REGULAR SESSION OF THE MOWER COUNTY BOARD OF COMMISSIONERS

June 27, 2023

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session June 27, 2023 at 9:00 a.m. at the Government Center in Austin, Minnesota.

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

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks to approve the agenda noting Fox Electric bill added. Motion carried.

Consent Agenda:

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

1. Approve Minutes of June 13, 2023
2. Approve Commissioner Warrants

Vendor Name	Amount	Vendor Name	Amount
Austin Automotive LLC	44,149.88	Midwest Monitoring & Surveillance	2,938.00
Austin Automotive LLC	44,149.88	Minnesota Counties Computer Cooperative	10,270.00
Austin Automotive LLC	44,149.88	Nexus-Mille Lacs Family Healing	7,688.00
Boe Brothers Tiling Inc	27,585.69	Office Of Mn It Services	4,157.61
Bruening Rock Products Inc	211,267.07	OpenGov, Inc	55,246.00
Dell Marketing L P	4,583.40	Sacred Heart Church and School	2,600.00
Department Of Corrections	32,240.00	Spyhalski/Paul	3,145.00
Diamond Drugs, Inc.	2,372.94	Stantec Consulting Services Inc.	19,358.49
Donnelly Law Firm, PLLC	3,256.27	Sunshine Enterprise LLC	19,444.00
Emergency Automotive Technologies	28,507.95	Uhl Company Inc	44,492.50
Erickson Engineering Co., LLC	12,761.00	Van Diest Supply Company	14,000.00
Falk Construction Co./L.R.	5,364.18	Village Ranch Inc	7,587.87
Grainger	4,659.00	Ziegler, Inc	5,163.91
Karrtta Group	2,000.00	88 Payments less than 2000	42,017.50
Lenway Law Office	5,010.00	**Final Total:**	**710,166.02**

3. Approve Late claim for travel reimbursement for employee #5005
4. Approve Tobacco License for NuWay-K&H Cooperative d/b/a LeRoy Classic Stop effective July 1, 2023 through June 30, 2024.
5. Approve Tobacco License for Midwest Investment LLC DBA: Mini Mart #15 effective July 1, 2023 through June 30, 2024
6. Approve Tobacco License for DG Retail, LLC d/b/a Dollar General Store #23892 effective July 1, 2023 through June 30, 2024
7. Approve Tobacco License for Patriot Travel Plaza, LLC effective July 1, 2023 through June 30, 2024

8. Approve Fireworks display permit for Deer Creek Speedway / Cole Queensland for display 7/01/23 (rain date: 7/22/23)
9. Approve Fireworks display permit for Deer Creek Speedway / Cole Queensland for display 7/08/23 (rain date: 7/09/23)
10. Approve Vertiv - UPS Renewal Maintenance Agreement ($3,943)
11. Approve Fox Electric invoice for order 149112 ($7400 plus $25.85 interest)
Motion carried.

Auditor-Treasurer Scott Felten provided the Board with a department update highlighting the department remodel for better customer service; changes forthcoming in processing tax forfeited parcels due to Supreme Court ruling; courtesy letters to first half delinquent taxpayers; changes in early voting and voting rights for those previously incarcerated and pending updates to Aumentum for property software.

District Outreach Representative Loren Dauer for Congressman Brad Finstad provided the Board with a brief report on legislative updates and indicated that Congressman Finstad is focusing on assisting the Ag communities and our Veterans as well as the rebuilding rural roads act. It was requested that any Mower County concerns should be directed to the Congressman's office.

Dr. Reichard & Monica Kendall Southern MN Regional Medical Examiner's Office presented to the Board the annual Medical Examiner report for 2022. The report included information pertaining to 314 reported deaths in the County and included statistics as to the cause of death, manner of death, related to an injury, etc. A full report is available in the office of County Administration.

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

The Chair called the Public Hearing to order at 10:01 a.m. regarding a Housing Tax Abatement application of John Stier for a shouse located S560ft E350ft W722ft E1/2 NW 1/4 Section 13 Frankford Township, MN (PIN 06.013.0020)

County Administrator Trish Harren reviewed the application and recommended approval.

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

The Chair closed the Public Hearing at 10:02 a.m. regarding the John Stier Housing Tax Abatement application.

The Chair called the Public Hearing to order at 10:02 a.m. regarding a Housing Tax Abatement application of K5 Properties LLC for a single-family home located Block 3, Lot 7 Pheasant Run Estates Third, Grand Meadow, MN (PIN 25.203.0370).

County Administrator Trish Harren reviewed the application and during the hearing it was questioned on whether or not this parcel was in a TIF district so consequently the Administrator did not recommended approval.

The applicant was not present. No one spoke for or against the K5 Properties LLC housing tax abatement application except the question was raised on whether or not this parcel was in a TIF district.

The Chair closed the Public Hearing at 10:09 a.m. regarding the K5 Properties LLC Housing Tax Abatement application.

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

Date: June 27, 2023 **Res. #52-23**

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

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 June 27, 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, John Stier is the owner of certain property within Mower County, legally described as follows:

S560FT E350FT W722FT E½ NW¼, Frankford Township (PIN 06.013.0020)

WHEREAS, John Stier 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 June 27, 2023 before the Mower County Board of Commissioners, on said application.

WHEREAS, John Stier has 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 a shouse.

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 27th day of June, 2023.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to TABLE a decision on the K5 Properties LLC housing tax abatement application until July 11 to obtain further information on whether or not the parcel is located in a TIF district which would render the parcel ineligible for a housing tax abatement. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to approve the Health & Human Services accounts payable totaling $237,150.22. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to appoint Michael Harvey as the Mower County Assessor effective May 23, 2023 – December 31, 2024. Motion carried.

The Board received information that parcel 25.203.0370 is no longer in TIF district. The designation expired in 2022.

Motion made by Commissioner Mueller, seconded by Commissioner Sparks, to rescind the motion to table the decision on the K5 Properties housing tax abatement application. Motion carried.

Date: June 27, 2023 **Res. #53-23**

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

On motion of Commissioner Mueller, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held June 27, 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, K5 Properties LLC is the owner of certain property within Mower County, legally described as follows:

Pheasant Run Estates Third Lot 007, Block 003, City of Grand Meadow, MN (PIN 25.203.0370)

WHEREAS, K5 Properties LLC 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 June 27, 2023 before the Mower County Board of Commissioners, on said application.

WHEREAS, K5 Properties LLC has 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 27th day of June, 2023.

Finance Director Loni Swenson requested the approval of the Local Sales Tax Agreement with the Minnesota Department of Revenue. The Minnesota Department of Revenue is restructuring the payment schedule effective January 1, 2024. The agreement indicates that the current twice a month schedule will continue until December 31, 2023 after which the County will receive monthly collected taxes once approximately 40 days after month end.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to approve the Local Transit Sales and Use Tax Agreement between Mower County and the Minnesota Department of Revenue for a revised tax distribution schedule. Motion carried.

Date: June 27, 2023 **Res. #54-23**

RESOLUTION

Adoption of the 2023 Mower County Solid Waste Plan

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 June 27, 2023 at the Government Center, Austin, Minnesota.

WHEREAS, the State of Minnesota requires Counties to develop and adopt a Solid Waste Plan in accordance with MS 115A.46, MS 115A.471, MS 115A.551 subd 6-7, MS 115A.552, MS 115A.557 subd 2-3, MS 115A.63, MS 115A.84, MS 115A.914, MS 115A.96 subd 6-7, MS115A.917; MS 115A 97 and MR 9215 and all other applicable Statutes and Rules; and

WHEREAS, the State of Minnesota requires said Solid Waste Plans to be reviewed and/or modified periodically. Said timeline for Solid Waste Plan update is every 10 calendar years; and

WHEREAS, Mower County recognizes the need and responsibility to plan for and practice environmentally sound methods for managing its solid waste streams; and

WHEREAS, Mower County recognizes the need to plan for and implement various strategies, programs or facilities to promote the proper management and disposition of solid waste generated within the County, and encourages the reduction, reuse, recycling, composting and/or advanced processing of that solid waste as may be available based upon the type of solid waste materials generated and the integrated solid waste management system in place; and

WHEREAS, the draft 2023 Mower County Solid Waste Plan does describe the integrated solid waste management system currently in place to meet the needs of Mower County's citizens and the requirements of the State of Minnesota; and

WHEREAS, the State of Minnesota has placed on public notice the draft of the 2023 Mower County Solid Waste Plan in accordance with the requirements for publication, notice and comment period; and

WHEREAS, upon completion of the public comment period no comments were received in objection to the adoption of the draft 2023 Mower County Solid Waste Plan from any member of the public.

NOW THEREFORE, BE IT RESOLVED that the Mower County Board of Commissioners hereby adopts the 2023 Mower County Solid Waste Plan; and

BE IT FURTHER RESOLVED, that the Mower County Board of Commissioners hereby submits the 2023 Mower County Solid Waste Plan to the Minnesota Pollution Control Agency for final approval pursuant to applicable Minnesota Statutes and Rules.

Passed and approved this 27th day of June, 2023.

Austin Convention & Visitor Bureau Director Nancy Schnable provided the Board with an annual update that highlighted Petunia retirement; the Hormel "fork" sculpture; Spam's 85th anniversary and a three-year contract with American Junior Golf Association hosting a junior golf tournament in Austin.

Office Technician (Correctional Services) Kathy Lientz was recognized for retirement from Mower County with 24 years of service.

Human Resources Director Kris Kohn provided a recap of the employee recognition banquet held on June 15. The following employees received an award in 2023 *(the 2022 award recipients are also included for the minute record)* :

Value	2022 Award Recipients	2023 Award Recipients
Accountability	Val Sheedy	Leslie Kuiper
Community Builder	Eric Miller	Austere Apolo & Rain Prehsoeklwee
Innovation	Marcus Thompson	James Keltgen
Making a Difference	Jeff Kasak	Sarah Horstmann
Resourcefulness	Val Kruger	Connie Branchaud
Respect	Rochelle Kalvig	Rodney Streich
Service	Rodney Streich	Laurie Clendenning
Teamwork	Kevin Whalen	Dave Pike
Trust	Loni Swenson	Denny Zwiener
Welcoming & Inclusive	Michele Mann	Nina Blazevic
Overall Individual	Denise Barthels	James Brown
Overall Team	Assessor's Office (Michelle Allen, Jack Anderson, Fran Bekaert, Joy Kanne, Candy Lahann, Mike Kellar & Renee Thorpe)	Health & Human Services Leadership Team (Crystal Peterson, Pam Kellogg, Val Kruger, Casey Lind)
Stewardship Award		Chris Eastvold
Leader of the Year	Joy Kanne	Kristen Nelsen

Ms. Kohn presented to the Board for recognition receiving a certificate all those other employees that received a nomination. All nominated employees were deserving of an award as they showcase the Mower County Values:

Other Employees Receiving Nominations in 2023			
Diana Moon	Jennie Crews	Jason Murphy	Alysha Carlisle
Kari Swigerd	Mike Kellar	Bob Bailey	IT Team
Amanda Kiefer	Traci Kasse	Cindy Jensen	Bill Banton

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz, to ratify the contract provisions outlined in the Tentative Agreement for LELS #81 for a contract effective July 1, 2023 through June 30, 2026 and authorize the Chair and the County Administrator to execute the final contracts. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to ratify the contract provisions outlined in the Tentative Agreement for Local #663 for a contract effective July 1, 2023 through June 30, 2026 and authorize the Chair and the County Administrator to execute the final contracts. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Sparks, to approve the contract with MNPEA effective July 1, 2023 through June 30, 2026. Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Glynn, to approve the Memorandum of Agreement with MNPEA for the provisions for holidays and the use of the holiday bank for the remainder of 2023 . Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to delete Personnel Policy D115 PTO Conversion Policy in its entirety effective July 1, 2023 for all new employees and the provisions of the policy will expire later this year following the payout to all employees electing to convert PTO in 2022. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Sparks, to amend Personnel Policy D114 Paid Time Off to change PTO accruals and to include a new provision for a cash out of PTO as a replacement for the PTO Conversion Policy. The amendments are as follows:

PTO Accrual Schedule

Years of Service	Maximum Accrual per Pay Period	Maximum Total PTO Bank Accrual
Less than 5 years	~~6.16~~ **7.38**	~~320~~ **384**
More than 5 years - Less than ~~12~~ **10** years	~~7.08~~ **8.32**	~~368~~ **433**
More than ~~12~~ **10** years – Less than ~~21~~ **15** years	~~8.62~~ **9.24**	~~448~~ **480**
~~21~~ **15** or more years	10.16	528

And in the Payment section make the following modifications to be followed with the addition of a new section for "Accumulation of PTO and Annual Cash Out Option":

PTO will be paid at an employee's base wage. For the purposes of the Fair Labor Standards Act, PTO is not considered hours worked toward the calculation of overtime hours.

An employee's unused PTO balance will be paid in full to the employee upon a change in employment status from regular to on-call, temporary, ~~or~~ seasonal, or if the employee becomes an elected official. Unused PTO will also be paid out to an employee upon separation of employment with Mower County.

Accumulation of PTO and Annual Cash Out Option:
Employees may cash out a portion of their accrued PTO at any time, once per calendar year. The following restrictions will apply:

Employee must have used a minimum of 80 hours of PTO, taken off 80 hours of comp time, or any combination of the two totaling at least 80 hours during the preceding 12-months, and
Employee must request payment of accruals from Human Resources by the Friday preceding the requested payment date, and

Maximum of 50% of an employees accrued balance can be paid to the employee so long as a minimum of 80 hours are retained. Employee must recognize that this will be taxable income. Employees may be able to defer cash out payments in accordance with deferred compensation regulations.

Accruals may not exceed cap hours at any time.

Mower County grants paid time away from work under its PTO policy. Employees are encouraged to schedule sufficient time off for relaxation and to promote good physical and mental health.

An employee who is terminated for misconduct or who resigns while a complaint of misconduct is pending shall forfeit all paid time off.

Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, to amend Personnel Policy B125 Wage Adjustments in the Event of Promotions, Demotions, and Reassignments by amending the Section "Promotions" as follows:

Promotions: *In the event that a current employee is promoted to a higher position classification, the Human Resources Director will place the employee on the new grade range. ~~that results in a pay increase, but not to exceed 10 percent above the employee's current wage.~~*

An employee who is re-classified to a higher classification shall be placed on the new pay plan to the next step which constitutes an increase or the step which constitutes an increase of 2.75% above their current pay, whichever is higher. The employee's anniversary date for wage and benefit accrual purposes will not change.

This does not supersede the Human Resources Director's authority under Personnel Policy B130 to authorize a starting wage up to step 4, regardless if the increase is above 10 percent, without Board approval.

Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Mueller, to amend Personnel Policy B120 Classification of Positions by amending the entire section entitled "Wage as a Result of Position Re-classification" as follows:

Wage as a Result of Position Re-classification:
Section A. From lower to higher classification.
An employee who is re-classified to a higher classification shall be placed ~~on the step of the new grade range that results in an increase above their current wage.~~ on the new pay plan to the next step which constitutes an increase or the step which constitutes an increase of 2.75% above their current pay, whichever is higher. The employee's anniversary date for wage and benefit accrual purposes will not change.

Section B. From higher to lower classification.
Employees re-classified to a lower classification shall be adjusted as follows:

- *Employees below Step 10 on their grade range will have their steps frozen until their years of service equal the pay step on the new range. Employees shall continue to receive any cost of living adjustments afforded other employees.*
- *Employees at Step 10 on their grade range will be placed on Step 10 of the new grade range on their next anniversary date. Employees are ineligible to receive cost of living adjustments prior to placement on the new grade range.*

The employee's anniversary date for wage and benefit accrual purposes will not change.
Motion carried.

Motion made by Commissioner Mueller, seconded by Commissioner Reinartz, the Commissioners accepted the resignation of County Administrator Trish Harren effective August 4, 2023. The commissioners wish her well but are sad to see her moving on because she has done great things at Mower County in the four and half years she has been with the County. Motion carried.

The Board discussed the recruitment process for the replacement of the County Administrator. By consensus the Board authorized to move quickly in advertising the position internally and externally with a two-week deadline with interviews in late-July.

Under Committee Reports Commissioner Reinartz reported that all the commissioners attended the Employee Award ceremony on June 15. Commissioner Reinartz also attended the Senior Center meeting on June 16 and a Collaborative meeting on June 20 and Personnel on June 26. Commissioner Mueller reported that on June 26 he attended the Personnel Committee meeting and an LEC Committee (exploration Q&A meeting) which was also attended by Commissioner Ankeny. Commissioner Sparks noted there was a Finance Committee meeting on June 20.

The Chair adjourned the meeting at 11:09 a.m. The next meeting is scheduled for July 11, 2023 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: [signature]
Chairperson

Attest:
By: Trish Harren
Clerk/Administrator