

SPECIAL SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

August 7, 2018

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session August 7, 2018 at 1:01 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 Gabrielson, seconded by Commissioner Bennett, to approve the agenda deleting the Board of Health business and adding a request of the City of Waltham for a road closure. Motion carried.

Commissioner Gabrielson on behalf of the Personnel Committee reported that the process has started to fill the position to be vacated by Craig Oscarson.

Commissioner Bennett reported that the Finance Committee has completed the budget meetings and working on the budget.

Commissioner Ankeny reported on behalf of the Building Committee that there will be a meeting to review the board remodel.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson, to approve the minutes of July 31, 2018. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Commissioner Of Transportation	5,292.98	Mower County Shopper	2,104.31
Donnelly Law Firm, PLLC	9,973.08	Mower County Soil & Water Cons	24,741.30
Etterman Enterprises	2,305.85	Pomp's Tire Service, Inc	4,778.09
Freeborn County Co-Operative Oil Co.	9,544.15	Powerplan	5,050.03
Kiker Brothers, Inc.	2,007.56	PROTECTION 1/ADT	6,180.00
MATTHEW BENDER & CO., INC.	2,231.12	53 Payments less than 2000	22,527.51
Motorola Solutions Inc	6,323.18	Final Total:	103,059.16

Motion carried.

A Public Hearing was held in regard to CUP #868 of Mark F. & Kimberly A. Rundle, land owners and petitioners, a commercial greenhouse on parcel 02.011.0117 and 02.011.0170 adjacent located in Section 14, Austin Township.

Angie Lipelt, Environmental Services Director, reviewed the permit and Planning Commission recommendations.

The Chair asked for public input. The Petitioner was present and spoke on his own behalf. No one else spoke for or against CUP #868.

**Date: August 7, 2018**

**Res. #78-18**

**RESOLUTION**

On motion of Commissioner Bennett, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 7, 2018 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #868 of Mark F. & Kimberly A. Rundle; Landowners and Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

A 34ft (w) x 96ft (l) x 15ft (H) commercial hoop-house to be used for the growing of and protection of vegetable plants on PID 02.011.0117 & 1, 20ft x 36ft (structure to be used as a hoop-house for starter plants on parcel # 02.011.0170. This application also includes the possibility of a sign advertising the proposed use. The applicant hopes to also add an additional greenhouse structure within a 5-year period which will be approximately 200ft x 100ft or less in size, in Section 14 of Austin Township.

Location: on a 23.53 & 2.5 acre parcel, located in Section 14, Austin Township (T102N-R18W), and legally described as: PID 02.011.0117: W 860.76 S1317 S1/2 NE1/4 EXC E330 W512.86 S330 S1/2 NE1/4 23.53 AC; and PID 02.011.0170 - E330 W512.86 S330 S1/2 NE1/4 2.5AC, Mower County, Minnesota

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on July 31, 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 August 7, 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 and federal and local regulations, which may include, but not be limited to, NPDES storm water permit from the MPCA for any activity disturbing, or part of a larger plan/activity which will be disturbing, one or more acres of soil; well appropriation permit from the DNR for more than 10,000 gallons per day or 1 million gallons per year of water; Federal handicap accessibility requirements for areas allowing public access; Permit or approvals from the MN Department of Health or Department of Agriculture, relating to the proposed use of a commercial greenhouse; and
2. Sale of products on site is limited to vegetables which are grown onsite; and
3. Use of the property which provides public access to the greenhouse(s) or other structures on the premises must provide for onsite sewage waste facilities. Service provided can be a county-approved septic system or portapotty facilities. If open to the public human waste facilities must be handicap accessible; and
4. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition. There shall be no outside storage of materials relating to this commercial use except for dirt. Dirt piles, if used shall be kept weed free. Product can be displayed outdoor during business hours, but shall be put away or covered from public view during night-time (non-business) hours. The purpose of this condition is to preserve the rural residential character of the area; and
5. Parking, loading and landscaping requirements of the ordinance, specifically, Sections 14-14 and 14-17, of the ordinance shall be met and/or exceeded. Any reference to a business district or residential area shall apply for this CUP request; and
6. There shall be no more than the equivalent of one full-time employee outside of any family members who reside on site within the primary residence employed at this location. Any increase in employees shall require an amendment to this CUP; and
7. The owner/operator and employee may work inside the structures with no limited hours as long as a nuisance is not created to neighboring landowners; and
8. Hours of operation for public access shall be no earlier than 8 am to 6 pm daily. The purpose of this condition is to maintain the rural residential character of the locality. Nothing in this statement requires the owner to maintain these hours; the owner/operator must confine his/her hours of operation between these hours and days of their choosing; and
9. A sign advertising this business shall be 12 square feet or less in size. Location of the sign is limited to the affected parcels of this CUP request and cannot be placed off-site. The purpose of this condition is to preserve the rural residential character of the area; and
10. The Owner/Applicant shall contain any blowing or loose garbage/debris onsite by any means necessary which may include perimeter fencing; and
11. 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
12. The 34ft (w) x 96ft (l) x 15ft (h) structure shall be setback no less than double (80-feet or greater) for the zoning district setback (40ft) from the road right-of-way and adjoining property lines now owned by the owner/applicant. The purpose of this to allow for on-site parking, loading, buffers/screening, and lessen visual impact to adjoining residences; and
13. There shall be no overnight parking of commercial vehicles; and

14. There shall be no loading/unloading of commercial vehicles after 8 pm or before 8 am daily. The purpose of this condition is to preserve the character of the area; and
15. 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 cannot be parked or backed onto the premises from the road or its right-of-way; and
16. The Owner/Applicant shall be required to provide dust control (not to utilize used oil (illegal)) so as not to create a nuisance to neighboring property from the additional traffic; and
17. Solid Waste shall be properly contained and shielded from public view by a perimeter fence around the receptacle(s). Putrescible waste shall not be contained, stored or kept on the property for more than 48 hours. All waste shall be properly and legally disposed of; and
18. Any change in operation, including expansion or intensification or change to another use, shall require an amended and revised CUP which shall go through the normal Conditional Use Permit process; and
19. A water meter shall be installed and shall meter water used for greenhouse related purposes at this facility. Water use reports shall be generated and reported to the county monthly for the first year and annually thereafter until there is a 30% increase in production over the initial base-line year (first year). When a 30% production increase is realized; reporting shall again be required monthly for one year to establish a new (2nd) baseline. This reporting shall continue as previous each time a 30% increase is realized after the last noted 30% increase; and
20. 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
21. A conditional use permit shall become void if the use is discontinued for a period of one (1) year; and
22. 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
23. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
24. Any vermin, flies, or other pests shall be properly controlled; and
25. All abandoned or unused structures or facilities shall be removed within 12 months of the cessation of operation at this site unless a time extension is approved by the Mower County Board of Commissioners. In the event that any structures and/or associated structures or facility appurtenances are not removed within 12 months of cessation of operation, the structures and appurtenances may be removed by the Mower County Board of Commissioners and the costs of removal assessed against the property; and
26. 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
27. 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 3 Rural Management District which refers to Division 2 - Agricultural Section, SECTION 14-51. CONDITIONAL USES,

item h. commercial greenhouses and nurseries; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 7<sup>th</sup> day of August, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to CUP #869 of John G. and Candace R. Drees for a 100' lattice tower use by landowners and petitioners for internet, TV and phone access, possible commercial use of tower for additional internet /radiolink internet signal AND for a greater than 10 cubic yards of fill within the shoreland overlay zone for a driveway, located in Section 18 of Red Rock Township .

Angie Lipelt, Environmental Services Director, reviewed the permit and Planning Commission recommendations.

The Chair asked for public input. The Petitioner was present and spoke on his own behalf. No one spoke for or against CUP #869.

**Date: August 7, 2018**

**Res. #79-18**

**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 August 7, 2018 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners CUP #869 of John G. and Candace R. Drees, Landowners and Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

a 100 ft lattice tower which will be used by landwner to provide internet, tv & phone access to the parcel. Also requesting possible commercial use of the tower to be used for additional internet signal for radiolink internet. Applicant also requests CUP for greater than 10 cubic yards of fill which will be within the shoreland overlay zone to create a driveway. located in Section 18, Red Rock Township.

Location: on a 8.28 acre parcel, located in Section 18, Red Rock Township (T103N-R17W), and legally described as: Section 18 Township 103 Range 017 E1/2 NE1/4 S OF RR & N191.89FT NE1/4 SE1/4 E OF RR & N OF CREEK, Mower County, Minnesota on a parcel identified per tax records as 16.018.0025; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on July 31, 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 August 7, 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 local (including Red Rock Township's Ordinance), state and federal regulations regarding the proposed use, which may include, but not be limited to an MPCA Storm water Permit, FCC and FAA permits and/or licenses; and
2. Shore land Alteration standards of Section 14-97 shall be met or exceeded; and
3. A shore land alteration permit is required for grading/filling/clearing in shore land and zoning permits are required for construction in addition to this CUP; and
4. Owner/operator of the tower shall minimize visual impacts of tower's visibility to the public water and shore land area by use of vegetative screening or other approved method by the Planning Commission; and
5. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
6. 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
7. 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 cannot be parked or backed onto the premises from the road or its right-of-way; and
8. The Owner/Applicant shall not use any portion of the tower or property for any advertising signs (other than warning or equipment information signage); and
9. All abandoned or unused tower(s) and associated above-ground structures or facilities shall be removed within 12 months of the cessation of operation at this site unless a time extension is approved by the Mower County Board of Commissioners. In the event that a tower and associated structures or facility appurtenances are not removed within 12 months of cessation of operation, the structures and appurtenances may be removed by the Mower County Board of Commissioners and the costs of removal assessed against the property; and

10. Shoreland Overlay requires review of the existing septic system whenever a permit or variance of any type is required for any improvement on, or use of, the property. When applicable, a licensed septic inspector shall perform a compliance inspection and shall provide the results of that inspection in accordance with Mower County Septic Ordinance. Should the system be found to be non-compliant; an approved septic system permit must be obtained prior to or simultaneously with a permit for construction, reconstruction, expansion or additions to the use. The septic system shall be required to be installed in accordance with the time-frame defined by either State Rule or Mower County; and
11. The tract supporting the tower may not be subdivided from the property; and
12. Structures shall meet the setbacks as required by ordinance; and
13. 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
14. A conditional use permit shall become void if the use is discontinued for a period of one (1) year; 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. 911 Addressing and/or additional driveway access must be obtained from the Mower County Highway Department and may include fees; and
17. This CUP does NOT replace, modify, or nullify CUP 851, but is granted/issued in addition to it; 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 2 Agricultural District Section SECTION 14-51. CONDITIONAL USES, item (d) commercial radio and television towers & transmitters & item (u) other similar uses; & SECTION 14-97. SHORELAND ALTERATION STANDARDS; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 7<sup>th</sup> day of August, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

A Public Hearing was held in regard to revising the Zoning Ordinance/Zoning Map at the request of Joshua J. and Elenore L. Jones to rezone parcel 02.012.0160 back to former

Rural Management Zone from the current Planned Unit Development (PUD) located in Section 15, Austin Township.

Angie Lipelt, Environmental Services Supervisor, reviewed the proposed modifications to the Zoning Ordinance/Zoning Map noting that the Planning Commission has approved these modifications and recommended approval to the County Board.

The Chair asked for public input. Applicant was not present. No one spoke for or against amending the Zoning Ordinance / Zoning Map.

**Date: August 7, 2018**

**Ord. #04-18**

**ORDINANCE  
REZONE**

On motion of Commissioner Glynn, seconded by Commissioner Ankeny, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held August 7, 2018 at the Government Center, Austin, Minnesota.

**WHEREAS**, a Notice of Intention to consider amending the Zoning Ordinance/Zoning Map to rezone parcel 02.012.0160 was published in the *Austin Daily Herald* on July 12, 2018; and

**WHEREAS**, notices of the public hearing were made by first class mail to the adjoining land owners in accordance with the Mower County Zoning Ordinance on July 17, 2018. An official list is kept on file in the office of the Environmental Services; and

**WHEREAS**, a public hearing was completed on the matter on July 31, 2018, at 7:00 pm. at the Mower County Government Center, County Board Room before the Mower County Planning Commission and on August 7, 2018, before the Mower County Board of Commissioners at which meetings any concerned citizen was given an opportunity to speak on the matter; and

**WHEREAS**, the Mower County Planning Commission recommended by a majority to amend the Zoning Ordinance/Zoning Map and grant the rezone request of Joshua J. and Elenore L. Jones;

**BE IT ORDAINED** that, the Zoning Ordinance/Zoning Map is amended to reflect the following legally described parcel to be rezoned from Planned Unit Development "PID" to Rural Management "RM".

Legally described as: The South Half of the South Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 15, Township 102 North, Range 18 West, Mower County, Minnesota.



**BE IT FURTHER ORDAINED** that this ordinance is effective upon publication.

Passed and approved this 7<sup>th</sup> day of August, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

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

Quantity	Item	Department
1	2006 Dodge Durango VIN 1D4HB48286F157486 (Unit #219)	Corrections
1	2001 Dodge Caravan VIN 1B4GP44311B160638 (Unit #235)	Pool
1	2001 Dodge Caravan VIN 1B4GP44331B160639 (Unit #236)	Pool
1	2002 Ford/F150 4x4 VIN 1FTRX18W32KD63112 (Unit #1053)	Facilities
1	Litereader 1020A Message Board SN L021201 (Unit #1086)	Road & Bridge
1	Motor grader	Road & Bridge
4	Aluminum basketball backboards	Jail
5	Boxes used T8 bulbs	Maintenance
1	Metal drafting table 6'	Auditor
1	Metal storage cabinet / 43" x 6' with 49 drawers	Maintenance
1	Fertilizer spreader / pull behind	Maintenance
1	Wood Counter / 5'x2' with drawers	Public Works
6	Light Fixtures / troffler 2'x4'	Public Works
1	Exhaust Fan / rooftop	Public Works
1	Office Chair, leather	
1	Office Chair, blue	
1	Bar sink and faucet	Public Works
8	Cabinet doors with hinges, 3'x2'	Maintenance
1	911 cabinet	IT
1	Chalkboard / freestanding	
1	File cabinet – gray	
2	Small card file cabinet	

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett, to approve final payment to Fox Electric in the amount of \$48,875 for the fairgrounds electrical project. Motion carried.

The Board by consensus set the date of September 25 at 7:30 a.m. for the employee recognition breakfast.

**Date: August 7, 2018**

**Res. #80-18**

**RESOLUTION  
ADOPTING ASSESSMENT**

On motion of Commissioner Bennett, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 7, 2018 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):** Fritz G. Geike & Karrin E. Geike

**Property address:** 24448 555<sup>th</sup> Avenue, Austin MN 55912

**Parcel Identification No:** 08.024.0050

**Tax parcel abbreviated description:** Section 24 Township 103 Range 018 2 AC W1/2  
SE1/4 N & W OF RR

**Assessment amount:** \$14,000.00 (Fourteen Thousand dollars)

**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 equal bi-annual 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 year 2019, and shall bear interest at the rate of three percent per annum from the date of the adoption of this assessment resolution. Each payment including interest is due thereafter will be paid with taxes payable, until the assessment obligation is satisfied.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole assessment on such property, with interest accrued to the date of payment, to the County Auditor, except no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may do so at any time thereafter, to the County Auditor, the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made. Such payment must be made before November 15, or interest will be charged through December 31 of the next succeeding year.
4. There shall be no penalty for early payment or pay-off of the full balance of the assessment.
5. The County Coordinator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor 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.

Passed and approved this 7<sup>th</sup> day of August, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Chairperson**

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

**Clerk/Coordinator**

**Date: August 7, 2018**

**Res. #81-18**

**RESOLUTION  
ADOPTING ASSESSMENT**

On motion of Commissioner Gabrielson, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 7, 2018 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):** John Penrod

**Property address:** 58292 220<sup>th</sup> Street Austin MN 55912

**Parcel Identification No:** 16.039.0040

**Tax parcel abbreviated description:** Subdivision Name OUT LOTS 33 103 17

Subdivision Cd 16039 W88FT OL 2 OLS E1/2 SW1/4 & SE1/4 1.0 AC

**Assessment amount:** \$10,500.00 (Ten thousand five-hundred dollars)

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

7. 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.
8. Such assessment shall be payable in equal bi-annual 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 year 2019, and shall bear interest

at the rate of three percent per annum from the date of the adoption of this assessment resolution. Each payment including interest is due thereafter will be paid with taxes payable, until the assessment obligation is satisfied.

9. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole assessment on such property, with interest accrued to the date of payment, to the County Auditor, except no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may do so at any time thereafter, to the County Auditor, the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made. Such payment must be made before November 15, or interest will be charged through December 31 of the next succeeding year.
10. There shall be no penalty for early payment or pay-off of the full balance of the assessment.
11. The County Coordinator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor 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.
12. This assessment must be paid in full at time of property transfer to any other owner, owners, heirs, assigns or entity.

Passed and approved this 7<sup>th</sup> day of August, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

**Date: August 7, 2018**

**Res. #82-18**

**RESOLUTION  
ADOPTING ASSESSMENT**

On motion of Commissioner Glynn, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held August 7, 2018 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):** Kenneth M. Ree & Marie E. Ree (Waller)

**Property address:** 28108 560<sup>th</sup> Avenue, Austin MN 55912

**Parcel Identification No:** 19.031.0070

**Tax parcel abbreviated description:** Section 31 Township 104 Range 017 W346FT  
N510FT S866.6FT SW1/4 SW1/4 4.05AC

**Assessment amount:** \$14,000.00 (Fourteen Thousand dollars)

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

13. 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.
14. Such assessment shall be payable in equal bi-annual 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 year 2019, and shall bear interest at the rate of three percent per annum from the date of the adoption of this assessment resolution. Each payment including interest is due thereafter will be paid with taxes payable, until the assessment obligation is satisfied.
15. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole assessment on such property, with interest accrued to the date of payment, to the County Auditor, except no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he/she may do so at any time thereafter, to the County Auditor, the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made. Such payment must be made before November 15, or interest will be charged through December 31 of the next succeeding year.
16. There shall be no penalty for early payment or pay-off of the full balance of the assessment.
17. The County Coordinator / clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor 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.
18. This assessment must be paid in full at time of property transfer to any other owner, owners, heirs, assigns or entity.

Passed and approved this 7<sup>th</sup> day of August, 2018.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

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

Motion made by Commissioner Gabrielson, seconded by Commissioner Glynn, to approve the request of the City of Waltham to close Main Street between Washington Street and Adams Street on August 25, 2018 at noon through 3:00 a.m. on August 26, 2018. Motion carried.

Under miscellaneous correspondence the Board received an invitation from the Historical Society for the Collection's Building grand opening; notice of dividend from MCIT (\$120195) and a reminder of the request from the City of Preston for funding for the Veteran's Home.

Motion made by Commissioner Ankeny, seconded by Commissioner Bennett, to adjourn the meeting at 2:04 p.m. Motion carried.

A citizen arrived prior to the commissioners leaving requesting to be heard under miscellaneous business.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to reconvene the regular session at 2:12 p.m. in order to accommodate the arrival of the citizen.

Mr. Jeff Brinkman addressed the Board requesting that Commissioner Bennett abstain from voting on any Austin Township business and further suggested that Commissioner Bennett resign. Mr. Brickman went on to state his reasons. The County Coordinator indicated that the County Board was not the appropriate place to make such claims and suggested that Mr. Brinkman take his claims to the Mower County Sheriff.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to adjourn at 2:14 p.m. The next meeting is scheduled for August 14, 2018 at 8:30 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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

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