

**SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS**

April 3, 2018

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session April 3, 2018 at 1:03 p.m. at the Government Center in Austin, Minnesota.

All members present, viz:     Jerry Reinartz, Chair  
  Tony Bennett, Vice-Chair  
  Mike Ankeny  
  Polly Glynn  
  Tim Gabrielson  
  Craig Oscarson, County Coordinator

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the agenda with the addition of reviewing the action taken on the Klingfus tax forfeited property parcel located in Austin, MN; a review of the Board action on its donation for the Vietnam Wall Memorial Exhibit and reviewing the options related to the lease of the billboard located on the now County acquired tax forfeited parcel located in Austin, MN. Motion carried.

Kristen Nelsen, County Attorney, requested the direction the Board would like her to pursue related to the billboard lease on now county owned property. The Board requested that the County Attorney pursue negotiating a new lease or amending the current lease as an annual lease with limitations on type of advertising.

A Public Hearing was held in regard to CUP #861 of Brothers Farmland LLP and James Koenigs, landowners and petitioners, for an after-the-fact relief from subdivision and platting requirements to create a parcel of land approximately 3.2 acres in size containing a feedlot in Section 32, LeRoy Township.

Craig Oscarson reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #861.

**Date: April 3, 2018**

**Res. #20-18**

**RESOLUTION**

On motion of Commissioner Ankeny, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 3, 2018 at the Government Center, Austin, Minnesota.

**WHEREAS,** The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #861, by Brothers Farmland LLP and James Koenigs, landowners and applicants, who have petitioned the Mower County Board of Commissioners pursuant to the Mower County Zoning Regulations to allow for the site to be used for an After the Fact: relief from Subdivision and Platting requirements; to create a parcel of land approximately 3.2 acres in size containing a feedlot; and

**WHEREAS,** The proposed use is to be located on a 3.2 acre parcel, located in Section 32, LeRoy Township (T101N-R14W), and legally described as: Parent Parcel 09.032.0035 Section 32 Township 101 Range 014 W1/2 E1/2 EXC 23.81AC ON N (TRACT B ON SURVEY); & EXC E400FT S350FT SE COR W1/2 SE1/4 IN DOC#633514: 0036 - E400FT S350FT SE COR W1/2 SE1/4 DOC#633514, Mower County, Minnesota on a parcel identified per tax records as 09.032.0035; and

**WHEREAS,** Notice having been duly given, a public hearing was held on the matter on March 27, 2018, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition;

**WHEREAS,** Notice having been duly given, a public hearing was held on April 3, 2018 before the Mower County Board of Commissioners, on said petition.

**NOW, THEREFORE, BE IT RESOLVED,** that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. Applicant shall follow all state and federal regulations regarding the proposed use; and
2. If for any reason the owner of the feedlot exceeds the MPCAs guidelines for co-mixing human and animal waste the owner must either construct a sewage treatment system or apply the co-mingled waste at the higher threshold of land application of Septage and land application of manure. Records must be available upon request of the county for proper documentation; and
3. All applicable permits under Mower County Ordinance must be obtained prior to any construction; and
4. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
5. Survey of the properties shall be required in lieu of platting and shall be recorded with the Deed in the Office of the Mower County Recorder; and
6. 911 addressing is required through the Mower County Highway Dept., if not already completed; and
7. 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 in accordance with Article II 13-1 Subdivision of Land Section Subdivision Ordinance: Division 15 Modifications and Exemptions Section 13-129 Subdivision Small; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 3<sup>rd</sup> day of April, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chairperson

By: \_\_\_\_\_  
Clerk/Coordinator

A Public Hearing was held in regard to CUP #862 of Aleta Meyers, Landowner, and Clinton Bergene and Angela Sargent, Petitioners for an additional dwelling in the quarter section in a mature wooded area in the Agricultural District and relief from the subdivision ordinance in Section 35, Red Rock Township.

Craig Oscarson reviewed the permit and Planning Commission recommendations.

The Petitioner was not present. No one spoke for or against CUP #862.

**Date: April 3, 2018**

**Res. #21-18**

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 3, 2018 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #862 of Aleta Meyers, Landowner, and Clinton Bergene and Angela Sargent, applicants, who have petitioned the Mower County Board of Commissioners pursuant to the Mower County Zoning Regulations to add an additional dwelling to the quarter section in a mature wooded area in the Agricultural District. Also requesting relief from the subdivision ordinance requirement for platting (land split 2010); and

**WHEREAS**, The proposed use is to be located on an eight (8.0) acre parcel, located in Section 35, Red Rock Township (T103N-R17W), and legally described as: Section 35

Township 103 Range 017 E450.81FT W962.12FT N773FT W1/2 NE1/4, Mower County, Minnesota on a parcel identified per tax records as 16.035.0025; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on March 27, 2018, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition;

**WHEREAS**, Notice having been duly given, a public hearing was held on April 3, 2018 before the Mower County Board of Commissioners, on said petition.

**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 state, federal and local (Red Rock Township also has zoning authority in addition to Mower County) regulations regarding the proposed use; and
2. A Zoning Permit and ISTS Permit must be obtained prior to construction; and
3. The dwelling must be placed within a mature wooded area; and
4. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established; and
5. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage is the responsibility of the Petitioner; and
6. Lot and siting requirements of Section 14-18.4 must be fulfilled (reference item (b) items 1-8); and
7. Petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office; and
8. Survey of the properties shall be required in lieu of platting and shall be recorded with the Deed in the Office of the Mower County Recorder; 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.

This permit is in accordance with Article II Division 2 Agricultural District & 14-18.4 Density Standards 5.19.2016 amendment; Subdivision Ord. 13-129/130 Section Sec 14-51(bb) & Sec: 14-18.4 Residential Density Standards (d)(1)&(2) additional dwellings by CUP in mature wooded areas. Subdivision Ordinance. Section 13-129 Small Subdivision; relief from platting requirements requested; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 3<sup>rd</sup> day of April, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
**Chairperson**

By: \_\_\_\_\_  
**Clerk/Coordinator**

A Public Hearing was held in regard to revising the Zoning Ordinance for Solar Farms/Gardens.

Craig Oscarson reviewed the proposed ordinance language. A discussion followed that included if there were current applicants for solar farms and the setback standards listed.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to table the adoption of Solar Farm / Garden zoning ordinance public hearing and continue the public hearing on April 10 at 9:30 a.m. Motion carried.

Steve Reinartz provided to the Board an update in response to the Board's action to allow the Klingfus tax forfeited property 02.042.0010 to be repurchased. As part of the repurchase process all heirs are required to "sign-off" to allow for the repurchase by the interested family member. All signatures have not been secured to allow for the repurchase by the interested heir. The Auditor-Treasurer is requesting that the Board rescind its motion to allow for the repurchase and to set a minimum sale price for the parcel. The interested heir would be allowed to bid for the parcel during a sale.

**Date: April 3, 2018**

**Res. #22-18**

**RESOLUTION**

On motion of Commissioner Ankeny, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held April 3, 2018 at the Government Center, Austin, Minnesota.

**WHEREAS**, Resolution #62-17 adopted on August 22, 2017 allowed for heirs to repurchase tax forfeited parcel 02.042.0010; and

**WHEREAS**, said heirs were required to obtain proper documentation to satisfy the rights of all known heirs prior to repurchase; and

**WHEREAS**, the heirs' representative has notified the Auditor/Treasurer that they are unable to obtain all documents and further requested the County proceed with a regular tax forfeiture sale;

**NOW, THEREFORE, BE IT RESOLVED**, that Resolution #62-17 be rescinded in its entirety; and

**BE IT FURTHER RESOLVED**, to set a minimum sale price of \$5,000 with the outstanding sewer assessment in the amount of \$3,072.09 be paid out of said proceeds in order to satisfy the outstanding special assessment.

Passed and approved this 3<sup>rd</sup> day of April, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Chairperson

By: \_\_\_\_\_  
Clerk/Coordinator

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson, to approve the minutes of March 27, 2018. Motion carried.

Commissioner Ankeny left at 2:02 p.m.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Baudoin Oil Company	18,582.49	Mayo Clinic Patient Financial Services	2,306.87
Gerard Treatment Program	2,905.15	38 Payments less than 2000	13,270.74
Hansen Hauling & Excavating Inc	2,000.00	<b>Final Total:</b>	<b>39,065.25</b>

Motion carried.

Commissioner Ankeny returned at 2:04 p.m.

The Board received a brief update from the Building Committee on current and future projects including the IT remodel (currently in process), the Board room remodel (in planning stage) and will be meeting with the fair board regarding electrical upgrades (phase 3).

On February 6, 2018 the Board offered and took the formal action to donate \$3,000 to fund a helicopter to be displayed at the American Veterans Traveling Tribute Vietnam Wall exhibit as a Memorial Day related expense. At that time there was a discussion to possibly donate additional funds to pay for the lodging of the pilots; but detailed information was not available at that time.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett, to amend the February 6, 2018 motion to increase the donation from \$3000 to an amount up to \$3,500 for the expenses related to displaying a helicopter at the American Veterans Traveling Tribute Vietnam Wall. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett, to adjourn the meeting at 2:17 p.m. Motion carried. The next meeting is scheduled for April 10, 2018 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**Chairperson**

**Attest:**

**By:** \_\_\_\_\_  
**Clerk/Coordinator**

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