

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

November 9, 2021

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session November 9, 2021 at 9:00 a.m. at the Government Center in Austin, Minnesota.

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

The meeting was opened with the Pledge of Allegiance.

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

Interim County Recorder Cindy Jensen provided a department update. Ms. Jensen indicated it is a competent team that works well together and that staff is cross-trained and the daily duties rotate. Some leadership training is being conducted. The department has recorded 9,930 real estate documents including property transfers and splits and has processed 541 passport applications so far this year.

HEALTH & HUMAN SERVICES BOARD:

Motion made by Commissioner Baldus, seconded by Commissioner Mueller, to approve the Grant Agreement for Universal Newborn Hearing Screening effective 1/1/22-12/31/2026. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the Grant Agreement with the Minnesota Department of Health to provide Women, Infant and Children's Nutritional Program effective 10/1/21 – 9/30/22. Motion carried.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to approve the Purchase of Service Agreement "Whatever it Takes Grant" between County of Olmsted and Mower County Health and Human Services, effective July 1, 2021 to June 30, 2023. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz to approve payments in the total amount of \$262,978.38 to vendors for Human Services Accounts Payable. Motion carried.

Under Health & Human Services updates, the director indicated that there are staffing shortage concerns around Mower County from restaurants to assisted living facilities. Under Covid updates there have been 6848 cumulative cases in Mower County and 45 deaths.

Nursing staff will be working with schools to administer the Covid vaccine to interested students ages 5 – 12.

Motion made by Commissioner Baldus, seconded by Commissioner Ankeny, to approve renewing the following Purchase of Service Agreements effective 1/1/22 – 12/31/22 (*unless otherwise noted*):

Consulting/Training	Safety Gal Consulting
Family Services	Parenting Resource Center (Helping Homes & Parent Education)
	Parenting Resource Center (Parents Forever/Administrative Services)
	Parenting Resource Center/Seibel Center (Family Visitation & Exchange Center)
Funeral Assistance	Hindt Funeral Home
	Rochester Cremation Services
Housing Support	Eon, Inc. (9/8/21 – 6/30/22)
Semi-Independent Living Services	Cenneidigh, Inc. (1/1/22 – 12/31/23)
	REM Woodvale, Inc. (1/1/22 – 12/31/23)

Motion made by Commissioner Ankeny, seconded by Commissioner Mueller, to approve the Social Service Actions. Motion Carried.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to adjourn the Health & Human Services Board meeting at 9:59 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 10:00 a.m. for regular business items.

The Board recessed at 10:00 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 10:00 a.m. (*continued from November 2, 2021*) in regard to Proposed changes/amendments to the Mower County Subsurface Sewage Treatment (SSTS) Ordinance and the Mower County Zoning Ordinance to provide alternative solutions for landowners who are prompted to have a compliance inspection of their septic system when applying for a zoning permit for the placement or construction of a small structure on the property.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the changes to each ordinance and the Planning Commission and Land Use Committee's recommendations.

No one spoke for or against the proposed ordinance amendment changes.

The Chair closed the Public Hearing at 10:29 a.m. in regard to amending the Zoning Ordinance and the SSTS Ordinance.

The County Board reconvened its regular session at 10:29 a.m.

Date: November 9, 2021

Ord. #04-21

ORDINANCE
Zoning Ordinance Amendment and
Subsurface Sewage Treatment System Ordinance Amendment

On motion of Commissioner Mueller, seconded by Commissioner Reinartz, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held November 9, 2021 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 and the Mower County Subsurface Sewage Treatment System Ordinance (SSTS Ordinance) was published in Mower County's official newspaper, the *Austin Daily Herald*, on October 13, 2021 and in the *Mower County Independent* on October 14th, 2021; and

WHEREAS, the Planning Commission held a public hearing on said amendment on October 26, 2021 at 7:00 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 the Mower County Subsurface Sewage Treatment System Ordinance (SSTS Ordinance); and

WHEREAS, Notice having been duly given, a public hearing was held on November 2, 2021 before the Mower County Board of Commissioners at which any concerned citizen was given an opportunity to speak on the matter; and

WHEREAS, at the public hearing on November 2, 2021 the Mower County Board of Commissioners continued the public hearing to November 9th to allow for further discussion in committee on the proposed revisions; now

BE IT ORDAINED that revisions incorporating all previously approved amendments, and including minor corrections, of the Mower County Zoning Ordinance effective 1/1/2003, amended 8/28/2013 and henceforth shall be incorporated and adopted in their entirety; and

BE IT FURTHER ORDAINED that the following proposed revisions to Sections 14-7, 14-12 and 14-13 of the Mower County Zoning Ordinance shall be incorporated and adopted in their entirety; and

Following definitions added to Division 2. Rules and Definitions, SECTION 14-7.
DEFINITIONS

***Deck:** A deck is an open platform with or without railings generally designed for outside enjoyment. A deck is a structure which is not enclosed by a wall exceeding 36 inches in height from the floor of the platform in an upward direction. A deck shall not be enclosed by screening,*

windows or a roof. A deck is allowed to have a canopy or awning to provide shading on all or a portion of the deck.

Minor Structures: Self-standing storage or utility structure 200 square feet or less and less than 14 feet in height at peak per property; Decks; Playground equipment / playhouses, swimming pools (both in-ground and above); Greenhouses 200 sq. ft. or less.

Following subparagraph added to Division 3. General Regulations,
SECTION 14-12. Accessory Buildings (b) Detached in Agricultural, Urban Expansion, Rural Management, Rural Service Center or Residential Districts:

(6) One Minor Structure may be placed within 5 feet of a side or rear yard property line per parcel following a Zoning Review in accordance with 14-13(f) Zoning Permit.

Following subparagraph added to Division 3. General Regulations,
SECTION 14-13. Zoning Permit:

(f) Minor Structures may be placed without issuance of a Zoning Permit; however, Zoning Review is required. Minor Structures in Shoreland Overlay, Floodplain zones, and on nonconforming lots do not qualify for Zoning Review; Zoning Permits are required. One minor structure per parcel may be placed with reduced property line setbacks in accordance with 14-12 (b)(6).

Minor Structures include:

- (1) Self-standing storage, utility, or greenhouse structure, which is 200 sq. ft. or less and less than 14 feet in height at peak. Additions to existing structures which accumulate to more than 200 sq. ft. will require a Zoning Permit, and are subject to all associated zoning and septic requirements and fees. Note: The side and rear yard setbacks for minor structures may be reduced to 5ft for the placement of one minor storage, utility, or greenhouse structure per parcel when used for storage of landowner's personal items or equipment, but not for the housing of animals. Structures which house animals are subject to the setback of the underlying zoning district.*
- (2) Decks. A deck is allowed to have a canopy or awning to provide shading on all or a portion of the deck without permit.*
- (3) Playground equipment / playhouses, swimming pools (both in-ground and above).*

Zoning Review is an application and site drawing provided to Mower County which provides Staff the opportunity to check for possible conflicts with Zoning, Septic, Shoreland Overlay, or other relevant Ordinance subsections. There is no fee for the Zoning Review. The Zoning Review is intended to inform, and provide possible solutions for a landowner, for issues which may need to be resolved before a property transfer, application for land use permit, or similar action can be completed. The Zoning Review is conducted in accordance with Mower County Ordinance and State or Federal land use regulations in effect at the time of the request; it is not a guarantee of outcomes and may not identify all possible conflicts or requirements; the Zoning Review does not secure the conditions at the time of the review. The Zoning Review provides information to a landowner for future use in planning.

BE IT FURTHER ORDAINED that the following proposed revisions to sections 1.16, 4.02, 4.06, 4.07 and 4.09 of Mower County Subsurface Sewage Treatment System Ordinance (SSTS Ordinance) be incorporated and adopted in their entirety; and

Following definitions added to Subdivision 1: General Provisions: 1.16 Definitions

Deck: *A deck is an open platform with or without railings generally designed for outside enjoyment. A deck is a structure which is not enclosed by a wall exceeding 36 inches in height from the floor of the platform in an upward direction. A deck shall not be enclosed by screening, windows or a roof. A deck is allowed to have a canopy or awning to provide shading on all or a portion of the deck.*

Minor Structures: *Self-standing storage or utility structure 200 square feet or less and less than 14 feet in height at peak per property; Decks; Playground equipment / playhouses, swimming pools (both in-ground and above); Greenhouses 200 sq. ft. or less.*

Following language (indicated here in italics) shall be added to 4.02 Compliance Inspection – When Required, 4. When Obtaining Land Use Permits. Subparagraph b:

- b. In non-Shoreland Overlay Areas: Non-shoreland areas will be subject to a SSTS compliance inspection when the SSTS is 20 years old or greater any time a zoning permit, variance or conditional use permit is required for improvement to or use of the property. *Minor Structures that are exempted from Zoning Permit are also exempt from the COC requirement.*

Modify title for Section 4.06 MAY 1 THRU OCTOBER 31: ESCROW REQUIRED WHEN CERTIFICATE OF COMPLIANCE IS NOT PROVIDED PRIOR TO RECORDING TRANSFER OF PROPERTY **OR ISSUANCE OF LAND USE PERMIT**

and add subparagraph c. under paragraph 3.

- c. *For Land Use Permit applications only; the amount escrowed shall be equal to 10% of a written estimate to install a new SSTS. The escrow account for Land Use Permits is non-refundable if the SSTS is not installed within the timeline specified by Section 4.12 and 4.13.*

Modify title for Section 4.07 NOVEMBER 1 THRU APRIL 30: ESCROW REQUIRED WHEN PROPERTY TRANSFERS **OR LAND USE PERMIT IS REQUESTED DURING FROZEN SOILS**

and add subparagraph c. under paragraph 3.

- c. *For Land Use Permit applications only (during frozen soils); the amount escrowed shall be determined annually by the Mower County Board of Commissioners. The escrow account for Land Use Permits is non-refundable if the SSTS is not inspected by July 1st, and if the system is not then installed within the timeline specified by Section 4.12 and 4.13.*

Following language (indicated here in italics) shall be added to 4.09 paragraph 1:

1. The landowner(s) shall be the responsible party for obtaining and submitting a Certificate of Compliance for an existing SSTS when applying for a conditional use permit, zoning permit or variance. *This requirement does not apply to Minor Structures subject to Zoning Review.* This requirement does not apply to an application for a land alteration permit in a Shoreland overlay area.

BE IT FURTHER ORDAINED that Ordinance #04-21 shall be effective upon publication in the Legal Newspaper of Mower County, the “Austin Daily Herald.” *(published 11/17/2021)*

A copy of the entire Mower County Zoning Ordinance and related maps, if any, and the Mower County Subsurface Sewage Treatment Ordinance are on file in the Mower County Public Works Office and at the County Auditor-Treasurer office.

Passed and approved this 9th day of November, 2021.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to refund \$600 of the \$1200 after-the-fact conditional use permit fee to Andy's Logging. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Baldus, to approve the minutes of November 2, 2021. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
AUSTIN AUTOMOTIVE LLC	34,231.14	Freeborn County Co-Operative Oil Co.	10,044.15
AUSTIN AUTOMOTIVE LLC	34,231.14	Harty Mechanical Inc	5,625.90
Baudoin Oil Company	21,794.97	Hope Haven Inc	3,242.70
Cedar Valley Services, Inc	3,604.55	Innovative Office Solutions LLC	2,128.14
Dave Lucas Consulting	5,311.25	Leadership Development Resources	3,890.00
Davidson Septic Service LLC	8,250.00	Nelson Auto Center	68,238.28
Emergency Automotive Technologies, Inc	2,935.31	Softree Technical Systems Inc	7,095.00
Fox Electric Company	4,730.00	61 Payments less than 2000	24,538.12
			Final Total: 239,890.65

Motion carried.

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

<u>Quantity</u>	<u>Item</u>	<u>Department</u>
1	2010 John Deere 770G Motorgrader (SN: DW770GX627301) (to Ritchie Bros. auction)	Public Works
	Misc. Tires and Rims (to Hamilton auction)	Public Works
7	Vertical Filing Cabinets (letter & legal 2-drawer to 4-drawer) (to salvage)	Various
1	2014 Ford Explorer Police Interceptor VIN 1FM5K8AR0EGC13908 (mileage 228,380) (to Hamilton auction)	Corrections
1	2012 Dodge Caravan VIN 2C4RDGB3CR296768 (mileage 155680) (to Hamilton auction)	Corrections

Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Baldus, to approve the Independent Contractor Professional Service Agreement with Jared Munnikhuysen, DeCook Excavating effective June 24, 2021 through December 31, 2021 for new subsurface sewage treatment system inspections and, if necessary review and cite (failing) non-complaint systems. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Baldus, to designate Kris Kohn voting delegate at the 2021 Minnesota Counties Intergovernmental Trust annual meeting. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to adjourn the meeting at 10:48 a.m. Motion carried. The next meeting is scheduled for November 23, 2021 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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