

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

July 28, 2026

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session July 28, 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 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 Mueller, to approve the agenda. Motion carried unanimously.

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

1. Approve Minutes of July 14, 2026
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>
Austin Automotive LLC	2587.48	Midwest Monitoring & Surveillance	2751.49
Baudoin Oil Company	26770.07	Minnesota Counties Computer Coop	53116.75
City Of Rochester, Minnesota	38400.00	Rain Guard	8325.00
Consolidated Correctional Foodservice	21390.08	Ratwik,Roszak & Maloney, P.A.	10751.17
Department Of Corrections	9450.00	Rockmount Research & Alloys Inc	2103.58
Diamond Drugs, Inc.	3233.32	Rohl Electric and Services LLC	2177.05
Election Systems & Software,	5507.91	SeaChange Print Innovations	2211.95
Erickson Engineering Co., LLC	4310.50	Sheriff Houston County	4395.00
Jones Haugh & Smith Inc	2800.00	Streicher's	3133.40
LSQ Funding Group, LLC	4564.38	Swanston Equipment Companies	5911.94
Marston Consulting Group, LLC	5600.00	Syverson Truck Center/Dave	6405.78
Martin Systems LLC	3810.00	Ulland Brothers Inc.	268165.67
Mayo Clinic Ambulance Services	2079.00	Vertiv Corporation	3072.00
MCHS SE Minnesota	3993.10	Ziegler, Inc	9539.34
MEIGS Paving	160859.17	60 Payments less than 2000	34069.92
		Final Total:	711485.05

4. Approve Health & Human Services Accounts Payable totaling \$180,931.79

5. Approve Fireworks Display Permit for Richard Groth for 8/14/2026 (rain date 8/15/2026)

Motion carried unanimously.

Date: July 28, 2026

Ord. #03-26

ORDINANCE
Zoning Ordinance Amendment

On motion of Commissioner Glynn, seconded by Commissioner Reinartz, the following Ordinance was unanimously passed and adopted by the Mower County Board of

Commissioners at a meeting held July 28, 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 June 17, 2026 and in the Mower County Independent June 18, 2026; and

WHEREAS, the Planning Commission held a public hearing on said amendment on July 6, 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 July 14, 2026, before the Mower County Board of Commissioners at which any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, One person spoke in favor and Three persons opposed (with one written concern submitted) 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 **Article VIII, adding Division 4 Outdoor Cannabis Grow Facilities**. New language regarding outdoor grow facilities of the Mower County Zoning Ordinance shall be incorporated and adopted in entirety.

SECTION 14-193 COMMERCIAL OUTDOOR CANNABIS GROW FACILITIES

Applies to all zoning districts where commercial outdoor cannabis grow facilities are allowed.

- *This ordinance amendment does not apply to personal use of cannabis under MN Statute 342.09, Subd 2,*

SECTION 14-194 DEFINITION

Legally Permitted multi-seasonal outdoor recreation areas and event locations means the land use has been legally permitted by the State of Minnesota or Mower County and the land use permitted has outdoor activities which operate continuously throughout several seasons, but possibly not throughout the entire year. Examples of such land use include campgrounds, speedways, restaurants with outdoor seating opportunities, golf courses, public parks/nature centers, permitted game farms and protected archaeological and cultural preserve areas.

SECTION 14-195 SETBACKS

Setbacks shall be measured from the outermost parcel boundary of a commercial outdoor cannabis grow facility to any existing dwelling, church, school, licensed daycare or incorporated city limits and to the exterior boundaries of the Villages of Lansing and Johnsbury as determined by Mower County.

In the case of undeveloped residential "lots of record" or residential platted subdivisions of record in the Office of the Mower County Recorder; listed camping areas; public trails and public parks; the measurement will be measured from the outdoor commercial cannabis grow facility to the nearest listed feature.

Feature	Setback
Dwelling	1,000 feet
Church	1,000 feet
School	1,000 feet
Licensed Daycare	1,000 feet
Legally Permitted multi-seasonal outdoor recreation areas and event locations	1,000 feet
Incorporated city limits Includes incorporated cities within or outside of Mower County.	1-mile
Villages of Lansing & Johnsbury	1-mile
Road Right of Way to required perimeter security fencing of an outdoor commercial cannabis grow facility.	40 feet minimum

New dwellings, churches or schools: Shall not be located within 1,000 feet of the outside parcel boundary of a legally permitted outdoor commercial cannabis grow a facility.

Legally existing or permitted dwellings located within 1,000 feet of a permitted outdoor commercial cannabis grow facility are allowed to continue without interruption and may expand, even when expanding closer to the outdoor commercial cannabis grow facility, without variance.

Replacement dwelling(s). Any replacement dwelling shall be located equal to or at a greater distance than the existing dwelling from a permitted cannabis grow facility.

Legally existing commercial outdoor cannabis grow facilities. Legally existing outdoor cannabis grow facilities located within 1,000 feet of legally existing or permitted dwellings are allowed to expand, in accordance with the zoning ordinance, at a distance equal to or further away from a legally existing or permitted dwelling.

There is no setback established from a legally permitted commercial outdoor cannabis grow facility to a dwelling on the same parcel of land, under the same ownership of the parcel as recorded in the Office of the Mower County Recorder.

- This setback exemption shall not apply to parties or entities who sublease acreage from the cannabis grow facility if the subject dwelling lies outside the parcel boundary of the permitted outdoor commercial cannabis grow facility.

SECTION 14-195.1 ADVANCE ODOR ABATEMENT OPTION

If the setbacks in this ordinance cannot be met, Advanced Odor Abatement Technology may be considered by the County in leu of the setback. The applicant shall submit documentation and information about the proposed system and its effectiveness to the Planning Commission for consideration along with the applicant's conditional use permit application.

Consideration of Advance Odor Abatement Technology is not a guaranteed option but shall be considered based on its effectiveness and character of the area where the land use is being proposed.

1. Gas, Vapor-Phase and Molecular Neutralization Systems

Instead of heavily masking smells with artificial fragrances, these technologies neutralize terpene molecules on contact.

- **Dry Misting Systems:** These use high-pressure atomizing nozzles to disperse a micro-mist of plant-based neutralizing agents around the facility's perimeter and exhaust points.
- **Vapor-Phase Systems:** These systems push natural, dry vapor into the air to alter the molecular shape of cannabis terpenes, rendering them undetectable to the human nose.
- **Gas neutralization Systems.** These systems mitigate odors in cannabis growing facilities by targeting volatile organic compounds (VOCs) and pungent terpenes using activated carbon adsorption, vapor-phase dry neutralizers, and chemical oxidation.

2. Perimeter Fogging Defenses

For large, open-air fields or commercial greenhouses, outdoor venting is difficult to route through traditional filters.

- **Boundary Barriers:** Growers set up localized perimeter systems that create an invisible "curtain" of odor-neutralizing fog. When the breeze carries odorous terpenes off the property, they pass through this mist barrier and are instantly neutralized.
- **Fog Cannons:** High-capacity units project fine, odor-eating mists across extensive acreage, making them a scalable solution for large outdoor harvests.

3. Enclosed Greenhouse Air Filtration

If your outdoor grow incorporates greenhouses with automated intake and exhaust fans, you can implement indoor-style treatments on a massive scale.

- **Activated Carbon Scrubbers:** Industrial-grade carbon cylinders, provided by environmental filtration capture odorous gases via adsorption before the air is expelled outdoors.
- **Nanotechnology Filters:** Some advanced commercial operations use nanomaterials integrated into their filters for more durable, high-efficiency VOC trapping.

SECTION 14-196 SECURITY FENCING PLAN

Security fencing measures for cannabis activities shall be sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources. The applicant for a permit to allow outdoor cannabis cultivation shall prepare and submit to the Environmental Services Department for review and approval a security fencing plan demonstrating ample security and screening of the cannabis activity. The fencing shall be installed before cultivation of cannabis.

The security fencing plan shall include the following:

- a. The security fencing plan shall depict typical fencing details, including location, fence type, height and screening material used. Picture examples of fencing required.
- b. All fencing shall be made out of material that blend into the surrounding terrain and shall minimize any visual impacts.
- c. Fencing shall use material or devices that are not injurious to wildlife, pets or livestock.
- d. Prohibited fence materials: razor wire, barbed wire, traps, or woven or non-woven polyethylene plastics.
 - Exception: Screening material interwoven or attached to the fence may be made of polyethylene plastic.

- e. Fencing shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.
- f. No visible markers indicating that cannabis is cultivated onsite.
- g. Evidence that the proposed security fencing has been sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources.
- h. All fencing of the cannabis grow facility shall be constructed in accordance with this section and the Office of Cannabis Management (OCM) design requirements.
 - i.) Mower County requires outside perimeter fencing and gates to be made of commercial grade chain link or cyclone fencing and shall be a minimum of six (6) feet in height.
 - ii.) Mower County requires interior fencing located within the outside perimeter fencing to be a minimum of six (6) feet in height and must meet OCM requirements.

SECTION 14-197 SECURITY

- Security shall comply with requirements of the Office of Cannabis Management.
- Use of the property for its intended purpose shall not create a nuisance to adjoining landowners or the traveling public.
 - a. Applicants shall provide details of the security plan which shows placement and operation of security system equipment and shall provide a written plan as to how audible and lighting features, as required by MN Rules 9810.1500 shall not create a nuisance to adjoining landowners and/or the traveling public.
 - b. Applicants shall describe what measures are being implemented to reduce or screen these potential impacts to adjoining landowners and/or the traveling public.
 - c. This information shall be submitted along with the conditional use permit application for consideration by the Planning Commission.

SECTION 14-198 PARKING AND LOADING

The owner/applicant is responsible for submitting a parking and/or loading plan, drawn to scale, which complies with the Mower County Ordinance Division 3, Section 14-14 (off street parking requirements) and Section 14-15 (off street loading requirements) for submittal along with the conditional use permit application for consideration by the Planning Commission.

SECTION 14-199 LIGHTING PLAN

Exterior lighting for cannabis activities shall be sited and designed to avoid impacts to biological resources, nuisances to adjoining landowners and/or traveling public. The applicant for any commercial cannabis activity involving artificial lighting shall submit a lighting plan to the Department for review and approval. Where there is conflict between the standards in this section and any other applicable standards of the county's zoning ordinance or State Statute, the most restrictive shall apply. The lighting plan shall include the following:

- a. All exterior lighting fixtures must be shielded, hooded, or louvered to ensure that light is directed vertically downward and not out onto adjacent properties or streets.
- b. Any outdoor lighting used for the illumination of parking areas and/or loading areas or for security shall be fully shielded and directed downward.
- c. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the parcel on which cannabis is actively located.

- d. Greenhouses, hoop buildings or clear/opaque structures which include artificial lighting must abate/mitigate outdoor light pollution from escaping outside of the structure via shades, curtains, or any other comparable method.
- e. Lighting is sited and designed to avoid light spillage or impacts to environmentally sensitive areas.
- f. If, due to site-specific conditions, an applicant believes that a lighting plan is not necessary, the applicant shall submit written documentation, with the application of the cannabis CUP (Conditional Use Permit), which sets forth reasons. The Department shall review the written documentation and make recommendations to the Planning Commission whether a lighting plan is unnecessary.

BE IT FURTHER ORDAINED that Ordinance #03-26 shall be effective upon publication in the Legal Newspaper of Mower County, the “Austin Daily Herald.” *(Published 8/8/2026)*

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 adopted this 28th day of July, 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 Glynn, seconded by Commissioner Ankeny, to approve adding an additional attorney to the County Attorney’s office due to increased workload with the prosecuting attorney agreement for the City of Austin and amend the 2026 budget to reflect the additional attorney. Caveat: the additional attorney position can only continue as long as the contract with the City of Austin continues. The Commissioners voted as follows: Commissioner Ankeny aye; Commissioner Reinartz aye; Commissioner Mueller nay; Commissioner Glynn aye; Commissioner Sparks aye. Motion carried 4-1.

The board discussed a request from Emergency Management for governmental disaster assistance following recent flood-related infrastructure damage. Eighteen applicants, including cities, townships, DNR, and MnDOT, have submitted estimates, with additional submissions expected. A formal letter to Governor Walz was authorized to be signed by the Chair to seek state assistance, which provides 75 percent reimbursement for eligible infrastructure costs. Current reported damages total approximately \$1,589,855. All local jurisdictions responded to the county’s outreach, and updated processes implemented since 2024 have improved consistency in documentation.

An update on emergency management planning was also provided. FEMA has approved the county’s updated hazard mitigation plan, which is revised every two years and identifies winter storms and flooding as top hazards. Cities must formally adopt the plan to remain eligible for FEMA assistance, and while most have done so, a few have not yet completed adoption. Without adoption, jurisdictions would be ineligible for FEMA-funded mitigation projects. The county is now prepared to adopt the plan, and FEMA will accept this action.

Date: July 28, 2026

Res. #59-26

**RESOLUTION
To Adopt the 2025 Mower County Hazard Mitigation Plan**

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 July 28, 2026 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County recognizes the threat of natural hazards to people and property within Mower County; and

WHEREAS, Mower County has prepared a hazard mitigation plan, hereby known as the 2025 Mower County Hazard Mitigation Plan in accordance with Federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, the 2025 Mower County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property within Mower County from the impacts of future hazards and disasters; and

WHEREAS, by adoption by the Mower County Board of Commissioners demonstrates its commitment to hazard mitigation and achieving the goals outlined in the 2025 Mower County Hazard Mitigation Plan, and

WHEREAS, approval of the 2025 Mower County Hazard Mitigation Plan by the Federal Emergency Management Agency (FEMA) will make Mower County and participating jurisdictions eligible to apply for FEMA Hazard Mitigation Assistance grants; and

NOW THEREFORE BE IT RESOLVED that the Mower County Board of Commissioners supports the hazard mitigation planning effort and wishes to adopt the 2025 Mower County Hazard Mitigation Plan.

Passed and adopted this 28th day of July, 2026.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the ProWest proposal for parcel fabric (approximately \$20,000 with online training). Motion carried unanimously.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve First Amendment to Mower County / City of Rochester Mutual Aid Agreement for Dispatch Services (service extension 7/31/2026 - 1/31/2027). Motion carried unanimously.

Doug Host of CliftonLarsonAllen reported a clean 2025 audit with no material weaknesses, one minor documentation deficiency in Medical Assistance case testing, and no compliance issues. He highlighted strong financial health, including steady increases in net

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

position, healthy reserves of about 8.5 months, reduced expenditures, and no outstanding debt. Mr. Host noted improved internal controls, timely reconciliation processes, and praised staff for their year-round work, while also mentioning Mower County may qualify for a Certificate of Excellence in Financial Reporting.

Chief Administrative Officer Loni Swenson provided the Board with the second quarter Investment update and Financial report.

The Board acknowledged receipt of the second quarter 2026 Investment report and Financial Report.

Under Committee Reports Commissioner Ankeny reported he attended union negotiations on 7/15. Commissioner Reinartz reported he attended the Senior Center Board meeting on 7/16. Commissioner Mueller reported that on 7/27 he attended the Southland Childcare Initiative meeting. Commissioner Glynn reported attending both Safety Committee and Wellness Committee on 7/16. Commissioner Sparks reported he attended Rural MN Energy Board meeting via Zoom on 7/27.

The Chair adjourned the meeting at 10:40 a.m. The next meeting is a Work Session scheduled for August 4, 2026 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: DAN SPARKS
Chairperson

Attest:

By: Matt W. Vesper
Clerk/Administrator