

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

May 12, 2026

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session May 12, 2026 at 9:00 a.m. at the Government Center in Austin, Minnesota.

All members present, viz: Chair Dan Sparks, Vice-Chair Mike Ankeny, Jerry Reinartz, John Mueller (9:02 a.m.) and Polly Glynn. Also in attendance were County Administrator/Clerk Matthew Verdick and County Attorney Kristen Nelsen.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the agenda. Motion carried unanimously.

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

1. Approve Minutes of April 28 and May 5 Work Session
2. Acknowledge the Receipt of Electronic Fund Transfer Payment Reports
3. Approve Commissioner Warrants

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Advanced Correctional Healthcare, Inc	26305.69	Marco Technologies LLC	2806.76
Andersen, Inc./Earl F.	6474.55	MEIGS Paving	8677.39
CDW Government	4389.21	Metro Sales, Inc	12489.75
Cintas Corporation	2752.59	Minnesota Counties Computer Coop	10821.00
CliftonLarsonAllen LLP	23100.00	Motorola Solutions Inc	10200.00
Consolidated Correctional Foodservice	21390.08	OnSolve LLC	11731.13
Contegrity Group, Inc.	7091.90	Paape Distributing Co.	6660.00
Dave Lucas Consulting	3037.50	Premier Electrical Corporation	39805.00
Freeborn County Co-Operative Oil Co.	11939.23	Thomson Reuters-West Payment Ctr	3125.77
Freshworks Inc	17265.80	Ziegler, Inc	26446.52
Klein McCarthy Architects	63028.13	55 payments less than 2000	28948.56
MacQueen Equipment, Inc.	17930.32	Final Total:	366416.88

4. Approve Lease Agreement (renewal) with Ben Farrell to Hay on Tax Forfeited Property

5. Approve Tobacco License for AMA Corp d/b/a BEAR'S for period July 1, 2026 - June 30, 2027

Motion carried unanimously.

Commissioner Mueller arrived at 9:02 a.m.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve proposal with Chosen Valley Testing for Environmental and Geotechnical work on Highway property for work associated with the expansion and redevelopment of the parcel (\$83,311). Motion carried unanimously.

The Board recessed at 9:06 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 9:06 a.m. regarding a Housing Tax Abatement application of New Horizon Homes for a single-family home located at Block 001 Lot 010 Nature Ridge Third, Austin, MN (PIN 34.468.0100).

Deputy County Administrator Valerie Sheedy reviewed the application and recommended approval.

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

The Chair closed the Public Hearing at 9:08 a.m. regarding the New Horizon Homes housing tax abatement application.

The Chair called the Public Hearing to order at 9:08 a.m. regarding a Housing Tax Abatement application of Bradley and Theresa Wolff for a single-family home located at Lot 5, Block 3 Buckridge Estates Subdivision, Grand Meadow Twp, MN (PIN 07.045.0240).

Deputy County Administrator Valerie Sheedy reviewed the application and recommended approval.

The Applicant was present and did not address the Board. No one spoke for or against the Wolff housing tax abatement application.

The Chair closed the Public Hearing at 9:09 a.m. regarding the Wolff housing tax abatement application. The County Board reconvened its regular session at 9:09 a.m.

Date: May 12, 2026

Res. #41-26

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

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 May 12, 2026 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, Nature Ridge Properties of Austin Co, (Seller) is the owner(s) of certain property within Mower County, legally described as follows:

Block 001 Lot 010 Nature Ridge Third, Austin, MN (PIN 34.468.0100)

WHEREAS, New Horizon Homes, LLC (Buyer) has made application to Mower County for the abatement of taxes as to the above-described parcel; and

WHEREAS, Notice having been duly given, a public hearing was held on May 12, 2026 before the Mower County Board of Commissioners, on said application.

WHEREAS, Nature Ridge Properties of Austin Co. (Seller) and New Horizon Homes, LLC (Buyer) have met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision 1(1) and Subdivision 2(i) as well as Mower County's criteria for tax abatement;

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

1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of the single-family home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is 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 12th day of May, 2026.

Date: May 12, 2026

Res. #42-26

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

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held May 12, 2026 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, Bradley G. and Theresa Wolff are the owner(s) of certain property within Mower County, legally described as follows:

Lot 5, Block 3 Buckridge Estates Subdivision, Grand Meadow Twp, MN (PIN 07.045.0240)

WHEREAS, Bradley G. and Theresa Wolff 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 May 12, 2026 before the Mower County Board of Commissioners, on said application.

WHEREAS, Bradley G. and Theresa Wolff 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 12th day of May, 2026.

The Board recessed at 9:10 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 9:10 a.m. regarding Adopt Zoning Ordinance Amendment: Division 3. General Regulations Section 14-18.2 Special Requirements for Feedlots.

Feedlot Officer Danielle Anderson reviewed the proposed amendments to the Zoning Ordinance.

No one spoke for or against amending Zoning Ordinance Division 3. General Regulations Section 14-18.2 Special Requirements for Feedlots.

The Chair closed the Public Hearing at 9:19 a.m. regarding amending Zoning Ordinance Division 3. General Regulations Section 14-18.2 Special Requirements for Feedlots.

The Chair called the Public Hearing to order at 9:19 a.m. regarding the intention to adopt new Mower County Comprehensive Land Use Plan and Future Land Use Map.

Bria Grace of Short Elliot Hendrickson (SEH) provided a final overview of the Comprehensive Land Use Plan, highlighting extensive community engagement, collaboration between the City and County, and long-term goals for housing, tourism, and community growth. The presentation emphasized that the plan serves as a flexible 20-year guiding document informed by significant public input, jurisdictional coordination, and identification of key growth areas. Staff and commissioners recognized the substantial effort invested in the project and noted that the plan will guide future ordinance updates and support ongoing development priorities.

Three persons spoke in favor of adopting the Mower County Comprehensive Land Use Plan and Future Land Use Map. No one spoke against adopting the Mower County Comprehensive Land Use Plan and Future Land Use Map.

The Chair closed the Public Hearing at 9:32 a.m. regarding adopting a new Mower County Comprehensive Land Use Plan and Future Land Use Map.

The County Board reconvened its regular session at 9:32 a.m.

Date: May 12, 2026

Ord. #01-26

ORDINANCE
Zoning Ordinance 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 May 12, 2026 at the Mower County Government Center, Austin, Minnesota.

WHEREAS, a Notice of Intention to hold a public hearing to consider amending Sections of the Mower County Zoning Ordinance was published in Mower County's official newspaper,

the *Austin Daily Herald*, on April 22, 2026 and in the Mower County Independent April 23, 2026; and

WHEREAS, the Planning Commission held a public hearing on said amendment on May 4, 2026 at 5:30 p.m. in the Mower County Government Center, Board Room, before the Mower County Planning Commission at which any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, the Mower County Planning Commission recommended by a majority vote to revise sections of the Mower County Zoning Ordinance; and

WHEREAS, Notice having been duly given, a public hearing was held on May 12, 2026, before the Mower County Board of Commissioners at which any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, No one spoke in favor or opposed to the proposed change;

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

BE IT FURTHER ORDAINED that the following revision to Division 3. General Regulations Section 14-18.2 Special Requirements for Feedlots of the Mower County Zoning Ordinance shall be incorporated and adopted in entirety.

LANGUAGE TO REPLACE PRIOR AND TO BE INCLUDED:

Section 14-18.2 Special Requirements for Feedlots

- (a) All feedlots constructing a building or structure must obtain a zoning permit from the Mower County Planning Department for the construction of any building or facility.
- (b) Feedlots may expand on contiguous land that the feedlot owner owns but the expansion must begin within 500 feet of the existing feedlot. A feedlot expansion that begins further than 500 feet from the existing feedlot shall be considered a "new feedlot".
- (c) A map shall be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit showing the location of existing and/or proposed feedlot buildings or structures, water features within 300ft, if applicable animal burial areas, and other existing conditions of the area within 1/2 mile. It shall depict all existing topography and all existing land uses as described herein and existing property lines.
- (d) A good neighbor plan must be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit **or new feedlot**.
- (e) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution. The fee is non-refundable. Fees are used as a financial match for state funding to maintain a local feedlot officer position.

- (f) A registered feedlot that is registered with less than 10 animal units or any feedlot that is not in active operation (has not had animals for 5 or more years) and has not paid the annual feedlot fee for 2 or more years can be closed by Resolution of the County Board.**

 - (1) All fees associated with feedlot closure when issued by the County Board can be assessed to the real property on which the feedlot was located.**
- (g) A registered feedlot that is in active operation and registered with 10 or more animal units in the county that has not paid the annual fee for 2 years or more could have all past fees, all past late fees, and all office processing fees assessed and charged to the real property based on the County Boards discretion.**

 - (1) The County reserves the right to initiate closure of the feedlot and all closure fees (including manure storage areas, feed storage areas, open lots, and or buildings) will be assessed and charge to the real property based on the County Board's discretion.**
- (h) Herd size limitation may not exceed 3,000 animal units per feedlot registration.**
- (i) Construction of a new earthen basin, open air clay or flexible lined lagoon, for swine are prohibited in Mower County.**

 - (1) An existing earthen basin, open air clay or flexible lined lagoon, for swine needing repair, maintenance, upkeep, including peril, or expansion that exceeds greater than or equal to 50% of its market value for replacement at the time of repair, may not be considered for reconstruction or repair.**
 - (2) An existing earthen basin, open air clay or flexible lined lagoon, for swine needing repair, maintenance, upkeep, including peril, or expansion that is less than 50% of its market value, at the time of damage, may be considered for reconstruction or repair.**

 - (a) A permit request from the county is required if the feedlot is registered for 300 or more animal units.**
 - (3) Any new or existing earthen basin, open air clay or flexible lined lagoon designed to house manure from cattle or any other livestock cannot be converted to holding swine manure.**
- (j) An applicant for a new feedlot or feedlot expansion, including those that do not require a County permit but require an MPCA permit, must provide written notice of intent to the township and all property owners within a 5,000ft radius of the facility. Property owners who reside within the 5,000ft radius in a municipality will not be notified. Notification will then go to the municipality. A proof of mailing shall be required by exercising one of the following two options:**

 - a. The feedlot operator shall provide a certificate of mailing (without return receipt of landowner signature) to the Mower County Feedlot Officer, or
 - b. Mower County can send notices of mailing on behalf of the feedlot applicant to the surrounding landowners. Mower County will create a list of landowner mailings from taxpayer records generated per the County's GIS system within the required radius. Mower

County will create and sign a letter of Affidavit for when the notices were mailed and by whom. Attached to the affidavit shall be a listing of landowners and address mailed.

- i. The feedlot applicant shall be responsible for providing any landowner data which falls outside of boundaries of Mower County; and
 - ii. The feedlot applicant shall be responsible for the cost of mailing the letters to landowners by first class mail at the current rate of the USPO at the time of mailing plus cost of copies in accordance with Mower County's fee schedule; and
 - iii. Feedlot and construction permits shall not be issued until repayment for mailing and copy costs have been received.
- (k) The producer of a new feedlot or feedlot expansion has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and by making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.
- (l) New feedlots, except for hobby farms, shall not be located within *1,000 feet of any dwelling, school, church, platted subdivision and/or public park, except for dwelling of the property owner or feedlot operator, or family member based upon the definition of "family" provided the owner of the dwelling and family member, signs a statement that will be recorded stating that they have no objection to the feedlot being closer than the required 1,000 feet. This exception to the 1,000 foot setback is limited to family members to current owner and all other setback requirements shall be adhered to. All "family related feedlots shall be considered separate feedlots in terms of permitting but shall be considered as one feedlot in terms of animal unit limits in accordance with the feedlot ordinance.
- (m) New feedlots, with the exception of hobby farms, shall not be located within 1/2 mile of an incorporated city limit.
- (n) Any new dwelling (except for the dwelling of the property owner or feedlot operator), school, church, platted subdivision and/or public park, must be setback at least *1,000 feet from an existing feedlot, except for a hobby farm which does not voluntarily complete a feedlot registration. The setback requirements are to be measured from the outermost boundaries of the feedlot to any existing dwelling, church or school, and vice-versa. In the case of residential lots of record, public parks, platted subdivisions and incorporated city limits, the measurement will be from the feedlot to the closest property line.

~~**Note: in accordance with Minn. Statute 462.357 Subd 1e4(i) A local ordinance that contains a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence.*~~

- (o) **For an existing habitable dwelling within 1000ft of an existing registered feedlot, any addition or expansion to the existing habitable dwelling cannot encroach closer to the nearest feedlot structure (building, open lot, manure storage area, feed storage area).**
 - (p) **A replacement dwelling for an existing habitable dwelling that is located within 1000ft of a registered feedlot can be rebuilt at equal or further distance from the original habitable dwelling but cannot encroach closer to the nearest feedlot structure (building, open lot, manure storage area, feed storage area).**

- (q) **For an existing registered feedlot within 1000ft of an existing habitable dwelling, any addition or expansion to the existing registered feedlot cannot encroach closer to the existing habitable dwelling.**
- (r) **For an existing registered feedlot within 1000ft of an existing habitable dwelling, a replacement feedlot structure (building, open lot, manure storage area, feed storage area) can be placed at equal or further distance from the original feedlot structure but cannot encroach closer to the existing habitable dwelling.**

Note: applicants wishing to exercise the rights granted by (o)-(r) must apply for a zoning permit for the structure within one year of the loss of the structure.

(s) **Abatement**

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

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

BE IT FURTHER ORDAINED that Ordinance #01-26 shall be effective upon publication in the Legal Newspaper of Mower County, the "Austin Daily Herald." *(Published 5/20/26)*

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

Passed and approved this 12th day of May 2026.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to adopt Collection of Annual Feedlot Fees Policy effective May 12, 2026. The Policy is as follows:

Collection of Annual Feedlot Fees

YEAR 1

1. Annual Feedlot Invoice – Sent out mid-January and due mid-March
2. Second Invoice sent after due date with added late fee (\$30)- sent out in April

Year 2

1. Annual Feedlot Invoice- Sent out in **mid-January due mid-March**
 - a. Will have a total of year 1 fee and \$30 late fee plus year two annual amount
2. Second invoice is sent after due date with year 1 annual fee and late fee of \$30 plus year 2 annual fee and late fee \$30. – **sent in April, due in June**
3. The Mower County Feedlot Officer will attempt to make communication with the feedlot owner via a phone call or feedlot inspection.
4. **Mid- July** send letter to feedlot owner indicating feedlot officer is going to the board to get approval for assessment of:
 - a. Unpaid annual fees
 - b. Unpaid annual late fees
 - c. time and expense of feedlot officer from 2 years of multiple notices
 - d. Feedlot closure costs (manure storage, feed storage, buildings, open lots) if applicable

- e. Manure Storage clean out costs, if applicable
5. **August-** take it to the board for approval
6. After approval from the board- send feedlot owner a letter indicated the board has approved the assessment to put on the real property taxes.
 - a. Indicate they have until **12/31/ (of current year)** to get payment in
 - b. Indicate interest which always fluctuating will accrue starting on **1/1/(following year)**.
 - c. A copy of the resolution from board approval will get sent as an attachment with the letter to the feedlot owner as certified mail.
7. **September-** Pass on the information to Property Tax Administrator to prepare the assessment at the end of the year.

Motion carried unanimously.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to adopt the Mower County Comprehensive Land Use Plan and Future Land Use Plan. The entire plan is available [on the Mower County website / Environmental Services](#). Motion carried unanimously.

The Board recessed at 9:38 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 9:38 a.m. regarding the Intention to adopt Smoke-free and Tobacco-free Property Ordinance -- an Ordinance for the prohibition of tobacco use on Mower County property.

Valerie Sheedy, Deputy County Administrator, reviewed the proposed smoke-free and tobacco-free ordinance.

No one spoke for or against adopting a Smoke-free and Tobacco-free Property Ordinance -- an Ordinance for the prohibition of tobacco use on Mower County property.

The Chair closed the Public Hearing at 9:45 a.m. regarding adopting a Smoke-free and Tobacco-free Property.

The County Board reconvened its regular session at 9:45 a.m.

Date: May 12, 2026

Ord. #02-26

SMOKE-FREE AND TOBACCO-FREE PROPERTY ORDINANCE
An Ordinance for the prohibition of tobacco use on Mower County property

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 May 12, 2026 at the Government Center, Austin, Minnesota.

WHEREAS, a Notice of Intention to consider adopting a Smoke-free / Tobacco-free Ordinance was published in the *Austin Daily Herald* on May 2, 2026 and in the Mower County Independent on April 30, 2026; and

WHEREAS, the County Board held a public hearing on said new ordinance on May 12, 2026; and

WHEREAS, No one spoke in favor or opposed to the proposed ordinance;

BE IT ORDAINED by the Mower County Board of Commissioners to adopt the Mower County Smoke-Free and Tobacco-Free Property Ordinance--An Ordinance for the prohibition of tobacco use on Mower County property as follows:

SMOKE-FREE AND TOBACCO-FREE PROPERTY ORDINANCE
An Ordinance for the prohibition of tobacco use on Mower County property

Section 1. Purpose and Intent

The purpose of this Ordinance is to promote public health, safety, and welfare by eliminating exposure to secondhand smoke and vapor, reducing fire hazards, and maintaining clean and accessible public spaces. This Ordinance is adopted pursuant to the authority granted to counties under Minnesota Statutes, including Minn. Stat. §144.417, to enact more stringent smoking regulations than those established by the Minnesota Clean Indoor Air Act.

Section 2. Definitions

For purposes of this Ordinance:

1. Smoking means inhaling, exhaling, burning, carrying, or possessing any lit or heated cigar, cigarette, pipe, or other smoking equipment containing tobacco, cannabis, hemp, or any other plant product intended for inhalation. Smoking shall include being in possession of a lighted or heated tobacco or plant product intended for inhalation.
2. Smoking includes Electronic Delivery Device / Vaping, which is any electronic or battery-operated device that delivers nicotine, THC, cannabis, or any aerosolized or vaporized substance to the user. Smoking shall include being in possession of an electronic delivery device that is in use or operation.
3. Tobacco Product includes cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, snus, dissolvables, or any product containing tobacco or nicotine intended for human consumption, except FDA-approved cessation products.
4. County Property means any building, structure, facility, vehicle, park, land, or outdoor area owned, leased, operated, or controlled by the County, including:
 - lawns, courtyards, plazas, and parking facilities;
 - sidewalks, walkways, trails, and steps located on or directly adjacent to County property;
 - all property within the boundary of any designated County campus or complex.
 - Mower County Fairgrounds is not considered County Property for the purpose of this Ordinance.
5. Person means any individual, employee, contractor, vendor, visitor, or member of the public.

Section 3. General Prohibition on Smoking and Tobacco Use

1. Smoking, vaping, and the use of tobacco products are prohibited on all County Property, whether indoors or outdoors, at all times.
2. This prohibition applies regardless of whether a person is working, visiting, passing through, or otherwise present on County Property.

3. No person shall dispose of cigarette butts, vaping device cartridges, tobacco waste, or related materials anywhere on County Property.

Section 4. Adjacent Sidewalks and Walkways

1. Smoking, vaping, or the use of tobacco products is prohibited on all sidewalks, walkways, and pedestrian areas located on County Property or immediately adjacent to County buildings, even if such sidewalks are part of a public right-of-way.
2. Where property boundaries are unclear, the prohibition extends 25 feet from any County building entrance, exit, window, or air intake.

Section 5. Posting and Notification

1. The County shall post clear signage at building entrances, parking areas, sidewalks, and other appropriate locations stating that County Property is smoke-free.
2. Notice of this Ordinance shall be included in County facility rental agreements, employee handbooks, and contracts as appropriate.

Section 6. Enforcement

1. Failure to comply with this Ordinance may result in citation or removal from County Property, as permitted by law.
2. Law enforcement officers and authorized County personnel may enforce this Ordinance.

Section 7. Exceptions

This Ordinance does not prohibit the use of FDA-approved nicotine replacement therapies (patches, gum, lozenges, etc.) that do not involve smoking or vapor.

No other exceptions are permitted unless specifically approved by resolution of the County Board.

Section 8. Severability

If any section or provision of this Ordinance is found invalid or unconstitutional, the remaining sections shall remain in full force and effect.

Section 9. Effective Date

This Ordinance shall take effect on June 1, 2026, following passage and publication as required by law. *(Published Austin Daily Herald 5/20/26)*

Passed and adopted this 12th day of May, 2026 with a vote of 4 – 1. The Commissioners voted as follows: Commissioner Ankeny aye; Commissioner Reinartz aye; Commissioner Mueller nay; Commissioner Glynn aye; Commissioner Sparks aye.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to rescind (effective 6/1/26) Personnel Policy C106 Tobacco Use Policy adopted 1/28/2025 and to amend (effective 6/1/26) Personnel Policy C105 Tobacco Use Policy adopted 11/22/2016 by deleting all current language and replacing it with the following new language for Personnel Policy C105 Tobacco Use as follows:

Section C105 Tobacco Use

Purpose

Mower County is committed to providing employees with a safe and healthy working environment. This policy is in compliance with the Minnesota Clean Indoor Air Act (M.S. 144.411—144.417) as well as Austin City Ordinance 628, 6.6 Regulation of Secondhand smoke.

Policy

The use of tobacco products is not permitted in any county building, vehicle or equipment or within 15 feet of entrances, exits, garage doors, windows (unsealed) or ventilation intakes.

The county will provide waste receptacles for cigarette “butts” that will meet the 15 foot perimeter distance.

“Tobacco Use” means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form, including the use of electronic delivery devices. Signage will be posted at strategic locations to notify employees and visitors of this policy.

Applicability

This policy applies to all visitors and Mower County employees.

Cessation

Contact Human Resources to learn of available smoking cessation programs through our insurance carrier.

Compliance and Enforcement

The success of this policy depends on the consideration and cooperation of both tobacco users and non-users. Enforcement of this policy is a shared responsibility of all staff. Individuals acting in violation of this policy will be reminded and asked to comply. Employees found to have violated this policy may be subject to disciplinary action. Visitors who violate this policy may be asked to leave the property.

PURPOSE

The purpose of this policy is to provide a safe and healthy environment for all employees and visitors by reducing exposure to secondhand smoke and promoting the overall health and well-being of the community.

SCOPE

This policy applies to all government buildings, facilities, vehicles, and properties owned or leased by Mower County, including outdoor areas within the premises. This policy does not apply to the Mower County Fairgrounds.

DEFINITIONS

- Electronic Delivery Device means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor or aerosol for the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes or under any other product name or descriptor.
- Buildings and Grounds means all buildings and grounds of the Government Center, Law Enforcement Center, Public Works/Highway, and Recycling Center.
- Smoking means inhaling products or from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking shall include being in possession of a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, or an electronic delivery device that is turned on or otherwise activated.
- Staff means any person employed by Mower County in a full or part-time capacity, or any position contracted for or otherwise employed with direct or indirect monetary wages or profits paid by Mower County, or any person working on a volunteer basis. The term includes but is not limited to elected and appointed officials, personnel, contractors, consultants, and vendors.

- Tobacco Product means any product containing, made, derived from tobacco that is intended for human consumptions, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes; cigars; cheroots; stogies; perique; granulated; plug cut; crimp cut; ready rubbed; and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps; clippings; cuttings and sweepings of tobacco; and other kinds and forms of tobacco.
- Tobacco Use means the act of smoking, use of smokeless tobacco, or the use of any other tobacco product in any form, including the use of electronic delivery devices.
- Visitor means any person subject to this policy who is not a Mower County staff person.

POLICY STATEMENT

The use of tobacco products and electronic delivery devices is prohibited at all times in or on all property that Mower County has the authority to control, unless designated under "EXCEPTIONS." The littering of tobacco-related products on the grounds or parking lots of Mower County or neighboring property is also prohibited. Mower County will install signage at strategic locations to notify staff and visitors of this policy.

EXCEPTIONS

Property area exceptions:

- Mower County Fairgrounds (Subject to Mower County Fair Board policies)

It is not a violation of this policy to use a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

It is not a violation of this policy for a Native American to use tobacco on Mower County property as part of a traditional Native American spiritual or cultural ceremony. Approval from Mower County Administration must be requested and received prior to the ceremony.

RESPONSIBILITIES

This policy applies to all visitors and staff on Mower County property.

Organizers and attendees at public or private events on Mower County property are required to abide by this policy. Event organizers are also responsible for communicating and enforcing this policy.

COMPLIANCE AND ENFORCEMENT

The success of this policy depends on the consideration and cooperation of both tobacco users and non-users. Enforcement of this policy is a shared responsibility of all staff. Staff found to have violated this policy may be subject to disciplinary action, which may include warnings, fines, or other disciplinary actions as defined in County policy and Labor contracts. Visitors who violate this policy may be asked to leave the property.

SUPPORT FOR EMPLOYEES

Mower County will be a resource for information and support for any employee looking to utilize cessation programs and services.

REVIEW AND REVISION

This policy will be reviewed periodically and revised as necessary to ensure its effectiveness and compliance with applicable laws and regulations.

Motion carried 4 – 1. The Commissioners voted as follows: Commissioner Ankeny aye; Commissioner Reinartz aye; Commissioner Mueller nay; Commissioner Glynn aye; Commissioner Sparks aye.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to amend Personnel Policy C140 Lobbying and Political Activity effective May 12, 2026 by modifying the language in the policy as follows:

C140 Lobbying and Political Activity

Mower County encourages all employees to exercise their rights and responsibilities as citizens in our free society. The right to vote, to lobby for legislation, and to belong to political parties is protected by the Constitution, and is not normally the concern of the employer. However, employees must be sure to participate in these activities as private citizens only, and not as employees of Mower County.

The Mower County Board of Commissioners, as duly elected representatives of the people, is an arm of the State Legislature. As a body, Commissioners have the responsibility and power to pass local legislation, and to formulate official positions on issues. **Employees are responsible for implementing policies and directives adopted by the Mower County Board. In their official roles, employee communications should align with and reflect the Board's adopted policies.** ~~It is our job to implement legislation and policy that is handed down to us. All communications by us in our role as employees should reflect the official policies of the Mower County Board.~~ If you are not sure what the official position is, it is your responsibility to ask.

When serving in their official capacity, employees are strictly prohibited from expressing their personal views on issues to the press, the courts, legislative bodies, and professional associations.

If you have a personal or political belief that conflicts with official Mower County policy, it is imperative that you assume your role as a private citizen before expressing it to the press, the courts, legislative bodies and professional organizations.

Candidate for Public Office:

An employee may be a candidate for partisan and non-partisan public office. **Employees may not engage in campaign or political activity while on duty, while performing assigned job responsibilities, or while present at a County worksite or event in an official capacity, regardless of scheduled work hours.** ~~office provided that no employee shall campaign for such office during actual hours of work. Any employee seeking public office must notify the Department Head and Human Resource Director so that a determination by the Personnel Board of Appeals can be made as to whether the position that the employee occupies with the County would be in conflict with the candidacy for the public office the employee is seeking. If the employee fails to provide proper notification of his/her candidacy the Human Resource Director shall call a special meeting of the Personnel Board of Appeals for determination of any conflict of interest. If a finding of conflict is made the employee shall be required to take a leave of absence without pay until the first business day following the election at which the outcome of the election contest is determined.~~

Upon election the employee must immediately notify the Department Head in writing. If the Department Head determines that the duties of the elected office conflicts with the proper discharge of County responsibility the employee will be required to be separated from County service or take a leave of absence.

Any non-elected Department Head or employee seeking public office must nevertheless devote full time and energies to normal County employment ~~and cannot campaign during normal working hours.~~ **Employees may not engage in campaign or political activity while on duty, while performing assigned job responsibilities, or while present at a County worksite or event in an official capacity, regardless of scheduled work hours.**

Prohibited Activities:

The following employee political activity is strictly prohibited:

- Using official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
- Using official authority or influence to compel any officer or employee to apply for membership in or become a member of any organization.
- Directly or indirectly coercing or attempting to coerce or command a state or local officer or employee to pay, lend or contribute anything of value for political purposes.
- Soliciting or receiving funds during hours of employment.
- ~~Campaign material may only be placed or distributed at designated areas within the County facilities as determined by the County Board.~~
- **The wearing of campaign buttons or other campaign regalia during working hours apparel while on duty, while performing assigned job responsibilities, or while present at a County worksite or event in an official capacity, regardless of scheduled work hours.**

Campaign material may not be placed or distributed within County owned property (excluding the fairgrounds).

Motion carried unanimously.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to amend Personnel Policy B271 Mower County Name Tags effective May 12, 2026 by changing the title to Personnel Policy B271 Physical Access Credential Policy for RFID key fob management by deleting all current language:

~~B271 MOWER COUNTY NAME TAGS~~

~~Purpose:~~

~~Mower County employees will be provided with identification badges that will indicate who Mower County employees are.~~

~~Procedure:~~

~~The employee will be offered a choice of badges. Employees are expected to wear badges whenever performing duties for the county unless their position already requires them to wear visible identification.~~

~~Employee badges shall contain the following information:~~

~~_____ First or Last Name~~

~~_____ Department~~

~~Pictures will be optional at the discretion of the Department Head. However, the entire department must be uniform in that everyone has a picture on their badge or no one does. Other optional information can be placed on badges with approval from your department head.~~

~~Replacement:~~

~~Employees who lose their badges will be required to pay for the cost of a replacement.~~

and replacing it with the following new language for Personnel Policy B271 Physical Access Credential Policy as follows:

B271 Physical Access Credential Policy

Purpose

This policy establishes standardized requirements for the issuance, use, and management of physical access credentials, including RFID key fobs and photo ID badges. The purpose is to:

- Ensure secure access to County facilities
- Protect employees, property, and sensitive information
- Maintain an auditable and accountable access control system

Scope

This policy applies to all Mower County employees and any individual issued County physical access credentials.

All employees will be issued:

- One (1) RFID key fob (for facility and area access)
- One (1) photo ID badge (for identification purposes)

Definitions

RFID Key Fob: A small electronic device that uses radio-frequency identification (RFID) technology to grant authorized access to secured County facilities and areas.

Photo ID Badge: An official County-issued identification card displaying the employee's name and photograph.

Policy Requirements

Employees are responsible for the proper use and security of their assigned credentials and must comply with the following:

Credential Use and Handling

- Employees must use only their assigned key fob and badge. Sharing or lending credentials is strictly prohibited.
- Employees may not use another employee's key fob or badge for any reason.
- Key fobs and badges must not be attached together.
- Key fobs must not be attached to building or work keys.

Badge Display

- Photo ID badges must be worn visibly above the waist while in County buildings, unless exempted by department leadership.

Facility Security

- Tailgating (allowing unauthorized individuals to follow into secured areas) is prohibited.
- Propping open secured doors is prohibited.

Lost, Stolen, or Damaged Credentials

- Lost, stolen, or damaged key fobs or badges must be reported immediately to the IT Department.
- Failure to promptly report may result in disciplinary action.

Management Oversight and Access Review

Mower County leadership and designated administrators will conduct periodic reviews of physical access activity and permissions to ensure appropriate and secure use of County facilities.

Reviews will include:

- Access logs showing employee entry to secured areas
- Dates and times of access events
- Verification that access permissions align with job duties

Leadership will ensure that:

- Employees have access only to areas necessary for their role
- Access remains appropriate based on position, department, and employment status

Any discrepancies, unusual activity, or inappropriate access will be:

- Investigated promptly
- Reported to IT and/or Human Resources as appropriate
- Corrected, including modification or removal of access

Reviews may be documented for audit, compliance, and security purposes.

Enforcement and Disciplinary Action

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

Examples of violations include, but are not limited to:

- Sharing or borrowing access credentials
- Allowing unauthorized access (tailgating or door propping)
- Failure to wear a photo ID badge as required
- Failure to report lost or stolen credentials promptly
- Misuse of access privileges

Disciplinary action will be administered in accordance with Mower County personnel policies and may include:

- Verbal or written warning
- Suspension of access privileges
- Formal disciplinary measures
- Termination of employment

In addition, access privileges may be immediately revoked if misuse or security risk is identified.

Responsibility

- **Employees** are responsible for safeguarding and properly using their credentials.

- **Supervisors** are responsible for enforcing compliance within their departments.
- **IT and Administration** are responsible for managing access systems and conducting audits.
- **Human Resources** will support enforcement and disciplinary processes.

Motion carried unanimously.

The Board recessed at 9:50 a.m. for the purpose of the Health & Human Services Board.

HEALTH & HUMAN SERVICES BOARD:

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the Health & Human Services Board agenda. Motion carried unanimously.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the Health & Human Services consent agenda as presented:

1. Approve Health & Human Services Accounts Payable totaling \$228,546.49

Motion carried unanimously.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the Purchase of Service Agreement with Fernbrook Family Center effective May 1, 2026 through December 31, 2026 for Children's Mental Health Targeted Case Management services. Motion carried unanimously.

The Board received an overview of the Foster Care Program from Licensing Staff member Sarah Horstman. The update reported that Mower County maintains 79 licensed homes across multiple foster care types, including 42 adult residential homes offering 24-hour care, 3 adult foster homes serving vulnerable adults, 18 traditional non-relative child foster homes, 15 relative/kinship foster homes, and 1 community foster residential setting for children with higher behavioral needs. The department emphasized the importance of relative placement as a best practice that supports stability, noting that 40–50% of children are placed with relatives. Recent data showed that in 2025, 5 of 9 removed children were placed with relatives, compared to 16 of 27 in 2022.

The Board was also informed of fiscal services recognition received from the Department of Human Services, acknowledging perfect performance in meeting 2025 reporting requirements. Staff credited this achievement to significant extra effort, particularly during the cyber event in June 2025, when critical reporting was due shortly thereafter in July.

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

COUNTY BOARD

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

Under Committee Reports Commissioner Ankeny reported he attended Personnel Committee on 5/5; highway addition project meeting on 5/6 and the joint school/city/county

meeting on 5/11. Commissioner Reinartz reported he attended the joint school/city/county meeting on 5/11. Commissioner Mueller reported he attended Fair Board on 5/5; highway addition project meeting on 5/6 and the joint school/city/county meeting on 5/11. Commissioner Glynn reported that she attended Personnel Committee on 5/5; the Wapsipinicon Water Board meeting as well as the LeRoy Gopher Badger Link Open house on 5/6; and the SEMCAC as well as the joint school/city/county meeting on 5/11. Commissioner Sparks reported he attended the MN Rural Counties Zoom meeting on 5/4 and the joint school/city/county meeting on 5/11.

County Attorney Kristen Nelsen provided a brief legislative update concerning two proposed amendments regarding changing delinquency age to 13 and potential department impact.

The Chair adjourned the meeting at 10:25 a.m. The next meeting is scheduled for May 26, 2026 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: DAN SPARKS
Chairperson

Attest:
By: Matt W. Ven
Clerk/Administrator