

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 2, 2021

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session December 2, 2021 at 1:00 p.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 Administrator Trish Harren, Executive Assistant Denise Barthels, Rick Eggert with retirement well-wishers, Tim Bustad, Traci Kasse and Jon Erichson.

The meeting was opened with the Pledge of Allegiance.

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

Dispatch Supervisor Rick Eggert was recognized for retirement from Mower County with 25 years of public sector service.

Under Committee Reports it was requested that a meeting with Marcus Thompson be arranged to discuss a recycling request made by Rose Creek and a possible change to the holiday pick-up schedule.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
180 Degrees, Inc.	7,214.94	Department Of Corrections	7,130.00
Anoka County Corrections	16,170.00	ERGOTECH CONTROLS INC	2,389.92
Austin Windshield Plus LLC	2,659.53	Mayo Clinic Ambulance Services	2,081.72
Bauer Built Tire	2,172.11	Mayo Clinic Rochester	3,548.00
Brock White Co Llc	2,237.56	Minn Dept Of Agriculture	500,000.00
Cedar Valley Services, Inc	3,604.55	33 Payments less than 2000	15,869.07
Dell Marketing L P	3,480.42	Final Total:	568,557.82

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to ratify the Professional Services Agreement between TriMin Systems, Inc. and the Minnesota Counties Computer Cooperative (MnCCC) for the maintenance and support of IFS effective January 1, 2022 through December 31, 2024. (\$13,170 – 2022) Motion carried.

Date: December 2, 2021

Res. #103-21

RESOLUTION ADOPTING ASSESSMENT

On motion of Commissioner Baldus, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of

Commissioners at a meeting held December 2, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, pursuant to the policies of the Mower County Septic Loan program the owner of property has requested a loan from Mower County for replacement of a failing septic system on the below-listed property and has requested to pay back that loan by assessment to the subject property, to Mower County, over a ten year term.

Property owner(s): Rodney and Cynthia Smith

Property address: 64116 120th St, Adams MN 55909

Parcel Identification No: 01.020.0100

Tax parcel abbreviated description: Section 21 Township 101 Range 016 E300FT W672FT S220FT SW1/4 SW1/4

Assessment amount: \$15,911.55 (Fifteen Thousand Nine Hundred Eleven and 55/100)

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

1. Such proposed assessment, made part hereof, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land herein included is hereby found to be benefitted by the proposed improvement and the amount of the assessment levied against it.
2. Such assessment shall be payable in simple decreasing installments extending over ten (10) years. The first of the installments shall be payable along with the first half taxes when due, as reflected on the tax statement payable 2022, and shall bear interest at the rate of three percent per annum. Each payment including interest thereafter will be paid with taxes payable, until the assessment obligation is satisfied.
3. The owner of any property, so assessed, may pay the whole assessment on such property by December 31, (year of installation) without interest accrued.

Thereafter the owner of property, so assessed, may pay the annual assessment amount, or any amount exceeding the annual assessed amount so listed on the tax statement, with any unpaid interest accrued to December 31 of the year in which such payment is made.

Payments will be accepted by the County up until the close of business day December 31 in the year of payment. If December 31st is a weekend or holiday; payment must be received in advance of closing of the last business day in the year payment is made.

4. There shall be no penalty for early payment or pay-off of the full balance of the assessment.
5. The County Administrator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor-Treasurer to be extended on the property tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.
6. This assessment must be paid in full at time of property transfer to any other owner, owners, heirs, assigns or entity.

BE IT FURTHER RESOLVED, that the Mower County Board Chair is hereby authorized to execute the Promissory Note on behalf of the County for the loan of the funds from the Mower County Septic Loan program.

Passed and approved this 2nd day of December, 2021.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to adopt Combination of Parcels Policy effective December 2, 2021. The policy is as follows:

Combination of Parcels Policy

Policy Statement:

A. Purpose

Mower County has defined the guidelines for combining parcels for property tax purposes only. This is to aid in the convenience of the taxpayer/owner of the parcel and Mower County so as to benefit the taxpayer without requiring the County to modify the existing record-keeping system. The criterion that must be met before the combination can occur is detailed below.

B. Guidelines

An owner of a parcel or a representative of the owner of the parcel must make application to the County Recorder's office prior to recording the documents that cause the combination of parcels.

The parcels must meet the following criteria in order to be combined:

- *Must lie within the same taxing district (TAG) e.g.: CLAYTON TWP/500/FD1/LEROY; this includes, but not limited to, the following:*
 - *School district*
 - *City or township*
 - *Watershed district*
 - *Fire department district*
- *Must be contiguous;*
- *Ownership must match exactly—including sole ownership, joint tenancy/tenants in common, percentage of ownership, life estate, Contract for Deed, etc.;*
- *Same subdivision or same section; see Minn. Stat. §272.46, Subd. 2;*
 - *There are mitigating circumstances that may allow the combination of certain lands that do not follow these guidelines; however, this is at the discretion of*

the Planning Commission for review and recommendation to the County Board for approval;

- *If parcels lie outside of city limits, must obtain approval from Planning & Zoning;*
- *Current and all prior years property taxes must be paid in full;*
- *Requests made after December 31st will not be completed for the following year.*

Motion carried.

The Board recessed at 9:29 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 9:30 a.m. in regard to CUP #888A of KK & G Properties LLC c/o Nicole El-Sawaf, request Amendment to CUP #888 for additions to existing climate-controlled self-storage, non-climate controlled mini-storage, RV/boat storage, outdoor storage facilities to add a new 12,000 sf climate-controlled building (Bldg F) and add 6,480 sf expansion to commercial storage (Bldg A) and add 5,184 sf expansion to non-heated storage (Bldg D) and three new concrete pads (2- 304'x28' and 1- 104'x28') to hold individual 8x20 storage units located in Section 22, Lansing Township.

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

The Petitioner Nicole El-Sawaf was present and spoke on her own behalf. No additional persons spoke for or against CUP #888A.

The Chair closed the Public Hearing at 9:41 a.m. in regard to CUP #888A of KK & G Properties LLC c/o Nicole El-Sawaf.

The Chair called the Public Hearing to order at 9:42 a.m. in regard to CUP #918 of Daniel Vermilyea (applicant) (landowners Heather A. Hughes and Joyce Ann Vermilyea) for an exemption from platting: to subdivide a residential farmstead site from an 80 +/- acre farm to create a building site less than 5 acres located in Section 29, Pleasant Valley 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 #918.

The Chair closed the Public Hearing at 9:48 a.m. in regard to CUP #918 of Daniel Vermilyea (applicant) (landowners Heather A. Hughes and Joyce Ann Vermilyea).

The Chair called the Public Hearing to order at 9:49 a.m. in regard to CUP #921 of Timothy W. Bustad for use of shipping containers for contractors yard and public mini-storage and processing of sand and gravel as well as concrete and bituminous materials for crushing, processing, and sale; located in Section 27, Lansing Township

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

The Petitioner Tim Bustad was present and spoke on his own behalf. It was noted that a letter had been received from the City of Austin not in favor for CUP #921. No one spoke for or against CUP #921.

The Chair closed the Public Hearing at 10:13 a.m. in regard to CUP #921 of Timothy W. Bustad.

The Chair called the Public Hearing to order at 10:13 a.m. in regard to CUP #922 of Ulland Bros. c/o Jon Erichson (applicant) (landowner Ruth E. Klitzke) for sand and gravel mining and extraction, storage and processing of concrete and/or bituminous material, and temporary placement of portable hot mix plant for seasonal or project-specific use located in Section 15, Lansing Township

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

The Petitioner Jon Erichson was present and spoke on his own behalf. No additional persons spoke for or against CUP #922.

The Chair closed the Public Hearing at 10:25 A.M. in regard to CUP #922 of Ulland Bros. c/o Jon Erichson (applicant) (landowner Ruth E. Klitzke).

The County Board reconvened its regular session at 10:26 a.m.

The Board recessed at 10:26 a.m. and reconvened at 10:31 a.m.

Date: December 2, 2021

Res. #104-21

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 December 2, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #888A, by KK&G Properties LLC, Landowner(s), and Nicole El-Sawaf, c/o KK&G Properties, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

Additions to existing climate-controlled self-storage, non-climate controlled mini-storage, RV/boat storage, outdoor storage facilities. Applicant is proposing to build a new 12,000 sq ft. climate-controlled building (building F), add 6,480 sq ft expansion to commercial storage (Bldg A), add 5,184 sq ft expansion to non-heated storage

(Bldg D), and three new concrete pads (2-304'x28' and 1-104x28ft) to hold individual 8x20 storage units.

Location:

A tract of land lying and being in the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 22, and the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter, Section 27, all in Township 103, Range 18, Mower County, Minnesota, described as follows:

Commencing at the Southeast corner of the plat of "Rambler Addition" of Outlots in the NE 1/4 NW 1/4 and in the NW 1/4 NE 1/4, Section 27, Township 103 North, Range 18 West, which point is 85.01 feet East of the West line of the NW 1/4 NE 1/4 of said Section 27; thence North 00 degrees 22 minutes 34 seconds East 964.96 feet, on an assumed bearing, on the East line of said Rambler Addition, to a point which is monumented with a 3/4" diameter pipe and is 90.94 feet East of the West line of the NW 1/4 NE 1/4 of said Section 27; thence South 44 degrees 47 minutes 34 seconds West 666.54 feet on the Northerly line of said Rambler Addition, to a point on the Easterly right-of-way line of County State Aid Highway No. 45 (formerly U.S. Highway No. 218); thence North 45 degrees 12 minutes 00 seconds West 646.06 feet, on the Easterly right-of-way line of said County State Aid Highway No. 45, to the point of beginning of the tract to be described: thence North 45 degrees 12 minutes 00 seconds West 573.58 feet, on the Easterly right-of-way of said County State Aid Highway No. 45, to the point of intersection with the Southerly right-of-way line of Soo Line Railroad (formerly Chicago, Milwaukee, St. Paul & Pacific Railroad); thence North 52 degrees 23 minutes 30 seconds East 741.00 feet, on the Southerly right-of-way line of said railroad; thence South 37 degrees 56 minutes 42 seconds East 570.78 feet; thence South 52 degrees 34 minutes 52 seconds West 668.58 feet, to the point of beginning; containing 21.96 acres more or less.

on parcel(s) identified per Mower County tax records as 08.022.0050 and 08.027.060;
and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on November 30, 2021, at 7:00 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 December 2, 2021 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. Applicant shall maintain NPDES storm water permit for operation/construction or land disturbing activity of one acre or more or if part of a larger common plan for development or sale; and
3. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and

4. 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
5. 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. Vehicles shall not be parked or backed onto the premises from the road or its right-of-way; and
6. Signage, if any, shall comply with Mower County signage ordinance; and
7. The existing septic system must be protected from parking, driving, construction or compaction of any kind so as to not damage the system. It is prudent for the applicant to also designate a back-up area for future placement of a replacement system and protect that area from compaction or damage which may render the site unusable for a septic system; and
8. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
9. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit; and
10. Any vehicles (RV's, trailers, campers, etc.) stored outdoors must be licensed and operable in accordance with Mower County's Solid Waste Ordinance. Any personal items stored on the premises must be kept in a manner that is compliant with Mower County's Solid Waste Ordinance.

This permit is issued in accordance with Article II, Division 8 – Industrial District, Section 14-83 conditional uses: subp. (c) mini storage; and Article I Division 6 Conditional Use Permits of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2nd day of December, 2021.

Date: December 2, 2021

Res. #105-21

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 2, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #918, by Heather A. Hughes and Joyce Ann Vermilyea, Landowner(s), and Daniel Vermilyea, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

An exemption from platting: To subdivide a residential farmstead site from an 80-+/- acre farm to create a building site less than 5 acres; which, in accordance with the subdivision ordinance must be considered by the Planning Commission

Location:

All that part of the SE1/4 SW1/4 Section 29-T104N-R15W, Mower County, Minnesota; described as follows:

Commencing at the southeast corner of the SW1/4 of said Section 29; thence South 88°48'28" West a distance of 506.26 feet on an assumed bearing on the south line of said SW1/4, to the point of beginning;

thence South 88°48'28" West a distance of 364.56 feet on said south line;

thence North 01°11'32" West a distance of 331.89 feet;

thence South 86°55'23" East a distance of 353.41 feet;

thence South 03°27'57" East a distance of 305.82 feet, to the point of beginning;

subject to highway easement on the south side thereof.

To be split from parcel(s) identified per Mower County tax records as 14.023.0040;
and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on November 30, 2021, at 7:00 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 December 2, 2021 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 federal, state and local regulations regarding the proposed use; and
2. Survey and Legal Descriptions of the resulting properties shall be required in lieu of platting and shall be recorded with the Deed in the Office of the Mower County Recorder; and
3. Resulting property lines to be drawn such that existing structures will meet or exceed current setbacks, and all lot size, width, depth requirements are met; and
4. A primary and secondary Type I system site shall be located for future placement on the residential parcel, and placed on a map which is kept on file in the CUP file and in homeowner's records. The area should be preserved and protected from compaction and/or construction or other damages; and
5. Any ISTS(s) required shall be designed, installed and maintained according to MN Rules 7080 & Mower County's SSTs Ordinance; and

6. If the residential site is sold/transferred/conveyed, the septic system must comply with requirements of the septic ordinance; and
7. All applicable permits under Mower County Ordinance must be obtained prior to any construction or development of the property; and
8. A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance and shall automatically terminate the permit (refer Section 14-35 Revocation); and
9. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit; and
10. Rural and Agricultural Homeowner's Assumption of Risk form shall be signed and filed with the Mower County Recorder.

This permit is issued in accordance with Article II, Division 2 – Agricultural District, Section 14-52 of the Mower County Zoning Ordinance (effective date 01/01/2003), and Section 13-129 Small Subdivision, of Mower County's Subdivision Ordinance.

Passed and approved this 2nd day of December, 2021.

Date: December 2, 2021

Res. #106-21

RESOLUTION

On motion of Commissioner Baldus, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 2, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #921, by Timothy W. Bustad, Landowner and Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

use of shipping containers for contractors yard and public mini-storage; storage and processing of sand and gravel as well as concrete and bituminous materials for crushing, processing, and sale

Location:

On parcel(s) identified per Mower County tax records as 08.027.0080, 08.027.0082, and 08.044.0021;

Parcel 1 - 08.027.0080 – portions of Outlot 9

Parcel 2 - 08.027.0082

Parcel 3 – 08.044.0021 – portions of Outlots 7, 8, and 9

(full legal descriptions on file with Environmental Services); and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on November 30, 2021, at 7:00 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 December 2, 2021 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, and any subcontractors hired by Applicant, shall follow all local, state, and federal regulations regarding the proposed use including MPCA permits for air emissions, storm water runoff, and other regulated activities as applicable; and
2. Hours of operation shall be 8a-5p, Monday through Friday; no processing or handling of materials on traditional holidays (Easter, Independence Day, Thanksgiving, Christmas). Applicant is proposing to process materials 1-2 days a week with a cap of 1000 CY raw material; and
3. The conditional use permit for crushing shall be valid for 5 years. Renewal may be requested via amendment to CUP for extension of term; and
4. The applicant shall provide at least 24 hours' notice to the County prior to initiating crushing or processing of material, and include the expected timeline for activity; and
5. The Owner/Applicant shall be required to provide dust control on access roads so as not to create a nuisance to neighboring property from the processing of materials or trucking traffic; and
6. The Owner/Operator shall maintain a low water mist during crushing operations or provide another acceptable method to control dust generated from the processing and/or handling of material.
7. The Owner/Applicant shall install a 10 ft. tall vegetated berm on the south property line prior to initiating crushing activity, to provide barrier to adjoining property; 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. Any vehicles (RV's, trailers, campers, etc.) stored outdoors must be licensed and operable in accordance with Mower County's Solid Waste Ordinance. Any personal items stored on the premises must be kept in a manner that is compliant with Mower County's Solid Waste Ordinance.
10. The Owner/Applicant shall notify all renters of Mower County's Solid Waste requirements regarding vehicle and other storage. Vehicles must be licensed and operable to be stored outside; items may be moved indoors. All Solid Waste

- Ordinance requirements must be met by 12/31/2021 or the land use permit for storage is invalid; and
11. The Owner/Applicant shall develop a site plan, which is to be approved by Mower County's Environmental Services office, to layout and manage the site which is to be kept in a neat and orderly fashion. The Owner/Applicant must contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
 12. A Zoning Permit shall be obtained prior to any construction or placement of any new structures on the property; and
 13. A Certificate of Compliance on the existing septic system, or approved ISTS Design for any changes to the septic system, shall be obtained and submitted prior to initiating activity on the site; and
 14. 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
 15. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
 16. No burying of waste material is allowed and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance. No demolition debris is to be collected or disposed of at this site; and
 17. The applicant shall record a covenant on all three parcels to combine them into one lot for the purposes of this request and eliminate property line setback conflicts; and
 18. 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, Division 8 – Industrial District, Section 14-83 conditional uses: subp. (a) retail trade, (b) mining, processing and storage of sand, gravel, stone, (c) mini storage, and (k) other uses of same general character; and Article I Division 6 Conditional Use Permits of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2nd day of December, 2021.

Date: December 2, 2021

Res. #107-21

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Mueller, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 2, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #922, by Ruth E. Klitzke, Landowner and Ulland Brothers, Inc. c/o Jon Erichson, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

sand and gravel mining and extraction, storage and processing of concrete and/or bituminous material, and temporary placement of portable hot mix plant for seasonal or project-specific use.

Location, the west 38 acres of:

The North Half of the Northeast Quarter of Section 15, Township 103 North, Range 18 West, of the 5th P.M., Mower County, Minnesota, as shown by instrument recorded on July 24, 1989, in Book 442 of Deeds, Page 451, except the following: All that part of the Northeast Quarter of the Northeast Quarter of Section 15, Township 103 North, Range 18 West, Mower County, Minnesota described as follows: Commencing at the northeast corner of the Northeast Quarter of said Section 15; thence South 00 degrees 53 minutes 58 seconds East a distance of 825.26 feet, on an assumed bearing on the East line of said Northeast Quarter, to the point of beginning; thence South 89 degrees 13 minutes 57 seconds West a distance of 589.05 feet, thence South 01 degrees 33 minutes 10 seconds West a distance of 319.02 feet; thence North 89 degrees 23 minutes 36 seconds East a distance of 211.78 feet; thence Easterly a distance of 129.11 feet, on a tangential curve concave to the South with a radius of 165.00 feet, a central angle of 44 degrees 50 minutes 04 seconds, a chord bearing of South 68 degrees 11 minutes 12 seconds East and a chord length of 125.85 feet; thence South 45 degrees 46 minutes 21 seconds East a distance of 77.68 feet; thence South 89 degrees 29 minutes 11 seconds East a distance of 220.09 feet, to a point on the East line of said Northeast Quarter; thence North 00 degrees 53 minutes 58 seconds West a distance of 427.51 feet, on the east line of said Northeast Quarter, to the point of beginning; subject to highway easement on the east side thereof ;

On parcel(s) identified per Mower County tax records as 08.015.0351

WHEREAS, Notice having been duly given, a public hearing was held on the matter on November 30, 2021, at 7:00 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 December 2, 2021 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 (and any subcontractors working on the site) shall follow all local, state, and federal regulations regarding the proposed use including various MPCA and/or DNR permits, as applicable; and

2. An \$15,500.00 Restoration Bond (\$2,000 for the first acre and \$750 for each additional acre based on a two 19 acre phases) shall be posted with the Mower County Auditor; and
3. Ordinance section 14-142 (Performance Standards), subp. (f) requires mining operations be setback 30 feet from property lines, unless written consent from adjoin owner is obtained, and processing aggregate material shall be at least 100 feet from property lines; and
4. Owner 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. Owner must provide the County a copy of an Erosion Control Plan or SWPPP for NPDES coverage of the site; and
6. Ulland Brothers must maintain a low water mist during crushing operation. Any runoff that would be present from this low water mist during the crushing operation must be contained and disposed by Ulland; and
7. Hours of operation shall be 7a-7p, Monday through Saturday; no processing or handing of materials on traditional holidays (Easter, Independence Day, Thanksgiving, Christmas). Exception to these hours may be granted for emergency purposes; and
8. The Applicant shall provide at least 24 hours' notice to the County prior to initiating crushing or processing of material, or the installation of a hot mix plant, and include the expected timeline for activity; 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. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
10. The conditional use permit is valid for a period of 5 years from the date of issuance. The Owner/Applicant may request Amendment to the CUP to extend the term; and
11. Applicant has acquired access to the site through NW ¼ of Sec. 15 to Hwy 218 via private easement. No access to 540th Ave is proposed or granted by this CUP request; and
12. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
13. 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
14. The Owner/Applicant shall be required to provide dust control on the access road so as not to create a nuisance to neighboring property from the additional traffic; and

15. 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
16. 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, Division 2 – Agricultural District, Section 14-51 conditional uses: (i) mining and gravel extraction, (s) storage and crushing/recycling of concrete and/or bituminous materials, (u) other uses of the same general character; and Article I Division 6 Conditional Use Permits of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2nd day of December, 2021.

Human Resources Director Kristina Kohn presented to requests for Board approval.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to fill the position of captain in the Sheriff's department budgeted for 2022 now in 2021 in order to capture available annual training dollars (approximately \$15,000) for 2021. Motion carried.

Motion made by Commissioner Baldus, seconded by Commissioner Ankeny, to amend Personnel Policy B220 Employee Recognition Policy effective December 2, 2021 by modifying the language in the Achievement Recognition section of the policy as follows:

Achievement Recognition

Employees will also have the opportunity to be recognized for inventive behavior, which **improves services, increases inclusion and belonging or** creates a savings to Mower County. The county chooses to recognize employees whose performance substantially exceeds standards in contributions and accomplishments in service to the public, community, and Mower County.

Nominations for achievement awards for individuals or groups of employees can be initiated by any employee. All nominations must include at a minimum the following information:

1. A short statement, which summarizes the contributions, followed by specific examples relating how the contributions **have positively impacted Mower County staff, citizens and/or services.** ~~provided tangible savings in time, materials, personal effort or other cost. Intangible savings by creating increased efficiency, better working conditions, better service, improved public relations in which a savings to the county by demonstrated. Intangible contributions would be more difficult to demonstrate but would also be considered.~~
2. ~~Documentation, which demonstrates the savings and calculates the amount saved must also be attached.~~
3. The nominees name, department and a brief history of the development of this new idea. Presented to the department head for ~~savings verification and~~ approval then routed to the Human Resource Department.
4. Nominations will be taken anytime during the year but need to be delivered to the Human Resource Department by November 1st. Entries will be evaluated by the ~~finance committee~~ **Human Resources** to ensure that they meet the criteria.
5. Achievement Award winners will receive a **an** Award of Recognition and \$100. This award will not necessarily be given out every year.

Customer Service Award

Mower County is a customer service agency that ~~chooses to~~ recognizes employees who show excellence in their customer service behavior. This award is intended to give the public, other agencies, and co-workers from other departments as well as department heads, the opportunity to recognize and thank those individuals. **This award is for excellence in Customer Service to both internal and external customers.**

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Mueller, to adjourn the meeting at 10:50 a.m. Motion carried. The next meeting is scheduled for December 14, 2021 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

INDEX

A

adjourn, 335
agenda, 321

B

B220 Employee Recognition Policy amended, 334

C

Captain - hire now, 334
Combination of Parcels Policy, 323

P

Public Hearing
 CUP #888A KK&G Properties, 324
 CUP #918 Vermilyea/Hughes, 324
 CUP #921 Bustad, 324
 CUP #922 Ulland Bros./Klitzke, 325

R

Res. #103-21 SSTS loan assessment Smith 01.020.0100,
 321
Res. #104-21 CUP #888A KK&G Properties, 325
Res. #105-21 CUP #918 Vermilyea/Hughes, 327
Res. #106-21 CUP #921 Bustad, 329
Res. #107-21 CUP #922 Ulland Bros./Klitzke, 331
retirement
 Rick Eggert Dispatch Supervisor, 321

T

TriMin Systems, Inc. / MnCCC agreement
 maintenance & Support IFS, 321

W

warrants
 Commissioner, 321