

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

March 11, 2025

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session March 11, 2025 at 9:00 a.m. at the Government Center in Austin, Minnesota.

Members present, viz: Chair Polly Glynn, Jerry Reinartz, and John Mueller. Member present remotely Mike Ankeny Member excused: Dan Sparks. Also in attendance were County Attorney Kristen Nelsen and County Administrator Trish Harren Gjersvik.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to approve the agenda with the addition of a resolution of support for Hillier Composting to obtain a from the MPCA to accept Apple Valley Food apple waste for composting and moving liquor license renewal applications before the department report. Motion carried.

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

1. Approve Minutes of February 11 and February 25, 2025
2. Acknowledge Receipt of Electronic Fund Transfer Payment Reports
3. Resolution to approve MN Lawful Gambling Exempt Permit application of Cedar River Archery Club

Date: March 11, 2025

Res. #15-25

RESOLUTION

On motion of Commissioner Mueller, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 11, 2025 at the Government Center, Austin, Minnesota.

WHEREAS, on March 11, 2025 the Cedar River Archery Club presented a request for a Minnesota Lawful Gambling LG220 Application for Exempt Permit for gambling at the Cedar River Archery Club located at 54691 270th St., Austin, MN on June 8, 2025.

BE IT RESOLVED THAT, the Mower County Board of Commissioners hereby approves Cedar River Archery Club's Minnesota Lawful Gambling LG220 Application for Exempt Permit for gambling at the Cedar River Archery Club located at 54691 270th St., Austin, MN on June 8, 2025.

Passed and adopted this 11th day of March, 2025.

Motion carried.

County Auditor-Treasurer Scott Felten presented three applications for liquor license renewals for Board approval.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the renewal application of Adventure Bound BT, LLC for a Full Liquor Seasonal On

/OFF Sale and Sunday license effective April 1, 2025 through October 31, 2025. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to approve the renewal application of Meadow Greens Golf Course, Inc. for a Full Liquor Seasonal on Sale and Sunday license effective March 1, 2025 through November 30, 2025. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the renewal application of Deer Creek Speedway, LLC for a Full Liquor Seasonal On Sale and Sunday license effective April 1, 2025 through October 31, 2025. Motion carried.

Jail Administrator James Brown and Jail Program Coordinator Drew Szyszkowski provided the Board with a department update. James Brown highlighted some 2024 statistics including 1296 total bookings with the average length of stay of 14 days and an average daily population of 47. August is the highest incarceration month with an average daily population of 55. The facility is currently operating two of the three available housing units and has been utilizing tiered lockdown cross-gender supervision with the aid of special window film that helps with inmate management. There has been a focus on more training and education of staff and bringing in as many in-house session opportunities as possible to reduce overtime. Due to the nature of the job there has become a new awareness to be attuned to providing mental health care for the staff. Drew Szyszkowski provided an insight into the available jail programs that focus on the needs of the jail population by providing quality educational and rehabilitative programming and connections to community resources to decrease the likelihood of repeat offenders and returning to jail. Programming is powered by community volunteers and collaborative partnerships.

Emergency Manager Amy Bramwell requested the Board accept the 2023 Emergency Management Performance Grant EMPG. This is a reimbursable grant to counties to support emergency management operations. Ms. Bramwell further requested the Board authorize her to submit a request for the 2024 EMPG.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to accept the 2023 Emergency Management Performance Grant (EMPG) (\$25,989). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve application for the 2024 Emergency Management Performance Grant (EMPG). Motion carried.

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

The Chair called the Public Hearing to order at 10:01 a.m. in regard to CUP #991 of Eli and Katie Borntreger for a sawmill operation and 60x120 shed to support business located in Section 13, Frankford Township.

Valerie Sheedy, Deputy County Administrator, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #991.

The Chair closed the Public Hearing at 10:03 a.m. in regard to CUP #991 of Eli and Katie Borntreger.

The Chair called the Public Hearing to order at 10:03 a.m. in regard to CUP #981 of Craig and Kathryn Davis for a (5-year plan) to construct greenhouses and establish u-pick fruits/vegetables and Christmas greenery located in Section 05, Windom Township.

Valerie Sheedy, Deputy County Administrator, reviewed the permit and Planning Commission recommendations and noted that an additional condition (#24) has been since the meeting for on-going water safety.

The Petitioners were present remotely and spoke on their own behalf and questioned the additional condition added regarding water testing. No other people spoke for or against CUP #981.

The Chair closed the Public Hearing at 10:15 a.m. in regard to CUP #981 of Craig and Kathryn Davis.

The County Board reconvened its regular session at 10:15 a.m.

Date: March 11, 2025

Res. #16-25

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 11, 2025 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #991, by Eli Borntreger and Katie Borntreger Landowners, and Petitioners, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Saw mill - custom cutting of logs, stockpiling raw materials (logs) and onsite storage of cut material. In future will construct 60x120 shed and may need additional help to support product demand.

Located in Mower County, Minnesota and legally described as:

Tax Legal: Section 13 Township 103 Range 014 N580FT S1056FT NE1/4 SW1/4
EXC E330FT S250FT 15.7AC

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

And identified per Mower County tax records as parcel 06.007.0130; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on March 4, 2025, 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 March 11, 2025 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. Access to and from the Bontrager property shall **NOT** include the 0.93 township road segment running south of the Borntager property on 795th Avenue to State Hwy 63. Semis and any overweight vehicles shall be prohibited from using this route.
3. Road weight restrictions of the Township shall apply on roads under their authority. Road weight restrictions shall apply on roads under the County's authority.
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 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
6. 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; and
7. 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).
 - a. A "Wetland Exemption" (the act does not apply).
 - b. A "Wetland Replacement Plan" approval.
8. The Owner/Applicant shall keep the site in a neat, orderly, and aesthetically pleasing condition; and
9. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; 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. Access to the site must be approved by the Local Road Authority and county engineer if a bridge or culvert restriction is involved.
12. The Owner/Applicant shall be required to provide dust control (not to utilize used oil (illegal)) so as not to create a nuisance to neighboring property from the additional traffic; and
13. 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
14. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around or etc. so as to not create a nuisance or hazard to the traveling public. The trucks cannot be parked or backed onto the premises from the road or its right-of-way; and
15. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
16. Any signage regarding the business shall comply with Mower County Ordinance Section 14-18.3 (b)(3). Signage beyond what is allowed under 14-18.3 shall be required obtain a permit and comply with Ordinance Section 14-147 for Outdoor Advertising.
17. Any vermin, flies, or other pests shall be controlled; and
18. No burying of waste material is allowed and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
19. 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; and
20. Hours of sawmill operation shall be limited to 7:30 am to 5:30 pm 7 days/week. This does not limit the owner/applicant from having lesser hours or days of operation; and
21. A Zoning Permit shall be obtained prior to any construction of any structure on the property.

This permit is issued in accordance with Section Section 14-51 (m) Agriculturally oriented business of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 11th day of March, 2025.

Date: March 11, 2025

Res. #17-25

RESOLUTION

On motion of Commissioner Mueller, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 11, 2025 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #981, by Craig Davis and Kathryn Davis Landowners, and Petitioners, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Proposed use (apx 5 year plan) to construct 2-17x50; 2-34x96, 1-100x200 (max) greenhouses. Onsite parking, advertising signs, 40x80 ag retail building with commercial kitchen for baking/canning of products. U-pick fruits/vegs, Christmas trees.

Located in Mower County, Minnesota and legally described as:

Tax Legal: Section 05 Township 102 Range 017 E5AC NW1/4 NW1/4 S OF HWY 46 & APPROX W520FT E685FT NW1/4 NW1/4 N OF I90 & S OF HWY 46 EXC W153FT N280FT 13.30 AC

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

And identified per Mower County tax records as parcel 20.005.0130; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on March 4, 2025, 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 March 11, 2025 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, which may include but not be limited to NPDES for construction activities disturbing one acre or more; MN Dept of Health requirements for food preparation, MN Dept of Ag for fruit/veg etc. marketing, pesticides, chemicals. Handicap accessibility code, State Fire and building code for public places.
2. 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).
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. Hours of public operation shall be limited to 7:00 a.m. -8:00 p.m., 7 days/week.
5. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
6. An approved ISTS Design for the proposed septic system obtained and submitted prior to construction of any land uses which require a septic system.
7. A primary and secondary Type I system site shall be located for future placement and placed on a map and kept on file in the CUP file and landowner's records. The area should be preserved and protected from compaction and/or construction or other damages to support future uses which will require sewage/septage disposal (IE: future kitchen/canning facilities).
8. Should the driveway need to be widened, the cost shall be bore by the owner/operator.
9. 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.
10. The Owner/Applicant shall keep the site neat, orderly, and aesthetically pleasing; and
 11. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
 12. 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
 13. 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
 14. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around so as to not create a nuisance or hazard to the traveling public. Vehicles cannot be parked or backed onto the premises from the road or its right-of-way.
 15. Parking, loading and signage must meet the requirements of the Mower County Zoning Ordinance.
 16. Lighting shall be reflected downward and shielded as to not create a nuisance to the traveling public or neighboring property owners.
 17. The Owner/Applicant may be required to provide dust control (not to utilize used oil (illegal)) so as not to create a nuisance to neighboring property; and
 18. Waste shall not be contained and disposed of so as not to create a nuisance to adjoining landowners; and
 19. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
 20. Any vermin, flies, or other pests shall be properly controlled; and
 21. No burying of waste material is allowed and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
 22. Any change in operation not included as part of this application or any change in use of the facility for another use must comply with the zoning ordinance and may require an additional conditional use permit.
 23. 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.
 24. Any well used to support the growth or production of commercially available produce or foods must be tested annually against the domestic water quality standards (Bacteria, Nitrate, Nitrite, Chloride, Sulfate, Fluoride). The well may be tested at the Agency's request and expense for PFAS. Test results shall be provided to Mower County Environmental Services within 15 days upon receipt of results.

This permit is issued in accordance with Section Section 14-51(h) commercial greenhouses and nurseries & (u) other uses of the same general character as those provided in this section and deemed fitting and compatible by the P/C. of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 11th day of March, 2025.

The Board recessed at 10:18 a.m. for the purpose of the Health & Human Services Board.

HEALTH & HUMAN SERVICES BOARD:

HHS Fiscal Supervisor Trisha Blaser presented the HHS warrants for approval.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the Health & Human Services accounts payable totaling \$203,559.94. Motion carried.

HHS Director Crystal Peterson requested the Board authorize submission of a housing grant. The goal of this grant is to maintain family housing stability.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to approve Health and Human Services submitting the grant application for housing funding through the Department of Human Services in the amount of up to \$300,000. Motion carried.

Public Health Division Manager Pam Kellogg provided the Board with information pertaining to measles as there has been an outbreak in Texas. The risk of a measles outbreak in Mower County is low due to high vaccination rates (94.1% of population.).

HHS Director Crystal Peterson requested the Board approve social service actions and purchase of service agreement renewal.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the social service actions. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to approve the Purchase of Service Agreement renewal with Parenting Resource Center (Welcome Center) for interpreting services effective 1/1/25-12/31/25. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to adjourn the Health & Human Services Board meeting at 10:34 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 10:35 a.m. for regular business items.

Motion made by Commissioner Mueller, 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>
Access Wireless Data Solutions, LLC	3,412.55	Imperial Dade	12,044.56
Advanced Correctional Healthcare, Inc	33,173.54	Kamphoff/Cindra	13,528.00
Austin Automotive LLC	3,699.26	Klein McCarthy Architects	57,189.60
Baudoin Oil Company	23,468.38	Little Falls Machine, Inc.	4,832.60
CDW Government	4,165.91	MCHS SE Minnesota	2,349.00
Cedar Valley Services, Inc	23,124.33	Metro Sales, Inc	3,585.46
CliftonLarsonAllen LLP	20,265.00	Midwest Monitoring & Surveillance	4,037.00
Consolidated Correctional Foodservice	20,959.54	Minnesota Counties Computer Cooperative	8,962.50
Dave Lucas Consulting	3,675.00	Office Of Mn It Services	22,444.15
Dell Marketing L P	12,057.35	Pure Painting	23,785.00
DLT Solutions LLC	2,275.66	Rohl Electric and Services LLC	6,725.68
ESRI	39,700.00	RTVision, Inc.	3,920.44
Force America Distributing, LLC	4,025.45	Sheriff Houston County	2,400.00
Freeborn County Co-Operative Oil Co.	9,544.15	Tiny's Body Shop	10,957.64
Harty Mechanical Inc	6,187.00	Uhl Company Inc	3,960.00
Healthiest You	4,300.00	57 Payments less than 2000	27,498.00
Hodsdon/Richard D	5,286.60	Final Total:	427,539.35

Motion carried.

Deputy Administrator Valerie Sheedy presented to the Board for approval a resolution that supports Hillier Composting to be permitted as a Source Separated Organics Compost Facility to compost Apple Valley Foods apple waste.

Date: March 11, 2025

Res. #18-25

RESOLUTION

On motion of Commissioner Mueller, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held March 11, 2025, at the Government Center, Austin, Minnesota.

WHEREAS, Mower County recognizes the need and responsibility to plan for and practice environmentally sound methods for managing its solid waste streams; and

WHEREAS, Mower County also recognizes the need to plan for and implement various strategies, programs or facilities to promote the proper management and disposition of solid waste generated within the County, and encourages the reduction, reuse, recycling, composting and/or advanced processing of that solid waste as may be available based upon the type of solid waste materials generated and the integrated solid waste management system in place; and

WHEREAS, Hillier Composting operates a yard waste compost facility in accordance Mower County's Solid Waste Management Ordinance and Minnesota Rules; and

WHEREAS, Hillier Composting has been approached by Apple Valley Foods to accept for composting, apple peels and apple cores; and

WHEREAS, apple peels and apple cores generated by Apple Valley Foods is currently being sent to a landfill; and

WHEREAS, the Mower County Board of Commissioners encourages and supports overall landfill abatement related initiatives such as composting of source separated organics; and

WHEREAS, in order to accept apple peels and apple cores, Hillier Composting would be required modify his current permit and seek permitting as a Source Separated Organics Compost Facility; and

WHEREAS, such improvements are financially unattainable for Hillier Composting; and

WHEREAS, Hillier Composting does not wish to be permitted as Source Separated Organics Compost facility and only wishes to accept the single stream generated by Apple Valley Foods limited that of apple peels and apple cores; and

WHEREAS, Hillier Composting accepts that some improvements will be necessary in order to properly manage and compost apple peels and apple cores; and

WHEREAS, Hillier Composting wishes to apply for a variance to Minn. Rules 7035.2836 to allow for acceptance of apple peels and apple cores and continue as a yard waste compost facility.

NOW, THEREFORE, THE MOWER COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES that the acceptance of apple peels and apple cores at Hillier Composting is in keeping with the County's Solid Waste Plan.

BE IT FURTHER RESOLVED that the Mower County Board of Commissioners supports Hillier Composting seeking a Variance to Minn. Rules 7035.2836 thereby allowing for continued operations as a yard waste compost facility.

BE IT FURTHER RESOLVED that the Mower County Board of Commissioners encourages the Minnesota Pollution Control Agency to grant a variance to Minn. Rules and allow Hillier Composting to accept for composting apple peels and apple cores from Apple Valley Foods.

Passed and approved this 11th day of March, 2025.

County Engineer Mitch Wenum presented for discussion and possible approval a request for the County to create a new County Road Safety Plan (CRSP) with MnDOT. The last plan was developed in 2010. MnDOT covers 80% and the County 20% of the cost of the safety plan.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to authorize the development of a new County Road Safety Plan in cooperation with MnDOT. Motion carried.

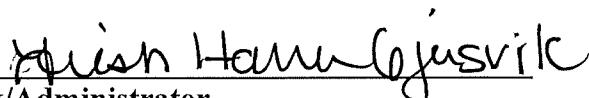
Under Committee Reports Commissioner Reinartz reported that he attended the Strategic Planning meeting on 3/4/25. Commissioner Mueller reported that on 3/3/25 he attended the Waltham Township meeting; on 3/4/25 he attended the Strategic Planning meeting, the Planning Commission meeting and the fair board meeting; on 3/5/25 he attended remotely an open meeting law training session; on 3/9/25 he attended remotely the SEMN Communications Board meeting; and on 3/10/25 he attended a meeting with the City of Stewartville. Commissioner Glynn reported that on 3/4/25 she attended the strategic planning meeting and on 3/10/25 she attended the meeting with the City of Stewartville and remotely the SEMCAC meeting. Commissioner Ankeny reported that on 3/4/25 he attended the Strategic Planning meeting and on 3/7/25 a personnel committee meeting.

The Chair adjourned the meeting at 10:53 a.m. The next meeting is scheduled for March 25, 2025 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY:  Chairperson

Attest:

By: 
Clerk/Administrator