

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

October 2, 2018

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session October 2, 2018 at 1:00 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 approving the Emergency Management Performance Grant Agreement under General Business. Motion carried.

Craig Oscarson, County Coordinator, introduced the new Custodian, Traci Kasse.

Commissioner Reinartz stated under Personnel Committee business that the commissioners have received numerous calls and emails regarding the Committee's proposed recommendation for the elimination of the interpreter position for the 2019 budget following the last meeting at which the matter was tabled. Commissioner Gabrielson added that the Personnel Committee has been requested to meet with a few departments including the Courts regarding their needs for interpreting services. Unfortunately the Committee was unable to hold a meeting prior to today's Board. Therefore the Committee was not ready to make a further recommendation to the Board concerning the possible elimination of the position for approval.

Motion made by Commissioner Gabrielson, seconded by Commissioner Ankeny, to table the proposal to eliminate the Interpreter position to 9:30 a.m. on October 23, 2018. Motion carried.

Since a large number of persons were present in the audience for this possible Board action item, the Chair Commissioner Reinartz allowed persons to speak on the subject. Four persons, Bonnie Rietz, *citizen and former mayor of Austin*, Dr. Katie Pekel, *Principal in Residence for the University of Minnesota*, Juliana Pena-Marconi, *Board of Directors Welcome Center* and Lori Henry *retired Program Coordinator at Austin Public Schools*, expressed their concerns pertaining to the possible Committee's recommendation to eliminate the interpreter position.

A Public Hearing was held in regard to CUP #871 of Carlton E. & Ramona F. Reuter, landowners and applicants, to add an additional dwelling to the quarter section in a mature

wooded area, create a second dwelling site from existing home within the Agricultural District and request relief from the subdivision ordinance that requires platting located in Section 21 of Nevada Township.

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

The Petitioner was not present. No one spoke for or against CUP #871.

Date: October 2, 2018

Res. #98-18

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 October 2, 2018 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #871 of Carlton E. & Ramona F. Reuter, Landowners, and, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

to add an additional dwelling to the quarter section in a mature wooded area, create a second dwelling site from existing home, within the Agricultural District. Also requesting relief from the subdivision ordinance requirement for platting.

Location: on a 69.17 acre parcel, located in Section 21, Nevada Township (T101N-R17W), and legally described as: Section 21 Township 101 Range 017
N1/2 NE1/4 EXC W250FT E617.15FT N614.66FT S1084.64FT &
EXC W241.64FT E608.79FT S469.98FT & EXC W8.88FT
E367.15FT S90.50FT N603.07FT & EXC E367.15FT S556.46FT
N1/2 NE1/4, Mower County, Minnesota on a parcel identified per tax records as 13.021.0040; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on September 25, 2018, at 7:00 p.m. in the Mower County Government Center, Board Room before the Mower County Planning Commission, on said petition; and

WHEREAS, Notice having been duly given, a public hearing was held on October 2, 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 federal, state and local regulations regarding the proposed use; and
2. Division of the land, which is currently undefined, shall meet the requirements of the zoning ordinance; and
3. A Zoning Permit and ISTS Permit must be obtained prior to construction of the residence and/or any other structure; and
4. An ISTS shall be designed, installed and maintained according to MN Rules 7080 & Mower County's SSTS Ordinance; a primary and 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; and.
5. If a Type I septic system primary and secondary site cannot be located on the proposed parcel, a variance shall be required to be obtained before a zoning permit can be obtained; or the site is not developable for residential purposes; and
6. 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
7. 911 addressing is required to be obtained through the Mower County Highway Dept. before construction; if the site is not already 911-addressed; and
8. A survey is required in lieu of platting, but it must be recorded along with the deed; and
9. 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.
10. A 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); and
11. 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
12. A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance and shall automatically terminate the permit (refer Section 14-35 Revocation); and
13. 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 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 2nd day of October, 2018.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #872 of Clayton Grotz, applicant, and Dennis M. & Gail A. Grotz, landowners, to add an additional single family dwelling (and accessory structures) in Agricultural District in a semi-wooded area which was previously a building site and request relief from the subdivision ordinance that requires platting located in Section 28 of Austin Township. Parcel will likely be decreased in size.

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

The Petitioner was not present. No one spoke for or against CUP #872.

Date: October 2, 2018

Res. #99-18

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 October 2, 2018 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #872 of Dennis M. & Gail A. Grotz, Landowners, and Clayton Grotz, Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

Additional single family dwelling (and accessory structures) in Agricultural District in a semi-wooded area which was previously a building site. Parcel will likely be decreased in size; also requesting relief from platting per subdivision ordinance.

Location: on a 17.50 acre parcel, located in Section 28, Austin Township (T102N-R18W), and legally described as: A portion of SubdivisionName 28 102 18 SubdivisionCd 02039 20 AC NE COR

OUTLOT 2 EXC 2.5 AC NE COR, Mower County, Minnesota on a parcel identified per tax records as 02.039.0020; and

WHEREAS, Notice having been duly given, a public hearing was held on the matter on September 25, 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 October 2, 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 federal, state and local regulations regarding the proposed use; and
- 2) Division of the land, which is currently undefined, shall meet the requirements of the zoning ordinance; and
- 3) A Zoning Permit and ISTS Permit must be obtained prior to construction of the residence and/or any other structure; and
- 4) An ISTS shall be designed, installed and maintained according to MN Rules 7080 & Mower County's SSTS Ordinance; a primary and 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; and.
- 5) If a Type I septic system primary and secondary site cannot be located on the proposed parcel, a variance shall be required to be obtained before a zoning permit can be obtained; or the site is not developable for residential purposes; and
- 6) 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
- 7) 911 addressing is required to be obtained through the Mower County Highway Dept. before construction; if the site is not already 911-addressed; and
- 8) A survey is required in lieu of platting, but it must be recorded along with the deed; and
- 9) 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.
- 10) A 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); and
- 11) 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

- 12) A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance and shall automatically terminate the permit (refer Section 14-35 Revocation); and
- 13) 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 Section, Section 14-18.4 Residential Density Standards, (d) Additional single family dwellings: site location shall be limited to areas which are wooded with healthy mature trees and not currently used for agricultural purposes, or are unsuitable for economical Ag use; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2nd day of October, 2018.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Angela Lipelt informed the Board that Northern Country Cooperative has requested a two year extension on original CUP #842 condition number 21 to start and complete the project. Mr. Scott Jansen was present and indicated that the proposed project was complex and due to financial hardship the company has not been able to proceed with the major project.

Motion made by Commissioner Gabrielson, seconded by Commissioner Glynn, to approve the request of Northern Country Cooperative for a two year extension to CUP #842 condition number 21. Motion carried.

A Public Hearing was held in regard to a Housing Tax Abatement request of Jeff & Alisha Galle for the construction of a single-family home located on Lots 7 & 8, Block 1 Thills Creek View, Rose Creek, Minnesota (PIN 30.015.0070 & .0080).

Craig Oscarson reviewed the application and the recommendation is to approve the application.

The Applicant was not present. No one spoke for or against the Jeff & Alisha Galle housing tax abatement application.

Date: October 2, 2018

Res. #100-18

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

On motion of Commissioner Ankeny, seconded by Commissioner Bennett, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held October 2, 2018 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, Thill Brothers Properties LLC is the owner of certain property within Mower County, legally described as follows:

Lots 7 & 8, Block 1 Thills Creek View Subdivision Cd30015, Rose Creek, Minnesota (PIN 30.015.0070 & 30.015.0080)

WHEREAS, Jeff and Alisha Galle have 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 October 2, 2018 before the Mower County Board of Commissioners, on said application.

WHEREAS, Thill Brothers Properties, LLC, landowner, and Jeff and Alisha Galle, purchasers, 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 2nd day of October, 2018.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Commissioner Ankeny reported on behalf of the Building Committee that the Sheriff Impound Facility is about to be erected. Also, the Highway Department break room / locker room remodel is almost complete.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the minutes of September 25, 2018. Motion carried.

Motion made by Commissioner Bennett, 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>
Advanced Correctional Healthcare, Inc	14,093.86	Minnesota Counties Computer Cooperative	5,595.00
Austin Utilities	134,907.48	Office Of Mn It Services	2,175.08
Erickson Engineering Co., LLC	16,835.20	Regents Of The University Of Minnesota	18,293.10
Gallagher Benefit Services Inc	7,206.25	Safe Air Systems LLC	12,450.80
Hanson Tire Of Austin Inc	3,028.20	SE MN Oral & Maxillofacial Surgery Assoc	2,157.00
Minn Dept Of Agriculture	81,797.00	56 Payments less than 2000	18,932.87
		Final Total:	317,471.84

Motion carried.

Date: October 2, 2018

Res. #101-18

RESOLUTION

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 October 2, 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): Adam J. Kirchhoff & Ashley S. Kirchhoff

Property address: 56625 205th Street, Austin MN 55912

Parcel Identification No: 20.007.0030

Tax parcel abbreviated description: N268FT W251FT E2151FT NW1/4 SE1/4 Section 07 Township 102 Range 017

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 2nd day of October, 2018.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson to approve the Emergency Management Performance Grant Agreement effective January 1, 2018 through December 31, 2018 in the amount of \$26,474. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Bennett, to adjourn the meeting at 1:44 p.m. Motion carried. The next meeting is scheduled for October 9, 2018 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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