subdivision, Austin, MN (PIN 34.509.0010)

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

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

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

The Chair called the Public Hearing to order at 10:05 a.m. regarding a Housing Tax Abatement application of Richard and Margaret Gehling for a single-family replacement home located at SW1/4; S1/2 NE1/4 & W1/2 SE1/4 EXC S1/2 SW1/4 SE1/4 Pleasant Valley Twp, MN (PIN 14.018.0050)

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

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

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

The Chair called the Public Hearing to order at 10:06 a.m. in regard to Ordinance (Map Amendment) request of Matt Johnson for rezone of parcel 02.007.0511 from R-1 to Agricultural "A" District

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner Matt Johnson was present but did not comment. No one spoke for or against the Rezoning Ordinance Amendment.

The Chair closed the Public Hearing at 10:10 a.m. in regard to Johnson Rezoning Ordinance Amendment.

The Chair called the Public Hearing to order at 10:11 a.m. in regard to CUP #985 of Bruce & Linda Bucknell for the Mining of Sand in Section 16, Racine Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner Todd Bucknell was present and answered questions presented by the Board. No one else spoke for or against CUP #985.

The Chair closed the Public Hearing at 10:18 a.m. in regard to CUP #985.

The Chair called the Public Hearing to order at 10:18 a.m. in regard to CUP #987 of Warren & Kari Miner, petitioners and Anthony Warmka landowner, an additional dwelling within the quarter section of Section 23, Grand Meadow Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was present and answered questions presented by the Board. No one else spoke for or against CUP #987.

The Chair closed the Public Hearing at 10:23 a.m. in regard to CUP #987.

The Chair called the Public Hearing to order at 10:23 a.m. in regard to adopting a Mower County Cannabis Ordinance (NEW) and modify the Zoning Ordinance to adjust zoning district land uses in accordance with the Cannabis Ordinance

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

No one spoke for or against new Cannabis Ordinance to Regulate Cannabis Businesses.

The Chair closed the Public Hearing at 10:42 a.m. in regard to the Cannabis Ordinance.

The County Board reconvened its regular session at 10:42 a.m.

Date: December 17, 2024

Res. #102-24

**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 December 17, 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, John and Delphina Frost are the owner(s) of certain property within Mower County, legally described as follows:

4.98 AC SW¼ NW¼ Section 30 Clayton Twp (PIN 04.030.0030)

WHEREAS, John and Delphina Frost 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 December 17, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, John and Delphina Frost 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 17th day of December, 2024.

Date: December 17, 2024

Res. #103-24

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

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 December 17, 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, Hung La is the owner(s) of certain property within Mower County, legally described as follows:

Block 1, Lot 1 North Pointe Subdivision, Austin, MN (PIN 34.509.0010)

WHEREAS, Hung Las 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 December 17, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, Hung La 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 17th day of December, 2024.

Date: December 17, 2024

Res. #104-24

**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 December 17, 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, Richard and Margaret Gehling are the owner(s) of certain property within Mower County, legally described as follows:

SW¼; S½ NE¼ & W½ SE¼ EXC S½ SW¼ SE¼ Pleasant Valley Twp, MN (PIN 14.018.0050)

WHEREAS, Richard and Margaret Gehling 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 December 17, 2024 before the Mower County Board of Commissioners, on said application.

WHEREAS, Richard and Margaret Gehling 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 17th day of December, 2024.

Date: December 17, 2024

Res. #105-24

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #985, by Bruce Bucknell and Linda Bucknell Landowner(s), and Bruce Bucknell, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Mining of Sand

Located in Mower County, Minnesota and legally described as:

The Northwest Quarter of Section 16, Township 104 North, Range 14 West of the 5th P.M.
Mower County, Minnesota

And identified per Mower County tax records as parcel 15.016.0060; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on December 10, 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 December 17, 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. This Conditional Use Permit is granted for the exclusive use of mining of sand.
 - a. As part of that process the topsoil will be pulled back and temporarily stockpiled.
 - b. The topsoil will be reused for the rehabilitation of each cell and will be seeded with a grass or alfalfa mixture.
2. Applicant shall follow all local, state, and federal regulations regarding the proposed use.
 - a. The applicant/owner shall obtain the appropriate NPDES/SDS permit coverage and submit a copy of the SWPPP, as required by the MPCA to Mower County Environmental Services to place on file with the CUP; and
3. Wetland Review required: Petitioner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. A "Wetland Replacement Plan" approval.
4. Should dewatering be needed; applicant/ owner shall apply for a DNR Water appropriation permit and a copy shall be placed on file with Mower County Environmental Services to be kept with the CUP;
5. Any well interference within the area will be subject to the DNR Well Interference policies and protocol.
6. Should dewatering of the pit be needed for situations in which water begins to pool in areas where sand had been excavated; these areas shall be protected by cyclone fencing and no trespassing signs shall be posted;
7. The owner, applicant or lessee shall comply with Article IV Excavation of Earth Product of the Mower County Code, as may be amended.
8. Extraction of materials shall be limited to the total 15-acres as shown in the Certificate of Survey.
 - a. Any excavation of 40-acres or more, whether in phases or over the lifetime of the parcel requires granting of an EAW before any mining has begun;

9. Extraction of materials shall remain at least 30 feet from all adjoining property lines and 30 feet from road right-of-way (as required by the ordinance). The 30-foot setback between properties may be decreased when done so in writing and the signed document shall be recorded with the Mower County Recorder's office. A copy shall be provided to the Environmental Services to place on file along with the CUP;
10. Banks of all excavations shall be sloped at a rate which shall not be less than three (3) feet horizontal to one (1) foot vertical, unless a plan has been submitted which indicates special consideration is needed, and if said plan, with special consideration has been approved by the County;
11. A Restoration bond shall be placed on file with the Mower County Auditor/Treasurer's Office in an amount as follows:
 - a. For each acre which is open, being used and/or actively mined a bond in the amount of \$7,500.00 per acre shall be placed on file with the County Auditor/Treasurer.
 - b. As one or more phases are being opened and/or completed; the applicant/owner or lessee shall notify the County Environmental Services so they can assure the phases have been property rehabilitated in accordance with the CUP and the bond being held is of an appropriate and adequate amount.
12. Access driveway costs are to be bore by the applicant, owner, or lessees;
13. The entrance to the pit shall have a "no-trespassing" sign posted at the entrance;
14. The owner/ applicant or lessee shall provide adequate area onsite to park, back, turn around, load or maneuver equipment and vehicles. No backing, parking or loading shall be allowed on public right-of-way;
15. Any mud, dirt or debris transported to public roads shall be cleared, scraped, or removed immediately so as not to create a public safety hazard to the traveling public. If the debris cannot be cleared immediately the applicant/owner or lesee shall contact the road authority and take any and all necessary steps to protect the safety of the traveling public. All debris that cannot immediately be removed, shall be cleared within 24 hours after safety precautions have been implemented;
16. The owner/applicant/lessee shall abide by all road and bridge weigh restrictions or postings that apply to roads used as ingress/egress to the property;
17. The owner/applicant/lease shall be liable for any road damages as a result of this land use as stated under MN Statute 169.88;
18. Dust Control may be required during high traffic volumes and shall be provided by the applicant,
19. No blasting is permitted;
20. The Conditional Use permit allows the applicant, owner, or lessee to utilize the pit Monday through Saturday from 7 am to 7 pm. Exception shall be made to these time restrictions for emergency purposes. The owner/operator or lessee shall be responsible for informing the county of the emergency that precipitates the need outside of normal business hours.
21. Weeds and any other noxious vegetation shall be cut, trimmed or sprayed as necessary to preserve a reasonably neat appearance and to prevent seeding onto adjacent properties;
22. Any refueling done within the pit area shall be done with care so as not to spill or contaminate surface or groundwater resources. Any petroleum product spillage must be reported immediately to the State Duty Officer;
23. There shall be no burial of solid waste, waste or other materials in the pit area;
24. The owner/applicant lease shall work cooperatively with Mower County to mitigate or resolve any nuisance issues that are brought to the attention of the County and found to be legitimate;
25. This conditional use permit shall lapse if the use in not established within one year of the date of granting of Mower County,
26. This conditional use permit shall lapse and shall no longer be valid upon 2 years of non-use.

27. Applicant, owner, and lessees shall be required to curer any violations of the conditional use permit or ordinance as it exists today or as amended. Mower County shall have the right to abate any violations by such remedies available under any applicable statute,
28. This permit is based upon the representation given by the applicant during the public hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is issued in accordance with Section Article IV - Excavation of Earth Products - entire section of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 17th day of December, 2024.

Date: December 17, 2024

Res. #106-24

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #986, by Jerry Morse Landowner, and Tammy Jax, Petitioner(s), who have withdrawn their original petition to the Mower County Board of Commissioners to allow for the site to be used for:

Horse stable, training arena / facility with office and/or small attached retail area; business sign, seasonal craft show including food/beverage; camping with less than 5 (camping) units at one time.

Located in Mower County, Minnesota and legally described as:
(Full legal description on file in the office of Environmental Services.)

And identified per Mower County tax records as parcel 19.032.0110; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on November 6, 2024, however the request was tabled at this meeting due to an error found relating to the legal notices.

WHEREAS, Notices were resent for a December 10, 2024, meeting on November 14, 2024.

WHEREAS, the 60-day law was extended to an additional 60-days to extend the timeline of the application and additional 60-days due to publication error.

WHEREAS, Legal and (corrected) neighborhood notices were sent out for public notice on November 14, 2024.

WHEREAS, On Friday November 15, an email was received from the applicant, Tammy Jax, requesting withdrawal.

WHEREAS it was unclear from the email if she wished to withdraw the entire application or only the craft show portion, clarification of the request was necessary. Upon further discussion with the applicant, it was decided that the entire application would be withdrawn.

WHEREAS Notices were sent to adjoining landowners on November 20, 2024, notifying them of the applicant's withdrawal of application.

WHEREAS, the legal publication notice had already been published, announcement was made at the public hearing that the applicant has requested withdrawal of the application.

WHEREAS, The Planning Commission made motion, second and accepted the withdrawal of the application of Tammy Jax.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board accepts the withdrawal of this CUP application and wishes to close the timeline of a decision required by a municipality, per MN Statute 15.99. The application will be hereby kept on file in the Office of Environmental Services as a "Withdrawn application, on behalf of the Applicant." No further action shall be taken on this CUP land use request.

Passed and approved this 17th day of December, 2024.

Date: December 17, 2024

Res. #107-24

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #987, by GMW Properties and Management, LLC Landowner(s), and Warren G. and Kari J. Miner, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

an additional dwelling in the quarter section

Located in Mower County, Minnesota and legally described as:

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

And identified per Mower County tax records as parcel 07.023.0021; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on December 10, 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 December 17, 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; and
2. CUP #325 is cancelled and shall no longer be valid since the use allowed has lapsed.
3. 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; and
4. 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).
5. A Zoning Permit shall be obtained prior to any construction on the property which requires a permit in accordance with the ordinance; and
6. A permitted septic system permit shall be approved prior to construction of the single-family dwelling unit, or any other structure; and
7. A secondary Type I system has been identified. The area should be preserved and protected from compaction and/or construction or other damages.
8. Petitioner must sign and notarize the "Rural and Agricultural Homeowners Assumption of Risk Assessment Form and have it recorded at the Mower County Recorder's Office before a zoning permit can be issued; and
9. The Owner/Applicant shall keep the site in a neat, orderly, and aesthetically pleasing condition; 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 abide by all road and bridge weight restrictions or postings that apply to roads used as an ingress/egress to the property; 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.

This permit is issued in accordance with Section 14-18.4 Density Standards 3, (d) 2: (parts omitted from citation) sites that are not currently used for agricultural purposes, or are unsuitable for economical agricultural uses because of poor soil, rough or steep topography or other natural features of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 17th day of December, 2024.

Date: December 17, 2024

Ord. #05-24

**ORDINANCE
Map Amendment**

On motion of Commissioner Glynn, seconded by Commissioner Ankeny, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, A public notice was published in the Mower County's official newspaper, the Austin Daily Herald, on November 20, 2024; and

WHEREAS, A public notice was published in the Mower County's secondary newspaper, the Mower County Independent, on November 21, 2024; and

WHEREAS, Notices were made by first class mail to the adjoining landowners in accordance with the Mower County Zoning Ordinance on November 14, 2024. An official list is kept on file in the office of the Environmental Services; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on December 10, 2024, at 7:00 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 December 17, 2024, before the Mower County Board of Commissioners, on said petition; and

WHEREAS, at the public hearings any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, the Mower County Planning Commission recommended by a 4-0 vote to rezone parcel 02.007.0511, currently a 47-acre parcel of land located in the SE ¼ of Section 10 in Austin Township.

BE IT ORDAINED, by the Mower County Board of Commissioners that the Mower County Zoning Map be changed to reflect the rezoning of parcel 02.007.0511, identified above, from zoning of "R-1" Residential to "A" Agricultural District.

BE IT FURTHER ORDAINED, that this ordinance is effective upon publication.

Passed and approved this 17th day of December 2024.

Date: December 17, 2024

Ord. #06-24

**CANNABIS ORDINANCE
TO REGULATE CANNABIS BUSINESSES**

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, a Notice of Intention to consider adopting a Cannabis Ordinance was published in the *Austin Daily Herald* on October 23, 2024 and in the Mower County Independent on October 24, 2024; and

WHEREAS, the Planning Commission held a public hearing on said amendment on November 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 approve the new Cannabis Ordinance; and

WHEREAS, the County Board held a public hearing on said new ordinance on December 17, 2024; and

BE IT ORDAINED by the Mower County Board of Commissioners to adopt the Mower County Cannabis Ordinance to Regulate Cannabis Business as follows:

Section 1. Administration

1.1 Findings and Purpose

Mower County, MN makes the following legislative findings:

By enacting 2023 Session Law, Chapter 63, H. F. No. 100, the Minnesota Legislature passed the adult-use cannabis bill. Under that bill, the adult use, possession and personal growing of cannabis became legal on August 1, 2023.

The Office of Cannabis Management (OCM), established in 2023 following the enactment of HF 100, is charged with developing and implementing the operational and regulatory systems to oversee the cannabis industry in Minnesota as provided in Minnesota Statutes Chapter 342.

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Mower County to protect the public health, safety, welfare of Mower County residents by regulating cannabis businesses within the legal boundaries of Mower County.

Mower County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Mower County, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

Mower County has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of Mower County, MN.

Further, many of the cities and townships of Mower County have delegated full authority to Mower County for the registration and regulation of cannabis businesses. A full listing of participating cities and townships is provided in the office of Environmental Services. Please note, these same cities and townships may adopt ordinances under Sections 2.6, 3 and 4 if Mower County has not adopted conflicting provisions.

1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.4 Enforcement

The Mower County Auditor/Treasurer Department is responsible for the administration of this ordinance following land use approval verification by Mower County Environmental Services Department. The Mower County Sheriff's Department is responsible for the enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and including lower-potency hemp edible retailers.
4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide

the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

6. **Electronic Delivery Device:** Any product containing or delivering cannabis, hemp, nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic Delivery Device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic Delivery Device includes any component part of a product, whether or not marketed or sold separately. Electronic Delivery Device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for Sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.
7. **Lower-potency Hemp Edible:** As defined under Minn. Stat. 342.01 subd. 50.
8. **Office of Cannabis Management:** Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.
9. **Place of Public Accommodation:** A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
10. **Preliminary License Approval:** OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
11. **Protected Use:** the property which contains any public school, daycare facility, residential treatment facility, an attraction within a public property that is regularly used by minors, including a playground or athletic field.
12. **Public Place:** A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
13. **Residential Treatment Facility:** As defined under Minn. Stat. 245.462 subd. 23.
14. **Retail Registration:** An approved registration issued by the Mower County to a state-licensed cannabis retail business.
15. **School:** A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
16. **State License:** An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business without first obtaining registration approval from Mower County. No individual or entity may operate a state-licensed cannabis retail business within 500 ft of any protected use (see Definitions, section 1.5)

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

2.2 Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, Mower County shall conduct a preliminary compliance check to ensure compliance with local ordinances. In Mower County this will be accomplished through the Conditional Use Permit process which includes a site visit from two members of the planning commission, Environmental Services staff, and may also include representatives of the Sheriff's department.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, Mower County shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

2.3 Registration & Application Procedure

2.3.1 Fees.

Mower County shall not charge an application fee.

A registration fee, as established in Mower County's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by Mower County shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2.3.2 Application Submittal.

The Auditor/Treasurer shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the Mower County. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- v. Zoning Approval for the location of the registered use.

(B) The applicant shall include with the form:

- i. the application fee as required in Section 2.3.1;

- ii. a copy of a valid state license or written notice of OCM license preapproval;
- (C) Once an application is considered complete, the Mower County Auditor/Treasurer shall inform the applicant as such, process the application fees, and forward the application to the Mower County Board of Commissioners for approval or denial.
- (D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

- (A) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- (B) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved provided the maximum number of licenses has not been exceeded.

2.3.4 Annual Compliance Checks.

The Mower County Sheriff's Department shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this Ordinance.

The Mower County Sheriff's Department shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

2.3.5 Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of Mower County, MN.

2.4 Renewal of Registration

Mower County shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by Mower County.

A cannabis retail registration issued under this ordinance shall not be transferred to any other person, entity, or location. Transfer of ownership or location requires approval through a new application.

2.4.1 Renewal Fees.

Mower County may charge a renewal fee for the registration starting at the second renewal, as established in Mower County's fee schedule.

2.4.2 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.
- Disclosure of any zoning or land use violations, and any misdemeanor or felony convictions.

Mower County shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license provided Mower County receives the application 30 days prior to OCM renewal date.

A state-licensed cannabis retail business shall apply to renew registration on a form established by Mower County.

A cannabis retail registration issued under this ordinance shall not be transferred.

2.4.3 Renewal Fees.

Mower County may charge a renewal fee for the registration starting at the second renewal, as established in Mower County's fee schedule.

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

Mower County may suspend a cannabis retail business's registration if it violates the ordinance of Mower County or poses an immediate threat to the health or safety of the public. Mower County shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

Mower County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Mower County and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 Length of Suspension.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended. Mower County may wait for a determination from OCM before reinstating a registration.

Mower County may reinstate a registration if it determines that the violations have been resolved.

Mower County shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) Mower County may impose a civil penalty, as specified in the Mower County's Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

Mower County shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents Mower County, including the City of Austin and other Cities within Mower

County. This does not preclude the Cities from adopting ordinance to set higher limits than what Mower County will issue.

Mower County will allow one active cannabis retail businesses registration for every 12,500 residents (four (4) total). Mower County, nor any of its Townships or Cities shall not be required to register additional state-licensed cannabis retail businesses.

Section 3. Requirements for Cannabis Businesses

Mower County shall implement a 500 ft buffer between the property line of any protected use (see Definitions, Section 1.5) and the building that houses any licensed Cannabis business, including grow houses, retail locations, trucking/transportation storage, etc.

The buffer distance shall be measured from the property line of the protected use to the building that houses the cannabis use.

3.1 Minimum Buffer Requirements

Mower County shall prohibit the operation of a cannabis business within 500 feet of a school.

Mower County shall prohibit the operation of a cannabis business within 500 feet of a daycare.

Mower County shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

Mower County shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public property that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

Mower County will not allow protected uses to establish new locations within the buffer zone of an established, active cannabis business.

3.2 Zoning and Land Use

Any use that is not listed as allowed or permitted in a zoning district is considered prohibited in that zoning district. In zoning districts where the use is allowed, Cannabis business are still required to register the use with Mower County, and Zoning Permits may be required for the construction or modification of any associated facilities.

This ordinance applies to Mower County; any Township or Municipality within Mower County that has adopted Cannabis Ordinance may have additional regulation, which could be more stringent than Mower County's requirements.

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a Conditionally Permitted Use in the following zoning districts:

- Agricultural Zoning District
- Rural Management Zoning District
- Industrial Zoning District

3.2.2. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a Conditionally Permitted Use in the following zoning districts:

- Agricultural Zoning District
- Rural Management Zoning District
- Industrial Zoning District

3.2.3. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a Conditionally Permitted in the following zoning districts:

- Agricultural Zoning District
- Rural Management Zoning District
- Industrial Zoning District

3.2.4. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a Conditionally Permitted in the following zoning districts:

- Agricultural Zoning District
- Rural Management Zoning District
- Business District
- Industrial District

3.2.5. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as an Allowed use in the following zoning districts:

- Business District
- Industrial District

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a Conditionally Permitted use in the following zoning districts:

- Rural Service Center

Cannabis businesses licensed or endorsed for cannabis on site consumption are Conditionally Permitted in the following districts:

- Business District
- Rural Service Center

3.2.6. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

- Agricultural Zoning District
- Rural Management Zoning District
- Business District
- Industrial District

3.2.7. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

- Agricultural Zoning District

- Rural Management Zoning District
- Business District
- Industrial District

3.3 Hours of Operation

Cannabis businesses registered with Mower County are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10 a.m. and 9 p.m., seven days a week.

3.4 Advertising

Cannabis businesses may erect signage in accordance with Mower County's Sign Ordinance and the Zoning District the business (or sign) is located in.

3.5 Battery Powered Electronic Delivery Devices

3.5.1. Registered Retail Establishments that sell battery powered single-use or disposable Electronic Delivery Devices with embedded or inseparable batteries must accept those devices which have been sold by the Retail Establishment to its customers, and properly manage those returned devices for recycling according to Minnesota Administrative Rule 7045.0125 Subpart 4.B., unless the Retail Establishment sells only Electronic Delivery Devices which have removable cartridges so that the battery can be recycled separately from the vaporizer fluid cartridge.

3.5.2. Electronic Delivery Devices sold by a Registered Retail Establishment with embedded batteries without a return program may be embargoed by the Department until a return program in compliance with part 6.13, item 1 has been established.

Section 4. Temporary Cannabis Events

License or Permit Required for Temporary Cannabis Events

Temporary cannabis events shall only be held in zoning districts that allow for cannabis activity, and through Conditional Use Permits

4.1.1 *License Required.*

A license or permit is required to be issued and approved by Mower County prior to holding a Temporary Cannabis Event. Mn Statute requires a Temporary Cannabis Event shall last no longer than four (4) days.

4.1.2 *Registration & Application Procedure*

A registration fee, as established in Mower County's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 *Application Submittal & Review.*

Mower County shall require an application for Temporary Cannabis Events.

(A) An applicant for a retail registration shall fill out an application form, as provided by the Mower County. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant, if different;
- ii. Address, email address, and telephone number of the applicant;
- iii. A site map or drawing demonstrating areas of ingress and egress, parking, and identifying features such as vendor locations or entertainment stages.

(B) The applicant shall include with the form:

- i. the application fee as required in (Section 4.1.2);
- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.
- iii. An emergency response plan including contracted ambulance and first responder services available 24h/day for the duration of the event.

The application shall be submitted to the Mower County Auditor's Office, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

(C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.

(D) The application fee shall be non-refundable once processed.

(E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

- Private Security is required
- Ambulance or Emergency Personnel on site

(G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

The Mower County Planning Commission will have discretion to set hours for temporary cannabis events based on their location, proximity to neighbors, proposed activities, and similar considerations, as disclosed through the Conditional Use Permit process.

Section 5 Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use. See Ordinance 04-23 adopted December 6, 2023 for further detail.

BE IT FURTHER ORDAINED, that the Cannabis Ordinance shall be in full force and effect January 1, 2025 after its passage and publication as required by law.

Passed and approved this 17th day of December, 2024.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny to enter into Joint Powers Agreements with the following participating cities and townships for the regulation and registration of Cannabis businesses:

Townships of: Adams, Austin, Bennington, Clayton, Frankford, Grand Meadow, Lansing, LeRoy, Lodi, Lyle, Marshall, Pleasant Valley, Sargeant, Waltham, Windom
Cities of: Brownsdale, Dexter, Elkton, LeRoy, Waltham

Motion carried.

Date: December 17, 2024

Ord. #07-24

Zoning Ordinance Amendment

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, a Notice of Intention to consider adopting a Cannabis Ordinance and modify the Zoning Ordinance land uses accordingly was published in the *Austin Daily Herald* on October 23, 2024 and in the Mower County Independent on October 24, 2024; and

WHEREAS, the Planning Commission held a public hearing on said amendment on November 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 approve the modifications to the Zoning Ordinance; and

WHEREAS, the County Board held a public hearing on said new ordinance on December 17, 2024; and

BE IT ORDAINED by the Mower County Board of Commissioners to modify the Mower County Zoning Ordinance as follows:

Division 2 Agricultural Section 14-51 Conditional Uses and Division 3 Rural Management Section 14-56 Conditional Uses. In these zoning districts, Retail Sales and On-Site Consumption are Prohibited. Wholesale, Cultivation, Manufacturing, Transport and Delivery are allowed by Conditional Use.

Division 8 Industrial Section 14-82 Permitted Uses and Section 14-77 Conditional Uses. In this zoning district, Retail sales are allowed, on-site consumption is prohibited, and Wholesale, Cultivation, Manufacturing, Transport and Delivery are allowed by Conditional Use.

Division 6 Business Section 14-70 Permitted Uses and Section 14-71 Conditional Uses and

Division 7 Freeway Interchange Section 14-82 Permitted Uses and Section 14-77 Conditional Uses. In these zoning districts, Retail sales are allowed, cultivation and manufacturing are prohibited, and Wholesale, Transport and Delivery, and On-Site Consumption are allowed by Conditional Use.

Division 10 Rural Service Center Section 14-103.3 Conditional Uses. In this zoning district Wholesale, Cultivation, Manufacturing are prohibited, and Retail sales, On-Site consumption, and Transport & Delivery are allowed by Conditional Use.

BE IT FURTHER ORDAINED, that the modifications to the Zoning Ordinance shall be in full force and effect January 1, 2025 after its passage and publication as required by law.

Passed and approved this 17th day of December, 2024.

Date: December 17, 2024

Res. #108-24

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 December 17, 2024 at the Government Center, Austin, Minnesota.

WHEREAS, project numbered SAP 050-605-017 and SAP 050-606-029 has in all things been completed by Rochester Sand & Gravel and the County Board being fully advised in the premise.

NOW THEN BE IT RESOLVED that we do hereby accept said completed project for and on behalf of the County of Mower and authorize final payment as specified herein:

Contract Amount: \$3,031,524.85
Final Amount: \$3,108,720.89 [102.55%]
Final Payment: \$ 34,006.40

Passed and approved this 17th day of December, 2024.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to extended the warranty on shouldering machine for five years. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to approve the purchase of a 2025 Ford Explorer \$39,990 for the new county engineer. Motion carried.

The Board welcomed Mitch Wenum the newly hired engineer.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve adding to new position classifications of Environmental Services Tech II and Senior Environmental Services Tech. Motion carried.

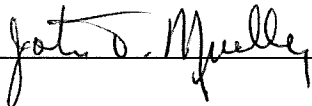
Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the Memorandum of Understanding with LELS #83 regarding retirement qualifications for Sergeant Heman. Motion carried.

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

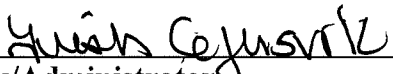
Under Committee Reports Commissioner Glynn reported that she attended a space study/mechanical assessment meeting on 12/5 and the 2025 Budget and Levy Hearing on 12/16 (*attended by all commissioners, affirmed by each*). Commissioner Ankeny also reported attending a SEMREX meeting on 12/6, the Association of Mn Counties Annual Conference 12/9 – 12/11 (*also attended by Commissioner Sparks and Commissioner Mueller, affirmed by each*); the Mower County Fair Christmas gathering on 12/19 (*also attended by Commissioner Reinartz and Commissioner Mueller, affirmed by each*); and will attend a 4-H Extension meeting on 12/19 to also be attended by Commissioner Mueller. Commissioner Reinartz reported he had attended the Austin Utility luncheon on 12/6 and will attend a Sr. Center meeting on 12/19. Commissioner Sparks affirmed his attendance at the appropriate meetings previously mentioned. Commissioner Mueller reported attending a Personnel Meeting on 12/3 followed by a fair board meeting also on 12/3.

The Chair adjourned the meeting at 11:30 a.m. The next meeting is scheduled for December 30, 2024 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY:  Chairperson

Attest:

By: 
Clerk/Administrator