

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

November 1, 2022

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session November 1, 2022 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All members present, viz: Chair Jeff Baldus, Vice-Chair Mike Ankeny, John Mueller, Jerry Reinartz and Polly Glynn. Also in attendance were County Attorney Kristen Nelsen, County Administrator Trish Harren, Executive Assistant Denise Barthels, and Austin Daily Herald Editor Eric Johnson.

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the agenda adding 1) declare surplus property and 2) approve revised/new agreements from CliftonLarsenAllen for audit services and under the Work Session adding discussions pertaining to 1) a real estate matter and 2) 4-H extension rental agreement. Motion carried.

Under Committee Reports Commissioner Ankeny reported that he along with Commissioner Reinartz had attended a Solid Waste meeting on October 27 at which they brainstormed priority issues. Commissioner Reinartz reported he had attended a Health advisory board meeting. Commissioner Mueller reported he had attended the Planning Commission meeting on October 25. Commissioner Glynn reported that there had been a AMC District IX meeting on October 31 attended by her as well as Commissioners Baldus and Ankeny at which legislative priorities had been discussed. Commissioner Baldus will be attending a Minnesota Rural Counties meeting on November 7. In addition, there may be a ground breaking ceremony at the Austin Public Library for its new addition possibly November 2.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the minutes of October 25, 2022. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to approve the following Commissioner warrants for payment:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
AMI Imaging Systems Inc	8,255.00	Harty Mechanical Inc	10,761.00
Andersen, Inc./Earl F.	5,515.00	Insight Direct USA, Inc	18,717.65
Baudoin Oil Company	17,682.68	Minneapolis Forensic Psychological	2,318.75
CDW Government	7,237.28	Office Of Mn It Services	2,983.95
Commissioner Of Transportation	7,061.19	Range Environmental Drilling	2,819.00
Dell Marketing L P	5,787.98	Rochester Sand And Gravel, Inc	22,230.73
Gallagher Benefit Services Inc	4,000.00	41 Payments less than 2000	19,650.65
		Final Total:	135,020.86

Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the following list of surplus property for disposal and/or auction:

Quantity	Item	Department
1	000764 2007 Vertical Baler V5 HD 60"L 30"W 48"H 5000 lbs.	Recycling
1	000207 1989 Plastic granulator and blower	Recycling
1	1989 Low lift Prime Mover	Recycling
20	Old floor grates	Recycling

Motion carried.

The Board recessed at 1:15 p.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 1:15 p.m. regarding CUP #495A of Geoff Strack WCI Austin Landfill LLC dba SKB Environmental for an amendment to CUP #495 to include lined development over the existing legacy Veit/Vonco site and discontinue CUP 778 (prev. 521) for the legacy Veit/Vonco site; the site as proposed will be covered under a single facility permit located in Section 21, Lansing Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

A representative of SKB was present for the petitioner and was available for any questions the Board may have concerning CUP #495A. No one else spoke for or against CUP #495A.

The Chair closed the Public Hearing at 1:34 p.m. regarding CUP #495A of Geoff Strack WCI Austin Landfill LLC dba SKB Environmental.

The Chair called the Public Hearing to order at 1:34 p.m. regarding CUP #920A of Andy's Logging c/o Andrew and Sara Erkeneff for an amendment to CUP #920 for expansion of logging business by an addition of 18 ft. X 80 ft. X 12 ft. to an accessory building and adding a new 20 ft. x 100 ft. x 12 ft. building on the property located in Section 34, Austin Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #920A.

The Chair closed the Public Hearing at 1:38 p.m. regarding CUP #920A of Andy's Logging c/o Andrew and Sara Erkeneff.

The Chair called the Public Hearing to order at 1:38 p.m. regarding CUP #938 of Brian Kasel for an additional dwelling in the quarter section located in an area which is wooded with healthy and mature trees and not currently used for agricultural purposes located in Section 17, Marshall Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #938.

The Chair closed the Public Hearing at 1:42 p.m. regarding CUP #938 of Brian Kasel.

The Chair called the Public Hearing to order at 1:42 p.m. regarding CUP #947 of John Khu and Prae Meh to build up to three walk-in tunnel houses (30ft x 90ft greenhouse) and operate greenhouse to grow vegetables for personal use and offsite sales located in Section 21, Red Rock Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #947.

The Chair closed the Public Hearing at 1:57 p.m. regarding CUP #947 of John Khu and Prae Meh.

The Chair called the Public Hearing to order at 1:57 p.m. regarding CUP #949 of Lynn and Kristine Allas to provide retail sales and entertainment on site to the community which includes, but is not limited to, prepackaged food items such as snacks and beverages, craft or homemade items, clothing, holiday décor and novelty items. This CUP also includes a request for onsite signage – size, location, style to be determine; located in Section 10, Lansing Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations.

The Petitioners Lynn and Kristine Allas were present and spoke on their own behalf. No one else spoke for or against CUP #949.

The Chair closed the Public Hearing at 2:13 p.m. regarding CUP #949 of Lynn and Kristine Allas.

The County Board reconvened its regular session at 2:13 p.m.

Date: November 1, 2022

Res. #128-22

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #495A, by WCI Austin Landfill, LLC c/o Matt O'Connell, Division VP and Landowner(s), and Geoff Strack WCI Austin Landfill LLC, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

for Amendment of CUP 495 (SKB Landfill) to include lined development over the existing legacy Veit/Vonco site and discontinue CUP 778 (prev. 521) for the legacy Veit/Vonco site; the site as proposed will be covered under a single facility permit

Located in Mower County, Minnesota and identified per Mower County tax records as parcels 08.021.0040, 08.021.0070 and 08.021.0071 with abbreviated legal descriptions as follows:

08.021.0040	Section 21 Township 103 Range 018 NE¼ SW¼; & W½ VAC ROAD ADJ ON E IN DOC#667607
08.021.0070	Section 21 Township 103 Range 018 N½ SE¼ EXC .76 AC EXC 4.43 AC HWY EXC W817FT & EXC N50FT CONTRACT
08.021.0071	Section 21 Township 103 Range 018 W817.35FT NW¼ SE¼ & N50FT E1822.65FT N½ SE¼ ; & E½ VAC ROAD ADJ ON W IN DOC#667607

Full legal descriptions on file in Environmental Services; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on 10/25/2022, 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 November 1, 2022 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. The previous conditions of #495, #516, #778, and #521 are replaced and superseded by the requirement of this permit; and

2. Applicant shall follow all local, state, and federal regulations regarding the proposed use including permitting from the State of Minnesota and/or requirements from Lansing Township; and
3. The applicant must provide a minimum of a \$100,000 Surety Bond on the site each year payable to Mower County; and
4. The combination of these permits to allow for development over the legacy Veit/Vonco site requires that development occur over an approved engineered lining, drainage, and monitoring system; and
5. The applicant shall have a Minnesota Pollution Control Agency (MPCA) certified landfill operator present at the facility during operating hours; and
6. The landfill can only receive debris as described in the permit issued by the MPCA and the site's ISWMP. Unacceptable material that is incidental to the demolition debris must be separated and disposed of at another site approved to accept the material; and
7. The County has the right to inspect the facility monthly or when necessary for compliance with all solid waste regulations and conditions of the conditional use permit; and
8. Petitioner is responsible for clean-up all debris from the adjacent township roads and ditches resulting from the landfill operations and/or from vehicles using the landfill; and
9. As the landfill develops, the debris fence shall move along with the filling to catch any flying debris. Complaints of blowing debris shall be satisfactorily responded to within 24 hours; and
10. Owner/Operator will encourage all customers to access the landfill directly from the south driveway on TH 218. No access is permitted through the north drive; and
11. Owner/Operator shall utilize chloride dust control or other acceptable (non-petroleum) dust control measures on the gravel access road to minimize dust impacts; and
12. Hours of operation for waste intake and disposal are from 7:00 am to 7:00 pm on Monday through Sunday, legal holidays excluded. In the event the State of Minnesota approves different hours of operation, the hours permitted by the State shall be followed. SKB may extend hours to operate under emergency purposes when notice is provided to Mower County Environmental Services; and
13. The lined development of the SKB Landfill can receive all C&D Wastes and most industrial waste, as identified in the ISWMP and allowed by the State (MPCA) Permit; and
14. The Owner/Operator shall submit an updated landscaping plan to demonstrate appearance during various filling stages as well as at final cover; and
15. The Owner/Operator shall ensure that subsurface drainage is maintained to all adjoining properties as the landfill proceeds through the stages of filling; and
16. Applicant/Owner shall maintain a low water mist during any crushing operations for the processing of concrete, bituminous, or aggregate materials; and
17. Owner/Operator shall notify Mower County prior to initiating crushing operations and provide and expected duration of crushing activity; and

18. Owner/operation may not create nuisance conditions through dust or noise with regard to crushing, hauling, or disposal. Dust control measures may be required on haul roads; and
19. This permit is based upon representation given during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is issued in accordance with Article II Section 14-51 and 14-56 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of November, 2022.

Date: November 1, 2022

Res. 129-22

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 November 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #920A, by Andrew Erkeneff and Sara Erkeneff Landowner(s), and Andy's Logging, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

for amendment to Conditional Use Permit for expansion of logging business by an addition of 18 ft. X 80 ft. X 12 ft. to an accessory building and adding a new 20 ft. x 100 ft. x 12 ft. building on the property

Located in Mower County, Minnesota and legally described as:

All that part of the Northwest Quarter of the Southwest Quarter of Section 34, Township 102 North, Range 18 West, Mower County, Minnesota; described as follows: Commencing at the southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 34; thence North 89 degrees 08 minutes 39 seconds East a distance of 776.82 feet, on an assumed bearing on the south line of said Northwest Quarter of the Southwest Quarter, to the point of beginning; thence North 01 degrees 32 minutes 17 seconds West a distance of 885.93 feet; thence South 87 degrees 22 minutes 43 seconds West a distance of 599.29 feet; thence North 02 degrees 19 minutes 55 seconds West a distance of 456.39 feet, to a point on the north line of the Southwest Quarter of said Section 34, said point being 149.60 feet east of the northwest corner of said Southwest Quarter; thence North 89 degrees 15 minutes 33 seconds East a distance of 751.81 feet, on the north line of said Southwest Quarter; thence South 00 degrees 37 minutes 47 seconds East a distance of 364.45 feet; thence North 89 degrees 07 minutes 17 seconds West a distance of 105.20 feet; thence South 01 degrees 32 minutes 17 seconds East a distance of 960.94 feet, to a point on the south line of said Northwest Quarter of the Southwest Quarter; thence South 89 degrees 08 minutes 39 seconds West a distance of 35.34 feet, on the south line of said Northwest Quarter of the Southwest Quarter, to the point of beginning.

And identified per Mower County tax records as parcel 02.031.0030; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on 10/25/2022, 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 November 1, 2022 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. 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). 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
3. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
4. Petitioner must sign and notarize the "Rural and Agricultural Home Owners Assumption of Risk Assessment Form and have it recorded at the Mower County Recorder's Office; and
5. 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.
6. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
7. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
8. 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
9. 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
10. 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
11. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and

12. 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.
13. Any vermin, flies, or other pests shall be controlled; and
14. 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
15. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is issued in accordance with Article II, Section 14-51, 14-18.2 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of November, 2022.

Date: November 1, 2022

Res. #130-22

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #938, by Brian Kasel, Landowner and Petitioner, who has petitioned the Mower County Board of Commissioners to allow for the site to be used for:

for an additional dwelling in the quarter section located in an area which is wooded with healthy and mature trees and not currently used for agricultural purposes

Located in Mower County, Minnesota and legally described as:

The West Half of the Southwest Quarter of Section 17, Township 102 North, Range 16 West, Mower County, Minnesota.

And identified per Mower County tax records as parcel 12.017.0020; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on 10/25/2022, 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 November 1, 2022 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. 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). 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
3. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
4. Petitioner must sign and notarize the "Rural and Agricultural Home Owners Assumption of Risk Assessment Form and have it recorded at the Mower County Recorder's Office; and
5. 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.
6. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is issued in accordance with Article II, Section 14-51 and 14-18.4 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of November, 2022.

Date: November 1, 2022

Res. #131-22

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #947, by Samuel Zaw Zaw, Ku Mee and Nga Meh Landowner(s), and John Khu and Prae Meh, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

to build up to three walk in tunnel houses (30ft x 90 ft greenhouse) and operate greenhouse to grow vegetables for personal use and offsite sales

Located in Mower County, Minnesota and legally described as:

Beginning at the Southwest corner of the Northwest Quarter of Section 21, Township 103 North, Range 17 West, Mower County, Minnesota; thence North 00° 35' 50" East 283.85 feet on an assumed bearing on the West line of said quarter section; thence South 88° 54' 30" East 1327.15 feet; thence North 86° 31' 20" East 229.8 feet; thence South 89° 28' 40" East 178.2 feet; thence South 01° 16' 31" West 265.15 feet to a point on the South line of said Quarter section; thence South 89° 48' 39" West 1731.27 feet on the South line of said Quarter section, to the point of beginning, being part of the South Half of the Northwest Quarter of Section 21, Township 103 North, Range 17 West, subject to a highway easement on the West side thereof; and subject to an easement for ingress and egress 16.5 feet in width, the Northerly line of which is coincidental with the Northerly line of the foregoing described tract; and together with an easement for ingress and egress 16.5 feet in width, the southerly line of which is coincidental with the Northerly line of the foregoing described tract.

And identified per Mower County tax records as parcel 16.021.0010; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on 10/25/2022, 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 November 1, 2022 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 including but not limited to permits from Red Rock Township and DNR Water Appropriations; and
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). 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
3. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
4. 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.
- 5. The Owner/Applicant shall keep the site in a neat and tidy condition. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
- 6. Waste shall not be contained, stored or kept on the property for more than 24 hours. Compost, if utilized, must be contained and properly managed so that it remains active and does not attract vermin or other pests; and
- 7. 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
- 8. 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
- 9. The Owner/Applicant shall install a water meter to monitor the water usage to the greenhouse(s) so that a DNR Water Appropriation Permit can be requested if required by the water usage; and
- 10. No residential use of the property is proposed or permitted. At the time of this permit, an abandoned residence is on the property and may be replaced within 12 months of removal if two Type 1 septic system sites can be located on the property.
- 11. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is issued in accordance with Article II, Section 14-51 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of November, 2022.

Date: November 1, 2022

Res. #132-22

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #949, by Lynn Allas and Kristine Allas Landowner(s), and Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

to provide retail sales and entertainment on site to the community which includes, but is not limited to, prepackaged food items such as snacks and beverages, craft or homemade items, clothing, holiday décor and novelty items; This CUP also includes a request for onsite signage – size, location, style to be determined.

Located in Mower County, Minnesota and legally described as:

That part of Lots 1, 2, 3, 4, 5 and 6, Block 5, of the Village of Lansing, Mower County, Minnesota which lies East of the East right-of-way line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad

AND

Excepting the South 16.00 feet of that part of Lot 6, Block 5, Original Village of Lansing, as the same is platted and recorded in the office of county recorder of Mower County, Minnesota, which lies East of the East right-of-way line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad; this 16.00 feet being perpendicular to the south line of Lot 6, except the north 5 feet thereof.

And identified per Mower County tax records as parcel 08.039.0114; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on 10/26/2022, 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 November 1, 2022 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 permitting from Lansing Township; and
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). 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; and
3. Facilities open to the public shall meet or exceed ADA guidelines for small businesses regarding handicap accessibility and applicable fire code requirements; and
4. This permit authorizes distribution of pre-packaged food items only; there shall be no food service(s); and
5. On site entertainment is limited to holiday activities such as pictures with Santa or the Easter Bunny or similar celebration; and
6. All activities shall be conducted inside the building with the exception of up to 300 square feet of space in front of the east entrance. No "yard sale" or use of the outside space for retail or gathering is allowed; and
7. Access to the site must be kept open and clear of obstructions for emergency vehicles; and
8. Signage shall comply with Section 14-152 and 14-147 of the Mower County Ordinance for regulated signs; and

9. The Owner/Applicant shall keep the site in a neat and orderly condition; there shall not be any accumulation of waste. Waste shall not be contained, stored or kept on the property for more than 24 hours. The waste may be contained overnight in some circumstances when it cannot be immediately disposed of at a licensed waste facility; and
10. The Owner/Applicant shall work cooperatively with Mower County to mitigate any issues brought to the attention of the County that are found to be legitimate and valid that may create a nuisance to adjoining landowners from the proposed use, and
11. The Owner/ Applicant shall 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
12. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
13. Any expansion, intensification, or change in this use shall require amendment of this Conditional Use Permit; and
14. 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.
15. Hours of operation for retail space may not exceed 7a-9p, Monday through Sunday.

This permit is issued in accordance with Article 10, Section 14-103.3 and Section 14-70 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of November, 2022.

The Commissioners reviewed and discussed the proposed changes to the Housing Tax Abatement policy with a proposed extension to extend the program for an additional three years.

Motion made by Commissioner Mueller, seconded by Commissioner Ankeny, to table the approval for an extension of the housing tax abatement program for another three years and amendments to the Housing Tax Abatement policy to the November 8, 2022 meeting and requested that a modified application also be presented for approval. Motion carried.

Date: November 1, 2022

Res. #133-22

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, project number SAP 50-603-021 completed by Ulland Brothers, Inc. has in all things been completed and the County Board being fully advised in the premise.

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

Contract Amount:\$ 1,937,720.08
Final Amount: \$ 1,960,365.74 [101.17%]
Final Payment: \$ 122,266.71

Passed and approved this 1st day of November, 2022.

Date: November 1, 2022

Res. #134-22

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, project number SAP 50-604-029 completed by Ulland Brothers, Inc. has in all things been completed and the County Board being fully advised in the premise.

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

Contract Amount:\$ 1,477,951.65
Final Amount: \$ 1,510,208.73 [102.18%]
Final Payment: \$ 92,942.23

Passed and approved this 1st day of November, 2022.

Date: November 1, 2022

Res. #135-22

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 1, 2022 at the Government Center, Austin, Minnesota.

WHEREAS, project number SAP 50-605-016 completed by Ulland Brothers, Inc. has in all things been completed and the County Board being fully advised in the premise.

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

Contract Amount: \$ 848,834.18
Final Amount: \$ 826,364.78 [97.35%]
Final Payment: \$ 89,651.15

Passed and approved this 1st day of November, 2022.

At the Board's request, Finance Manager Loni Swenson was able to negotiate with CliftonLarsonAllen a reduction in the rate increase in the new audit agreements. CliftonLarsonAllen has provided new documents for the Board's approval.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the 5-year Master Services Agreement replacement agreement for agreement approved on October 25, 2022 for audit services with CliftonLarsonAllen effective October 6, 2022 due to a rate reduction. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to authorize the Finance department to submit a claim to the State for Mower County unclaimed property (\$2,604.50). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the Scope of Work for 2022 replacement agreement for agreement approved on October 25, 2022 for audit services performed by CliftonLarsonAllen due to a rate reduction. Motion carried.

Finance Manager Loni Swenson presented a Third Quarter Financial Update to the Board which included a year-to-date budget analysis, a UBS investment report review and a MAGIC fund report.

The Chair adjourned the meeting at 2:49 p.m. The next meeting is scheduled for November 8, 2022 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____ **Chairperson**

Attest:

By: _____
Clerk/Administrator

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