

REGULAR SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

April 11, 2023

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session April 11, 2023 at 9:00 a.m. at the Government Center in Austin, Minnesota.

Members present, viz: Vice-Chair Jerry Reinartz, John Mueller, Dan Sparks and Polly Glynn. Member excused: Chair Mike Ankeny. 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 Glynn, seconded by Commissioner Mueller, to approve the agenda with the addition to consider the request of the Austin School Board for a Letter of Support for an energy grant application to the Department of Education. Motion carried.

Veteran Service Officer Rod Streich provided the Board with a department update. According to the Minnesota Department of Veteran Affairs there are 2,425 known veterans that reside in Mower County receiving approximately \$20,000,000 in earned veteran benefits for themselves and their families. Mr. Streich noted that there are design changes being planned and funds being raised for changes to the Veteran Memorial located on the corner of Main and 2nd Avenue in downtown Austin. There isn't any more room for memorial pavers. The new design will have memorial stones raised off the ground and will accommodate approximately 1000 more stones. The department continues to serve area veterans providing rides to the VA facilities in the Cities, participating and supporting Beyond the Yellow Ribbon and local veteran clubs and organizations and partnering with other organizations such as the Minnesota Assistance Council and CareerForce helping veterans find housing and jobs. Mower County is one of the host counties for the Veterans Treatment Court. It is an intensive probationary court designed to assist Veterans with getting treatment and to assist them in turning their life around, as opposed to spending time behind bars.

HEALTH & HUMAN SERVICES BOARD:

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the Health & Human Services accounts payable totaling \$191,289.63. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to accept the donation of 2 burial plots at Grandview Cemetery. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve applying for the Regional Health Equity Network grant for up to \$150,000. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve completing the Homeless Assistance Application in the amount of \$150,000. Motion carried.

Health & Human Services Director Crystal Peterson introduced two new staff: Theresa Houle – Adult Services Social Worker and Alysha Carlisle – Adult Services Community Resource Navigator. In addition, Ms. Peterson provided a Mobile Crisis Service Update. The service is underutilized, but the service providers are not local to Mower County. A new program coordinator is working on possible solutions.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the Social Service Actions. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the 5-year renewal for the University of Minnesota Agreement of Institutional and Program Affiliations with the School of Nursing which allows Mower County to accept Bachelor's level nursing students. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to adjourn the Health & Human Services Board meeting at 9:55 a.m. Motion carried.

COUNTY BOARD

The Regular Session of the Board was reconvened at 9:54 a.m. for regular business items.

Mr. Steve Gleason appeared before the Board indicating his concern that his neighbor's property is overrun by unused tires, appliances, and a large variety of unusable items. Mr. Gleason has expressed his concerns to Mower County Environmental Services. Assistant Public Works Director Valerie Sheedy was present at the meeting and informed Mr. Gleason that the county is moving forward with enforcement for property cleanup but noted that there are steps to follow, and the owner of the property needs to be given sixty days following notice to clean the property themselves before further action can be taken by the county.

The Board recessed at 10:01 a.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 10:01 a.m. regarding a Housing Tax Abatement Application of Bigelow & Lennon Construction for a single-family home located Lot 5, Block 2 Nature Ridge 3rd, Austin, MN (PIN 34.468.0250)

County Administrator Trish Harren reviewed the application and recommended approval.

The applicant was not present. No one else spoke for or against the Bigelow housing tax abatement application.

The Chair closed the Public Hearing at 10:03 a.m. regarding the Bigelow & Lennon Housing Tax Abatement application.

The Chair called the Public Hearing to order at 10:03 a.m. regarding a Housing Tax Abatement Application of New Horizon Homes for a single-family home located Lot 3, Block 1 Nature Ridge 3rd, Austin, MN (PIN 34.468.0030)

County Administrator Trish Harren reviewed the application and recommended approval.

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

The Chair closed the Public Hearing at 10:04 a.m. regarding the New Horizon Housing Tax Abatement application.

The Chair called the Public Hearing to order at 10:04 a.m. regarding CUP #681A of J&K Storage LLC c/o Kevin Larson and John Bergstrom for an amendment to Conditional Use Permit #681 for the expansion of a mini-storage facility by adding an additional 50x140 to an existing 50x150 storage structure, located in Section 26, Racine Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner John Bergstrom was present and spoke on his own behalf. No other person spoke for or against CUP #681A.

The Chair closed the Public Hearing at 10:13 a.m. in regard to CUP #681A of John Bergstrom.

The Chair called the Public Hearing to order at 10:13 a.m. regarding CUP #946 of James D. Benson for a Conditional Use Permit to operate an insurance agency as an extended home occupation from an agricultural/accessory building on the property, located in Section 17, Lansing Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #946.

The Chair closed the Public Hearing at 10:16 a.m. in regard to CUP #946 of James D. Benson.

The Chair called the Public Hearing to order at 10:17 a.m. regarding CUP #958 of Greg and Courtney Hackensmith for an additional dwelling in the quarter section located in an area which was previously used as a homestead and is not suitable for agricultural purposes located in Section 25 of Lansing Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Petitioner Greg Hackensmith was present and spoke on his own behalf. No other person spoke for or against CUP #958 of Greg and Courtney Hackensmith.

The Chair closed the Public Hearing at 10:22 a.m. in regard to CUP #958 of Greg and Courtney Hackensmith.

The Chair called the Public Hearing to order at 10:23 a.m. regarding CUP #956 of the Mower County Sheriff's Department for a shooting range located on a parcel owned by Mower County and previously used as a gravel pit located in Section 36, Marshall Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

The Mower County Sergeant Investigator Tyler Lynch was present on behalf of the Mower County Sheriff's office and spoke on behalf of the County in favor of the conditional use permit. One additional person spoke in favor of the permit but questioned the lead mitigation plan and also requested to be added to the list of persons notified when shooting practice will be held. No other persons spoke for or against CUP #956.

The Chair closed the Public Hearing at 11:06 a.m. in regard to CUP #956 of the Mower County Sheriff's office.

The Chair called the Public Hearing to order at 11:06 a.m. regarding CUP #959 of Matthew Kundert on behalf of Whip Communications for the installation of an unmanned wireless communications facility located in Section 04 of Red Rock Township.

Valerie Sheedy, Assistant Public Works Director, reviewed the permit and Planning Commission recommendations.

Matthew Kundert appeared on behalf of the Petitioner noting he was available to answer any questions. No other person spoke for or against CUP #959 of Matthew Kundert on behalf of Whip Communications.

The Chair closed the Public Hearing at 11:18 in regard to CUP #959 of Matthew Kundert on behalf of Whip Communications.

The County Board reconvened its regular session at 11:18 A.m.

Date: April 11, 2023

Res. #29-23

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

On motion of Commissioner Sparks, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 11, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 469.1813 gives authority to the County of Mower to grant an abatement of property taxes imposed by the County if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, Mower County has adopted the Tax Abatement Policy for new construction of Single and Multi-family homes which includes criteria which must be met before an abatement of taxes will be granted; and

WHEREAS, Nature Ridge Properties of Austin Co. (Seller) is the owner of certain property within Mower County, legally described as follows:

Lot 5, Block 2, Nature Ridge Third, Austin, MN (34.468.0250)

WHEREAS, Bigelow & Lennon Construction (Buyer) has made application to Mower County for the abatement of taxes as to the above-described parcel; and

WHEREAS, Notice having been duly given, a public hearing was held on April 11, 2023 before the Mower County Board of Commissioners, on said application.

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

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

1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of the single-family home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.
3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 30th of that calendar year.

4. The real estate taxes to be abated shall be for up to the full amount of the real estate taxes collected due to the added tax base of the newly constructed housing/home annually. The current value of the property is not eligible for the abatement, will not be abated as part of this program and is further defined as the "original value." Any eligible abatement years are calculated on the tax increase due to a value increase over the original value.

Passed and approved this 11th day of April, 2023.

Date: April 11, 2023

Res. #30-23

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

On motion of Commissioner Mueller, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 11, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, Minnesota Statute 469.1813 gives authority to the County of Mower to grant an abatement of property taxes imposed by the County if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, Mower County has adopted the Tax Abatement Policy for new construction of Single and Multi-family homes which includes criteria which must be met before an abatement of taxes will be granted; and

WHEREAS, Nature Ridge Properties of Austin Co. (Seller) is the owner of certain property within Mower County, legally described as follows:

Lot 3, Block 1, Nature Ridge Third, Austin, MN (34.468.0030)

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

WHEREAS, Notice having been duly given, a public hearing was held on April 11, 2023 before the Mower County Board of Commissioners, on said application.

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

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

1. Mower County does, hereby grant an abatement of Mower County's share of real estate taxes upon the above-described parcel for the construction of the single-family home.
2. The tax abatement will be for no more than five years commencing, in the tax year the property realizes a value increase over original value due to construction of the

housing project. Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.

3. The County shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of record at the time of the payment, by December 30th of that calendar year.
4. The real estate taxes to be abated shall be for up to the full amount of the real estate taxes collected due to the added tax base of the newly constructed housing/home annually. The current value of the property is not eligible for the abatement, will not be abated as part of this program and is further defined as the "original value." Any eligible abatement years are calculated on the tax increase due to a value increase over the original value.

Passed and approved this 11th day of April, 2023.

Date: April 11, 2023

Res. #31-23

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 11, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #681A, by J&K Storage LLC c/o Kevin Larson and John Bergstrom Landowner(s), and Kevin Larson and John Bergstrom, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

An amendment to Conditional Use Permit #681 for expansion of mini-storage facility by adding a 50x140 to an existing 50x150 storage structure

Located in Mower County, Minnesota and legally described as:

All that part of the NW¼ SW¼ Section 26-T104N-R14W, Mower County, Minnesota; described as follows:

Commencing at the southwest corner of the NW¼ SW¼ of said Section 26; thence South 89°55'40" East a distance of 257.64 feet, on an assumed bearing on the south line of said NW¼ SW¼; thence North 00°04'20" East a distance of 33.00 feet, to the point of beginning;

thence North 00°09'21" West a distance of 389.02 feet;

thence South 89°56'23" East a distance of 302.40 feet, to a point on the centerline of Trunk Highway No. 63;

thence South $11^{\circ}08'47''$ East a distance of 98.55 feet, on the centerline of said Trunk Highway No. 63;

thence Southerly a distance of 298.92 feet, on the centerline of said Trunk Highway No. 63, on a tangential curve concave to the east with a radius of 11,459.20 feet and a central angle of $01^{\circ}29'41''$, to the north line of the South 33 feet of said NW $\frac{1}{4}$ SW $\frac{1}{4}$;

thence North $89^{\circ}55'40''$ West a distance of 382.00 feet, to the point of beginning;

subject to highway easement on the east side thereof;

and together with a non-exclusive 66 foot wide easement for ingress and egress over, under and across the South 33 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26 and the North 33 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26, west of the west right-of-way of said Trunk Highway No. 63 less the West 224.78 feet of the SW $\frac{1}{4}$ of said Section 26.

And identified per Mower County tax records as parcel 15.026.0055; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on April 4, 2023, 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 April 11, 2023 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. 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, orderly and aesthetically pleasing condition; and
6. The Owner/Applicant shall utilize secured, gated access to the site for tenants and owners only; and
7. Any lighting shall be deflected downward and shall not create a nuisance to the traveling public or adjoining landowners; and
8. Any signage shall comply with Article 1 Outdoor Advertising and Section 14-152 of the Mower County Ordinance regarding business signs; and
9. The Owner/Applicant shall secure an Access Permit from MnDOT allowing the driveway for commercial use; 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. Waste shall not be contained, stored or kept on the property for more than 24 hours. All storage of items shall be inside buildings with the exception of wheeled vehicles or trailers for leisure activities (RV's, trailers, campers, etc.) stored outdoors which must be licensed and operable in accordance with Mower County's Solid Waste Ordinance. Storage of material outside can be considered solid waste and is a violation of the Mower County Ordinance; and
13. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; 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.

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 11th day of April, 2023.

Date: April 11, 2023

Res. #32-23

RESOLUTION

On motion of Commissioner Mueller, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 11, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #946, by James D. Benson and Karen C. Benson

Landowner(s), and James D. Benson, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

To operate an insurance agency as an extended home occupation from an agricultural/accessory building on the property

Located in Mower County, Minnesota and legally described as:

All that part of the NE¼ SW¼ & SE¼ NW¼ Section 17-T103N-R18W, Mower County, Minnesota, described as follows:

Commencing at the southeast corner of the SW¼ of said Section 17; thence North 00°00'00" East a distance of 2055.02 feet, on an assumed bearing on the east line of said SW¼, to the point of beginning;

thence North 00°00'00" East a distance of 660.00 feet, on the east line of said SW¼ & NW¼;

thence North 90°00'00" West a distance of 660.00 feet;

thence South 00°00'00" West a distance of 660.00 feet;

thence South 90°00'00" East a distance of 660.00 feet, to the point of beginning;

subject to highway easement on the east side thereof.

And identified per Mower County tax records as parcel 08.017.0080; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on April 4, 2023, 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 April 11, 2023 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. 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 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
 6. Signage shall comply with property line setbacks and Ordinance Section 14-18.3 B(3) for Home Occupations, which states Only one (1) non-illuminated sign, not to exceed twelve (12) square feet in area, shall be allowed in conjunction with the home occupation, or as regulated by Section 14-152 and 14-147 for larger signs; and
 7. Any expansion, intensification, or change in this use shall require amendment of this Conditional Use Permit; and
 8. 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 11th day of April, 2023.

Date: April 11, 2023

Res. #33-23

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 April 11, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #956, by Mower County, Landowner, and TJ Lynch c/o Mower County Sheriff's Dept, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

a shooting range to be used by Mower County Sheriff's Dept. located on a parcel owned by Mower County and previously used as a gravel pit.

Located in Mower County, Minnesota and legally described as:

**The south 42.65 rods of the east 60 rods of the Southeast
Quarter of the Southwest Quarter of Section 36, Township 102 North, Range 16
West, Mower County, Minnesota**

And identified per Mower County tax records as parcel 12.036.0061; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on April 4, 2023, 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 April 11, 2023 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. 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 the backstop (berm). Site preparation or land clearing shall not constitute construction; and
3. A Zoning Permit shall be obtained prior to any construction or replacement of any structure on the property; and
4. No ISTS is proposed. An approved ISTS Design for the proposed septic system obtained and submitted prior to construction of the residence and/or any other structure that will be serviced by a Septic System; and
5. Access to the site via 160th Street (Marshall Township) is currently provided for. Any new, altered, or additional access points must be approved by the Local Road Authority; and
6. A locked security gate is to be installed and maintained; and
7. The use of the property as a Range shall be during normal business hours, from 8a to 6p Monday through Friday with the exception of limited night shoot trainings which shall not exceed 10 per year without prior approval and may extend to 9p. No holiday shooting is permitted; and

8. Use of the property as a Range is limited to Law Enforcement Personnel whose jurisdiction falls within the borders of Mower County, MN and must be under the direct supervision of Mower County Sheriff's Department; and
9. A preliminary Wetland Review has been completed. Mower County SWCD has provided a map indicating potential wetland areas. The proposal aims to avoid the wetland areas. Any impact to wetlands identified on this map must be mitigated in accordance with 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.
10. Use of the Range by the Sheriff's Department must be coordinated with Public Works so that the use of the property as a borrow pit and staging site for Public Works Department maintains precedence as a pre-existing land use and is not impacted by the use of the property as a Range; and
11. Mower County Sheriff's Department shall provide notice at least 24h in advance of a shooting to all neighbors within a one-mile radius of the property who opt-in for notice; and
12. Consistent with the Range Source Book, written rules and regulations including Operational Plan, Safety Plan, and Lead Reclamation Plan are required by the Mower County Sheriff's Department prior to initiating the use; and
13. The earthen backstop and sidewall plans shall be reviewed by an independent party qualified in range design and built according to recommendations; and
14. The adjoining property has an active CUP for mining and will be allowed to continue [and expand] that use without impact from the Range; and
15. Any claim of sound or environmental impact from the use of the property as a Range shall be the responsibility of the Mower County Sheriff's Department to mitigate; and
16. There shall be no alcohol use on the property at any time; and
17. The property shall be posted no trespassing and provide warning signage that live fire may be present; and
18. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
19. The Owner/Applicant shall not generate any blowing or loose garbage/debris onsite. All waste shall be contained and may not be 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. Waste, for the purpose of this provision, does not include lead shot; and
20. 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
21. The Owner/Applicant shall work cooperatively with Mower County and/or the regulating authority 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
22. 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; and

23. 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 11th day of April, 2023.

Date: April 11, 2023

Res. #34-23

RESOLUTION

On motion of Commissioner Sparks, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 11, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #958, by K & N Homes LLC, Landowner(s), and Greg Hackensmith, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

additional dwelling in the quarter section located in an area which is not suitable for agricultural purposes.

Located in Mower County, Minnesota and legally described as:

That part of the N½ of the NW¼ of Section 25, Township 103 North, Range 18 West, lying East of the Chicago, Great Western Railroad right-of-way described as follows: Commencing at the SE corner thereof of said tract; thence North along said East line of said tract 245 feet; thence West on a line parallel with the South line of said tract to the railroad right-of-way; thence Southwesterly along the right-of-way of the railroad track to the South line of said tract; thence East to the point of beginning, Mower County, Minnesota.

And identified per Mower County tax records as parcel 08.025.0050; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on April 4, 2023, 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 April 11, 2023 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. An approved ISTS Design on Type I soils for the proposed septic system shall be obtained and submitted prior to construction of the residence and/or any other structure; and
5. A secondary Type I system site shall be located for future placement and placed on a map and kept on file in the CUP file and homeowner's records. The area should be preserved and protected from compaction and/or construction or other damages. If a Type I septic system primary and secondary site(s) cannot be located on the proposed parcel the site may not be developable for residential purposes. Mower County does not allow for new development to be established on Type III soils; and
6. Petitioner must sign and notarize the "Rural and Agricultural Homeowners Assumption of Risk" Assessment Form and have it recorded at the Mower County Recorder's Office; and
7. Preliminary Wetland Review has been conducted. Any development on the property must be established in areas outside of the areas identified for potential wetland impacts; and
8. 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 Section 14-18.4 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 11th day of April, 2023.

Date: April 11, 2023

Res. #35-23

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 April 11, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #959, by The IRA Club Custodian FBO c/o Jeremiah Flotterud Landowner, and Matthew Kundert on behalf of Whip Communication, Petitioner, who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

for the installation of a unmanned wireless communications facility

Located in Mower County, Minnesota and legally described as:

Lots 2 and 3, Block 1, Leeper's Addition, Mower County, Minnesota.

And identified per Mower County tax records as parcel 16.045.0020; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on April 4, 2023, 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 April 11, 2023 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 any permitting that may be required by Red Rock 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. 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. Applicant shall erect a 6ft chain link fence around perimeter as denoted on the plans dated 2/15/2023; and

5. Applicant shall take all reasonable measures to preserve all healthy, mature oak trees; and
6. Access to the site via State Highway 56 must be approved by the Local Road Authority (MnDOT); and
7. 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.
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 may not use any portion of the tower for advertising or signage outside of warning and/or safety signs that pertain to this site directly; and
12. If the use lapses for 12 months, the CUP is Discontinued per Condition #2.
Following discontinuance, any abandoned or unused towers and associated ground appurtenances must be removed within 12 months of cessation of activity unless an extension is granted by the Mower County Board of Commissioners. In the event the tower and associated structures are not removed within 12 months, the Mower County Board of Commissioners may order them removed at the Owner's cost which will be assessed to the property; and
13. The site is proposed on lease agreement with the landowner. If the property is subdivided for any reason, any parcels generated must both meet minimum the lot size and development standards and the structural setbacks in effect at the time of subdivision, which could require subdivision by platting; and
14. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; 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 of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 11th day of April, 2023.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the minutes of March 28, 2023 and April 4, 2023 Work Session. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Above All Cleaning, Inc	6,681.31	Houck Transit Advertising	2,150.00
Advanced Correctional Healthcare, Inc	37,952.97	J & S Repair Inc	2,933.44
AT&T Mobility	2,842.48	Kiesler's Police Supply Inc	2,686.50
Baudoin Oil Company	26,057.15	Larson Law Office/Evan	4,547.50
CDW Government	8,250.00	Mayo Clinic Ambulance Services	2,315.34
Consolidated Correctional Foodservice	18,383.33	Quest Software Inc	7,062.00
Dave Lucas Consulting	2,065.00	R & S Grain Systems Inc	4,635.20
Development Corp Of Austin	5,000.00	Regents Of The University Of Minnesota	45,115.78
ESRI	15,429.69	Ronco Engineering Sales, Inc	4,337.38
Express Pressure Washers, Inc.	18,427.40	Terminal Supply Co.	2,061.12
Falkstone LLC	11,768.66	The Master's Touch, LLC	3,288.25
Freeborn County	6,589.33	80 Payments less than 2000	43,088.65
Freeborn County Co-Operative Oil Co.	9,544.15	Final Total:	293,212.63

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to reappoint Michal Hanson as the County Highway Engineer for a 4-year term effective May 1, 2023 through April 30, 2027. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the budgeted purchase of a Cat Forklift ET4000 (\$44,340). Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the Contract for Tax Abatement with Hormel Foods Corporation for a childcare facility. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve county road closures (19 and 4) during Rose Creek Day events (parade & car show) July 8 & 9, 2023. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the Seasonal Full Liquor with Sunday Sales – 6 Month liquor license application of Deer Creek for a license effective April 15, 2023 through October 31, 2023. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the Seasonal Full Liquor with Sunday Sales – 7 Month liquor license application of Meadow Greens Golf Course, LLC for a license effective April 15, 2023 through November 15, 2023. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve the Seasonal Full Liquor with Off Sale & Sunday – 6 Month liquor license application of Adventure Bound BT, LLC for a license effective April 15, 2023 through October 15, 2023. Motion carried.

Motion to approve out-of-state travel for staff to attend Police Fleet Expo

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve out-of-state travel for staff to attend the Police Fleet Expo conference. Motion carried.

Motion made by Commissioner Sparks, seconded by Commissioner Glynn, to approve the Austin School District's request for a letter of support of the Austin Public Schools' submission for the DE-FOA-0002756 Renew American's Schools Grant Program application. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to approve Juneteenth as a celebrated Mower County holiday with non-essential service offices closed to the public. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to approve the 2023 Pay Equity Report and authorize signature. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to approve the creation of two new job descriptions from the former job description of Communications Clerk/Dispatcher (DBM B22). The new job descriptions are Communications Clerk (DBM B22) and 911 Public Safety Telecommunicators (*Dispatcher*) (DBM B23). Motion carried.

Motion made by Commissioner Sparks, seconded by Commissioner Glynn, to authorize the Human Resources Director to offer the successful GIS Technician applicant a wage of B24/Step 7. Motion carried.

Public Works Director Michal Hanson presented bid information received for projects SAP 050-619-019; SAP 050-619-020; CP 50-23-08; and SAP 050-614-012.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to award Rochester Sand & Gravel's low bid of \$324,487.58 on project CP 50-23-08 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to award Asphalt Surface Technologies Corp.'s low bid of \$804,519.92 on project SAP 050-614-012 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to award Rochester Sand & Gravel's low bid of \$1,801,880.73 on project SAP 050-619-019 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to award Rochester Sand & Gravel's low bid of \$1,309,120.38 on project SAP 050-619-020 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to reject the bid of Sir Lines-A-Lot on Seasonal Project CP 50-23-04 Striping. Striping will be done by a MnDOT crew under an existing Mower County / MnDOT services agreement. Motion carried.

Date: April 11, 2023

Res. #36-23

RESOLUTION

On motion of Commissioner Glynn, seconded by Commissioner Sparks, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 11, 2023 at the Government Center, Austin, Minnesota.

BE IT RESOLVED the Mower County Board of Commissioners hereby approves the Mower County Right of Way Plat No. 34 and authorizes the Chair to sign the plat.

Passed and approved this 11th day of April, 2023.

Under Committee Reports Commissioner Mueller reported that on April 4 he had attended a Personnel Committee meeting then the Planning Commission meeting followed by a Fairboard meeting that he missed most of due to the length of the Planning Commission meeting. He also attended the SEMN Communications meeting in Rochester on April 10. State level representatives on that Board would like to address county boards regarding NextGen. Commissioner Mueller suggested it be considered for a future work session. Commissioner Sparks reported he attended the Minnesota Rural Counties meeting on April 3 and there was a legislative update. Commissioner Glynn reported that she and Commissioner Reinartz had attended a Land Use Committee meeting on April 6 and general office topic issues were discussed along with a good discussion on septic as well as the condition of the property Mr. Gleason brought to the attention of the Board earlier today. In addition Commissioner Glynn attended the SEMCAC annual meeting on April 10. A construction manager is being sought for the Austin building project. Commissioner Reinartz noted he had attended the Personnel Committee meeting on April 4 and the Land Use Committee meeting on April 6.

The Vice-Chair adjourned the meeting at noon. The next meeting is scheduled for April 25, 2023 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____

Chairperson

Attest:

By: _____

Clerk/Administrator