

SPECIAL SESSION OF THE MOWER COUNTY
ANNUAL MEETING OF THE BOARD OF COMMISSIONERS

January 5, 2021

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session January 5, 2021 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All members present, viz: Polly Glynn, Chair
Jerry Reinartz
Mike Ankeny
Jeff Baldus
District One Seat Vacant
Trish Harren, County Administrator

Call to Order – Meeting was opened by County Administrator Trish Harren

Pledge of Allegiance

There was a moment of silence in memory of Human Resources Coordinator Karen Davidson. County Administrator Trish Harren read Ms. Davidson's obituary and shared some words from co-workers.

Trish Harren, Clerk of the County Board, took nominations for Chairperson for 2021.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to nominate Commissioner Glynn as 2021 Chairperson. The Clerk asked for further nominations three times and hearing none the unanimous vote was cast. Motion carried.

The newly elected chair took nominations for Vice-Chairperson.

Motion made by Commissioner Ankeny, seconded by Commissioner Baldus, to nominate Commissioner Reinartz, as 2021 Vice-Chairperson. The Chair asked for further nominations three times and hearing none the unanimous vote was cast. Motion carried.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to accept the following 2021 committee appointments as set by the Chair with a few agreed upon minor alterations:

<u>Committee</u>	<u>Commissioner(s)</u>
Finance & Purchasing	Ankeny / Baldus
Personnel	Glynn / Reinartz
Buildings & Grounds	Glynn / Reinartz
Solid Waste	Reinartz / Ankeny
Planning	Baldus / Glynn (alt.)
County Extension	Ankeny / Baldus
Austin Library Board (no vote)	Baldus
Austin Mower County Homeownership Fund Board	Baldus / Ankeny
City/County Joint Issues (quarterly meeting)	Glynn / Baldus
Community Health Services	Ankeny / Reinartz
County Board of Health	ALL
EMS Joint Powers Board	Glynn

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

<u>Committee</u>	<u>Commissioner(s)</u>
Fair Board (no vote)	Ankeny / Reinartz
Family Connections	Reinartz / Baldus
Historical Society	Ankeny
Impact Austin Committee	Ankeny
Interstate Trail Committee	Glynn
Law Library	Glynn
LEC Advisory Committee	Baldus / Glynn
Local Water Management Committee	Reinartz / Ankeny
Minnesota Rural Counties (MRC)	Baldus / all other commissioners (alt.)
Mower County Senior Center	Reinartz
Multi-County Solid Waste Working Group	Ankeny
One Watershed / One Plan – Cedar River	Baldus / Ankeny (alt.)
One Watershed / One Plan – Root River	Glynn
Road & Bridge Committee	ALL
Rural Minnesota Energy Board	Glynn
Safety Committee	Reinartz
SCHSAC Statewide Community Health Services Advisory	Peterson / Reinartz
SE MN Regional Radio Board	Reinartz / Ankeny (alt.)
SEMCAC Southeast Minnesota Citizens Action Council, Inc.	Glynn
SEMREX Joint Powers Board	Ankeny
Septic System Compliance Board	Reinartz / Baldus
Siebel Visitation Center Advisory Board	Ankeny
SMART Southern Mn Assn of Regional Trail Advisory	Glynn
SWCD Board (no vote)	Glynn
Water Quality Joint Powers Board	Baldus / Reinartz
Work Force Development	Baldus

Assoc. of MN Counties -- Policy Committees				
Environment & Natural Resources	Public Safety	General Government & subcommittee Economic Dev., Workforce, & Housing	Health & Human Services	Transportation & Infrastructure
Ankeny	Ankeny	Baldus	Glynn	Reinartz

Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Baldus, to approve the agenda. Motion carried.

Motion made by Commissioner Baldus, seconded by Commissioner Reinartz, to approve the minutes of December 29, 2020. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, 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	15,030.57	DDA Human Resources, Inc.	12,963.00
American Solutions For Business	10,186.56	Joseph Company, Inc/The	3,481.99
Andersen, Inc./Earl F.	3,534.00	Little Falls Machine, Inc.	3,350.63
Association Of Minnesota Counties	24,678.00	Minnesota County Attorneys Association	5,310.00
Cedar Valley Services, Inc	3,604.55	Northland Trust Services Inc	674,193.75
Computer Information Systems Inc	54,000.00	Zahl Equipment Service Inc	15,218.75
CRW architecture + design group, inc.	4,555.00	40 Payments less than 2000	14,859.50
		Final Total:	844,966.30

Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny, to maintain the Board meeting schedule to meet on the first, second and fourth Tuesdays of the month at 1:00 p.m., 8:30 a.m. and 8:30 a.m. respectively, subject to change to accommodate holidays, other conflicts or to ensure a quorum and approve the proposed 2021 Board Meeting Calendar that reflects the Board meeting dates and Association of Minnesota meetings. The Commissioners voted as follows: Commissioner Baldus ay, Commissioner Ankeny aye, Commissioner Reinartz aye, and Commissioner Glynn aye. Motion carried 3-1. A calendar of regular board meetings can be found on the county website (<https://www.co.mower.mn.us/DocumentCenter/View/3192/2021-Board-Meeting-Calendar---adopted-1521>) or a copy can be obtained from County Administration.

Date: January 5, 2021

Res. #01-21

RESOLUTION

On motion of Commissioner Baldus, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 5, 2021 at the Government Center, Austin, Minnesota.

BE IT RESOLVED, that the County Auditor-Treasurer be authorized to make the following expenditures from the County General Revenue Funds. Payment in full to be made for all appropriations under \$5,000.00. All appropriations over \$5,000.00 to be disbursed quarterly.

SEMCAC	\$3,000.00
Senior Citizen Appropriations:	
Lyle Senior Citizens.....	600.00
LeRoy Senior Citizens	600.00
Brownsdale Seniors	600.00
Sargeant Seniors.....	600.00
Mower County Senior Citizens	
Building \$40,000	
Operations \$16,000	56,000.00
Total Senior Citizen Appropriations	58,400.00
Mower County Senior Citizens -- Chore	36,000.00
Mower County Soil & Water	162,000.00
Historical Society	60,653.00
SEMN Initiative Fund.....	1,500.00
Southern Minnesota Tourism.....	1,958.15
Discover Austin	1,000.00
SE MN EMS	5,000.00
Minnesota Rural Counties.....	2,400.00
Regional Radio Board.....	1,000.00

Passed and approved this 5th day of January, 2021.

A Public Hearing was held in regard to Ordinance changes relating to Essential Services (utilities) – Zoning Ordinance Division 3. Section 14-8.2.

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

The Chair asked for public input. No one spoke for or against Ordinance changes relating to Essential Services (utilities) – Zoning Ordinance Division 3. Section 14-8.2.

Date: January 5, 2021

Ord. #01-21

ORDINANCE

On motion of Commissioner Reinartz, seconded by Commissioner Ankeny, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held January 5, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, a Notice of Intention to consider amending Zoning Ordinance Division 3. Section 14-8.2 Utility Line Placement was published in the *Austin Daily Herald* on December 16, 2020 and the Mower County Independent and Grand Meadow news on December 17, 2020; and

WHEREAS, a public hearing was held on the ordinance amendment by the Mower County Planning Commission on Tuesday, December 29, 2020 and any interested person was given the opportunity to comment or ask questions; and

WHEREAS, the Mower County Planning Commission recommended by a majority to amend the Zoning Ordinance Division 3. Section 14-8.2 Utility Line Placement to Division 3. Section 14-8.2 Essential Service Regulations; and

WHEREAS, the County Board held a public hearing on said amendment on January 5, 2021; and

BE IT ORDAINED that the Zoning Ordinance Division 3. Section 14-8.2 is amended to include minimum standards for essential service placement for utility-type services e.g. pipelines, transmission lines (including transmission lines, sub-transmission lines and distribution lines), sewers, pipes, conduits, cables, boxes, and other related appurtenances. The new adopted Ordinance Section is as follows and is effective upon publication:

SECTION 14-8.2 ESSENTIAL SERVICE REGULATIONS

This Section of the Mower County Land Use Ordinance shall be known as the Mower County Essential Service Regulations.

DEFINITIONS

Essential Services – Services and utilities needed for the health, safety, and general welfare of the community such as underground, surface, or overhead electrical, gas, telecommunication, water, sewer, and other utilities

and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

Essential Service Line – Any primary or subsidiary conductor designed or utilized for the provision of maintenance of essential services including any pole, wire, drain, main, sewer, pipe, conduit, cable, fire hydrant, alarm box, police call box, and right-of-way, but not including any building, tower or other structure.

Essential Service Structure – Any pertinent structure required to be on line to accommodate the proper provision or maintenance of essential services including any electric or gas substation, water tower or well house, sewage lift station, or other similar facility.

For the purposes of this Section of the Ordinance Essential Services facilities does not include any buildings, wireless communication facilities, towers, or antennas; utility scale power generation appurtenances, substations or equipment that does not necessitate placement in the essential service line. These essential service facilities are subject to zoning requirements and setbacks of the applicable district in which they reside.

Minor Essential Service Facilities - Any essential service line and/or essential service structure providing distribution of an essential service between a Major Essential Service and the customers of a utility company or governmental agency. (Distribution lines generally carry 33kV and less).

Major Essential Service Facilities - Any essential services or structures providing transmission and distribution services from station to station and not intended for end route consumption. (Transmission lines generally carry 110 kV and above. Sub-transmission lines generally carry above 33 kV but below 110kV.)

Essential Services – Utility Substation – A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity to small retail quantities. These uses include electric or gas substations, telephone switching and relay facilities, water and sewage pumps, and lift stations. Business offices associated with these uses are not included as part of this definition.

Public Right-of-way – Public right of way means the area on, below, or above a public roadway, highway, dedicated rights-of-way for travel purposes and utility easements of local government units.

INTENT AND PURPOSE

These regulations are established to regulate the installation of essential services and facilities within Mower County not otherwise subject to oversight by the state or federal government. This Section shall be construed to provide the County with the maximum regulatory authority consistent with other laws. These regulations encourage the creative and efficient development of essential service facilities so as to ensure they will not have an undue or adverse impact on the preservation of agricultural land, natural environmental areas, streams, rivers, wetlands, and recreational areas, and so as not to impair existing and future transportation routes and drainage systems.

EXEMPT FROM REGULATIONS

Required maintenance of any major or minor essential service or facility that does not change or expand the capacity, change the capability, or change the location of the existing facility shall be exempt from the regulation of this section.

ADOPTION BY REFERENCE OF STATE STATUTES GOVERNING THE PLACEMENT OF PIPELINES

Pursuant to Minnesota Statutes, Chapter 394.25, Subd. 8, the Mower County Board of County Commissioners hereby adopts by reference the Minnesota Statutes, Chapter 216G (Pipelines). Whenever the provisions of this Ordinance and the state law are inconsistent or different, the more restrictive controls shall prevail.

ESSENTIAL SERVICES WITHIN PUBLIC RIGHT-OF-WAYS

Essential services located within right-of-ways under the County's Jurisdiction are subject to the Mower County Right of Way Ordinance, adopted by the County Board of Commissioners in year 2000 and effective January 1, 2001, or as it may be amended.

Federal, State and Townships govern their own public right-of-ways individually.

ESSENTIAL SERVICES LOCATED OUTSIDE OF PUBLIC RIGHT-OF-WAY

All essential service facilities located outside of the public right-of-way may be permitted as long as the structure maintains a minimum setback of 10 feet from the road right-of-way and is 100 sq. feet or less, excluding buildings. These facilities shall not negatively impact or affect sight-lines of the traveling public for safety purposes at roadway intersections. A setback greater than the 10-foot minimum setback may be required by Mower County, to accommodate road or road right-of-way expansions which are part of Mower County's present or future road construction planning. All locations outside and adjacent to public right-of-way are subject to approval of the County Engineer prior to obtaining easements from landowners.

Essential service facilities larger than 100 sq. feet and buildings must meet the setback requirements of the applicable zoning district.

GENERAL REQUIREMENTS

1. An applicant shall reimburse the County for all extraordinary costs and expenses paid or to be paid in connection with the application including all costs of environmental review, when required; providing public notice of an application requiring public notice or any applicable public hearing(s) on the application, all legal, engineering, and other professional costs; and all costs paid or incurred in assuring the terms of a conditional use permit are met by the application.
2. In addition to the criteria and standards for granting of conditional use permits in Section 14-31, the following additional findings shall be made before approval of an essential service facility:
 - a. The proposed essential service facility is designed to protect and restore cultivated agricultural land and to mitigate the impact of the proposed use on the productive use of land.
 - b. The proposed essential service facility is designed for the protection and restoration of drainage patterns, soil compaction, and for the removal of rocks and debris after construction.
 - c. The proposed essential service facility is designed to protect and restore roadway crossings, roadway services, road right-of-ways, and all other County and governmental property.
 - d. All necessary federal, state, and other governmental permits have been granted for the applicant to commence construction.
3. **Permit Application Requirements.** In addition to submittal requirements required for a conditional use permit, variance or zoning permits elsewhere in this Ordinance, all proposed essential service facility permit applications shall include the following information:
 - a. The names and addresses of the project applicant, project owner, and owners of all land crossed by the service.
 - b. Engineered design plans and specifications of all proposed essential service structures to be constructed as part of the essential service facility project including an engineering certification from the manufacturer's engineer or another qualified engineer registered in the State of Minnesota.
 - c. Evidence of land ownership or legal control in the form of a deed, easement, or other legal instrument for all land crossed by the proposed service.
 - d. A map including the location, alignment, and type of service proposed for each property crossed by the service.
 - e. Construction plans, soil erosion and sediment control plans, wetland mitigation plans, and road, ditch, and water body crossing plans.
 - f. A complete description of all phases of construction to include an estimate of duration of each phase, location and approximate acreage of each staging area, and project times schedule.
 - g. A to-scale plan detailing the location of the project area boundaries, property lines, public road right-of-way, essential service structures and buildings, and location and distance to residential

- dwellings/structures; other structures; wetlands, rivers and streams; scenic and natural areas; significant historic sites; all federal, state or county parks; and any municipalities.
- h. A map identifying all haul routes to be utilized for material transportation and construction activities and the locations of all construction sites and staging areas within Mower County.
 - i. A statement of proposed financing.
 - j. A copy of all permits, studies, or any applications made or required to be made under state or federal law to any state or federal agency indicating that the proposed essential service facility is in compliance with all federal and state standards.
 - k. Natural features map or maps of the property and areas crossed by the service showing contour lines at no more than two-foot intervals, drainage patterns, wetlands, vegetation, and soils and subsoil conditions.
 - l. Certificate of Need, if required.
 - m. Environmental review documentation that may be required under mandatory, discretionary, or special rules of the Environmental Quality Board (EQB).
 - n. The names, address, email address and telephone number of a contact person to which post-construction inquiries related to exact location and depth of essential service facilities may be addressed.
 - o. For a pipeline transporting gas, oil, petroleum, or other fuels, a contingency plan including steps to be taken in the event of a failure, leak, or explosion occurring during operation.
 - p. Any application fee as established by the County Board.
 - q. Any additional information as requested by the Zoning Administrator, County Engineer, Planning Commission or County Board.
 - r. The County Board may require in conjunction with the issuance of such permit that:
 - i. The applicant submits as-built drawings of the essential service facility after construction.
 - ii. The applicant constructs the essential service to take into consideration contemplated widening, re-grading, or relocation of a Federal, State, County or Township Road or any part or portion of a public road right-of-way.

PRIOR TO CONSTRUCTION REQUIREMENTS

Construction authorized for any Essential Service shall be in accordance with the approved plan, all standards of this Section and if a Major Essential Service; the Conditional Use Permit on file in the office of the Mower County Environmental Services Department.

- 1. Prior to construction: The Essential Service owner or authorized agent shall notify the County Highway Engineer, the Environmental Services Department, the Clerk of the affected Township(s), and if adjacent to or crossing any State or Federal Highway their appropriate road authority, no less than two business days prior to construction.
- 2. The essential service owner or authorized agent shall provide proof of insurance for all contractors performing work on the essential service project in accordance with this Section.
- 3. The essential service owner or authorized agent shall submit copies of all final permits, agency approvals and documentation that verify compliance with all relevant state, local and federal regulations to the County Environmental Services Department.

POST-CONSTRUCTION ROAD AUTHORITY SIGN-OFF

Affected road authority(ies) shall sign off that all work has been completed to their satisfaction.

PERFORMANCE STANDARDS

All essential service facilities shall comply with the following performance standards unless it is explicitly stated to exclusively apply to a major essential service facility:

1. Construction standards for essential service facilities shall comply with the standards for construction as outlined in Figure 1, Tables 1 & 2 that is hereby made a part of this Section. Major essential facilities shall also be subject to Figure 1, Table 3.
2. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction.
3. Rocks, slash and other construction debris shall be removed from each individual section of land where construction takes place within 90 working days of the commencement of essential service construction of that individual section of land. For the purposes of this subsection, working days are defined as: all days except days between November 15 and April 15 (winter), or any day when more than one-quarter inch of precipitation has fallen. For the purposes of this subsection, section of land is defined as numbered section as defined by Government Land Survey, or portion thereof.
 - a. Slash or any other construction debris shall not remain in floodplain areas where the slash or debris may be carried downstream in a flood event which may cause damage to public infrastructure or to deposit the slash or debris which may cause a "jam" and cause backup of flood waters.
4. Shelterbelts, windbreaks, fences, and vegetation shall be restored to pre-construction condition with the following exceptions:
 - a. Shelterbelts and windbreak replacement shall be to pre-construction density and may allow for operation maintenance of essential service facility.
 - b. Critical areas (buffers, slopes greater than 12 percent, drainage ditch banks, and areas subject to severe erosion) shall be seeded and mulched as soon as possible after construction. Drainage ditch banks shall be seeded and mulched to a minimum width as predetermined by Mower County Ditch Inspector prior to construction from the top of the ditch soil banks on each side of the ditch.
 - c. Existing lawns shall be re-sodded.
5. If preliminary Engineering, surveys, or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
6. Essential service facility construction activities shall be constructed in such a manner as to minimize impacts on livestock movement and access to agricultural fields.
7. All public and private roads in use and being maintained shall be bored unless the governing road authority approves an alternative procedure.
8. Any installation of an essential service facility in a public road right-way shall be approved by the governing road authority. The road authority may require additional permits and bonding requirements for right-of-ways, roads or highways under its authority.
9. If at any time Mower County, acting through its Board of Commissioners, shall deem it necessary or desirable to make any improvements or changes on all or parts of the right-of-way a County road or highway including changes made for purposes of providing drainage within 100 feet of the road or highway right-of-way which affect the essential service facility, then and in such event the applicant shall within 45 calendar days after written notice from the County Board proceed to alter, change, vacate, or remove the essential service facility from the County highway right-of-way so as to conform to said county highway changes as directed by the Board. In the event of relocation of a road or road right-of-way, all costs associated with the required relocation or other changes in the essential service facility shall be paid by the essential service facility owner/operator.

The Board of County Commissioners, in its sole discretion, may provide the owner/operator of the essential service with the choice of relocating the essential service facility or paying the additional

costs associated with an alternative design which avoids or minimizes the conflict with the essential service and which is otherwise acceptable to the County. Within 30 calendar days after receipt of such an option, the owner/operator of the essential service facility shall notify the County Board of Commissioners and the Mower County Highway Engineer in writing of its election to:

- a. relocate the essential service facility, at the essential facilities owner/operator's cost, as may be required to avoid or minimize any conflict or interference; or
 - b. Pay the County in advance for all additional costs to be incurred in altering the proposed changes to avoid or minimize such conflict interference. In the event the essential facilities owner/operator fails to notify the County Board of Commissioners and the County Engineer in writing of its election within a 30-day period, the owner/operator of the essential service facility shall be deemed to have elected to relocate the essential service facility as provided above. In the event the owner/operator of the essential service facility elects to pay for the additional costs to be incurred by the County, the owner/operator of the essential service facility shall make the required payment within 30 calendar days of its election.
10. The owner/operator of the essential service facility shall file as-built drawings of the essential service facility within 60-days after construction, which shall include a surveyor's description of the course of the essential services facility as it traverses Mower County, with the Mower County Highway Engineer, the Environmental Services Department, and the Clerk of Township Board of all townships crossed by the essential service facility.
 11. If in the construction of the essential service facility traverses an open drainage ditch, the owner/operator of the essential service facility shall lay its essential service facility a minimum depth as reflected in Figure 1, Table 2 below the original depth of the drainage ditch as designed, and the method of construction shall not impede the normal flow of water.
 12. If the essential service facility shall need to be moved, relocated, or improvements otherwise made thereon as a result of the establishment, improvement, or repair of any County or Judicial Ditch, the expense thereof shall be the expense of owner/operator of the essential service facility.
 13. All public or private tile lines or other drainage systems which are cut or disturbed in the construction of the essential service facility shall be restored and repaired to the previous condition and operable state without cost to the landowner or ditch authority.
 14. In the event the essential service facility is located parallel to a Judicial or County drainage tile, the applicant shall provide a minimum of 10 feet horizontal separation between the essential service facility and the drainage tile. The essential service facility, if located parallel or adjacent to a private tile, shall be constructed and maintained so as not to interfere with the drainage tile.
 15. When an existing tile line is cut, the tile shall be repaired by the owner/operator of the essential service facility using a method that will prevent settling of any portion of the tile system. When tiles lines are cut and before repairs are made, tile openings shall be protected to prevent dirt, silt, or animals from entering the tile system.
 16. A pipe shall be installed to accommodate future installations of drain tile at locations and depths as shown on the tile plans given to the essential service facility by the landowner if a private tile or by the Ditch Authority if a County or Judicial tile. If a County of Judicial or private drainage system shall later be established, improved, or repaired or additional lines installed to effect proper drainage, the essential service facility shall reimburse the Ditch Authority or landowner for any necessary additional installation expenses incurred that are directly attributed to the presence of an essential service facility.
 17. If settling of public or private tile repaired during construction occurs within five years following completion of construction of the essential service facility, the owner/operator of the essential service facility shall repair the tile line without expense to the landowner or the Ditch Authority and shall pay all losses caused by settling.
 18. During construction, the owner/operator of the essential service facility shall provide suitable crossovers installed at such places over the essential service facility trench as needed by the landowner.

19. An essential service facility transporting gas, oil, petroleum, or other fuel shall be installed as established in Figure 1, Tables 1-3.
20. The owner/operator of the essential service facility shall comply with all provisions of the approved soil erosion and sediment control plan to control erosion within public lands, right-of-way, and public or private drainage systems.
21. The owner/operator of the essential service facility shall indemnify, keep and hold the County of Mower, each township crossed by the essential service facility, and every public ditch system free and harmless from all claims resulting in injury or damage to persons or property caused by the essential service facility system except where the acts or omissions of the said County, township, or ditch system have caused the injury or damage.
22. The owner/operator of the essential service facility shall indemnify and hold harmless the landowner, his/her family, tenants, and employees from and against all claims resulting from the presence of the essential service facility and caused by the ordinary negligence of the landowner, his/her family, tenants, and employees while engaged in normal farming operations excluding drainage improvements, drilling, or blasting activities. In addition, where the landowner gives the owner/operator of the essential service facility two weeks certified or registered mail notice of intent to engage in any specified, excluded farming activity, in the easement right-of-way or adjacent thereto, the application will indemnify and hold harmless the landowner, his/her family, tenants, and employees from all claims for damages resulting from the preservation of the essential service facility and caused by the specified action for which notice was given.

In the event the landowner notified the owner/operator of the essential facility of the need for emergency repairs to drainage ditches or tile, such indemnification shall be provided by the owner/operator of the essential facility upon 48 hours' notice. Emergency repairs shall include repairs necessary to avoid delays in preparation of the soil and planting and harvesting of crops where the need for emergency repairs is specified in the notification.

23. The owner/operator of the essential service facility shall be responsible for providing a baseline condition of all haul routes, including analysis of all bridges by a registered engineer, to determine their capacity to support oversized vehicles prior to construction of the essential service facility. The owner/operator of the essential service facility shall be responsible for the extraordinary maintenance and restoration of all county /township roads and bridges that may be damaged due to activities involving construction of the essential service facility. A financial guarantee in the form of a performance bond, letter of credit, cash deposit, or other security shall be submitted to ensure all haul routes and bridges have been repaired/restored to the road authority's approval and satisfaction.
24. All essential service facility operations shall be in compliance with applicable Federal, State, and County regulatory permits, rules, regulations and ordinances.
25. The applicant shall provide proof of bodily injury, property damage, and public liability insurance in the amount of \$1,500,000 for any occurrence or as provided by Minnesota Statutes.
26. The essential service contractor shall erect and maintain traffic control devices leading to and from all staging sites to ensure the safety of area residents and must comply with all Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD) requirements for signage and safety issues. Access to and hauling of materials from the staging sites shall be limited to a project-specific haul route. All vehicles hauling materials to and from the staging sites shall not exceed legal gross weight limitations.
27. Mower County reserves the right to require transmission and distribution lines in residential districts or environmentally sensitive areas to be placed underground.
28. No business or advertising sign shall be installed on an essential service facility.
29. Whenever practical, essential service facility pipes, lines, poles, and appurtenance structures shall be placed in an existing right-of-way or easements and shall be placed adjacent to and parallel with existing property boundary line's or agricultural field boundaries. All use of rights of way shall be approved by the appropriate road authority.

30. All essential service facilities shall be designed and constructed to avoid the loss in use of agricultural land for the growing and/or production of crops and livestock production.
31. Selective clearing techniques shall be used throughout the length and width of any utility easement or corridor. Existing native vegetation shall be maintained whenever and wherever possible. Mower County also encourages understory, when not used for agricultural production, to include a mix of vegetation that supports, birds, bees and butterflies and reserves the right to require plant selection to include such benefit.
32. Equipment shall conform to applicable industry standards.
33. All climbing apparatus shall be located at least fifteen (15) feet above the ground.
34. Essential Service structures shall have controlled access and be secured at all times.
35. Appropriate warning signs shall be posted on essential service structure. Signs with emergency contact information shall also be posted at a suitable and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around essential service structures.
36. All essential service structures shall be white, light blue, beige or another non-obtrusive color. Finishes shall be matte or non-reflective.
37. Lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

CONSTRUCTION STANDARD ALTERNATIVES

1. In any easement granting right-of-way for an essential service facility over agricultural land, the grantor of the easement may waive the minimum depth of cover established in Figure 1, Table 2, with respect to all or part of the essential service facility to be buried under that land. A waiver of the minimum depth of cover established in Figure 1, Table 2 shall be effective only if the waiver:
 - a. Is separately and expressly stated in the easement agreement and includes an express statement by the grantor acknowledging that he/she has read and understood the waiver.
 - b. Is printed in capital letters and in language understandable to an average person not learned in law.
 - c. Is separately signed or initialed by the grantor.
2. Alternatives to the construction standards established in Figure 1, Tables 1 thru 3 may be granted by the Mower County Board of Commissioners upon showing that:
 - a. A depth or height less than required in Figure 1 Table 2 is reasonably necessary to allow transition from Mower County to a bordering County.
 - b. The request is reasonably necessary to allow for a transition in depth from agricultural land and adjoining parcels of land.
 - c. The request is reasonably necessary for the installation of necessary essential service measures including associated equipment.
3. No construction alternative shall be granted from the construction standards so as to allow any essential service line to be placed at a depth less than the depth established in Figure 1 Table 2 beneath the authorized depth of drainage facilities or the right-of-way of roads.

INSPECTIONS

The County Board may require that a qualified inspector be on the site of installation of essential service facilities. The County Board will establish a fee schedule for inspections consistent with applicable state laws and County policies. With respect to pipelines, the fee shall be up to the maximum allowed by Minnesota Statutes for each mile or fraction of a mile of pipeline that will be constructed in the County. The County may

consider progress billings. The inspection fee shall be paid to the Mower County Auditor/Treasurer prior to construction of the essential service facility.

The County Board shall designate an inspector who shall conduct on-site inspections of the construction to determine whether the essential service is constructed in compliance with the provisions of this Section. The inspector shall promptly report to the County Board and County Engineer any failure or refusal to comply with the provisions of this Section and the county shall issue a written notice to the person constructing the essential service specifying the violations and the action to be taken to comply. During on-site inspections, the inspector shall maintain a written log that shall include a record of comments and complaints concerning the essential service construction made by owners or lessees of land crossed by the essential service and by local officials. The log shall note in particular any complaints for failure to settle damage claims filed by an owner or lessee or failure to comply with terms of an easement agreement. The log reports and other records of the inspection shall be preserved by the County.

With respect to pipelines, the following shall apply:

1. The County Board may hire a qualified inspector to inspect the pipeline construction. Before beginning construction the applicant shall pay an inspection fee to the County Auditor/Treasurer. The fee shall be up to the maximum amount allowed by State law for each mile or fraction of a mile of pipeline that will be constructed within the County. The County may also assess additional fees for public hearing processes.

VARIANCE PROHIBITIONS

No variance shall be granted so as to allow any essential service to be placed at a depth less than the depth established in this Section, Figure 1, Table 2, beneath the authorized depth of drainage facilities or the right-of-way of roads under the jurisdiction of the County.

DEVELOPERS AGREEMENT

Prior to the installation of any approved essential service, the developer shall be required to enter into a developer's agreement with Mower County requiring that:

1. All improvements are constructed at the developer's expense in accordance with the plans and specifications as engineered.
2. All improvements comply with Mower County right-of-way management standards for the placement and maintenance of facilities and equipment.
3. The developer shall submit financial guarantee and proof of liability insurance.

INTERPRETATION, SEPARABILITY, COMPLIANCE AND ENFORCEMENT

Interpretation, separability, compliance and enforcement of the essential service facility regulations shall be done in accordance with the process and procedures established in this Ordinance.

EFFECTIVE DATE OF THIS SECTION

The regulations contained in this chapter shall become effective from and after adoption of the Mower County Board of Commissioners and after their publication according to law.

Figure 1, Table 1 - Standards

	Drainage Tile Replacement Standards	Required Compaction Around Drainage lines	Soil Restoration
Pipelines – Natural Gas	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipelines – Petroleum–Hydro Carbons	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipelines – Water	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipelines –	To Pre-Construction	To Ensure Proper	Restore to Pre-

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Other	Condition	Functioning	Construction Productivity
Power lines – Underground	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Power lines – Overhead	NA	NA	Restore to Pre-Construction Productivity
Telephone – Underground	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Telephone – Overhead	NA	NA	NA
Cable/Internet	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity

Figure 1, Table 2 – Depth & Height Requirements

	UNDER AG LAND	UNDER ROW	UNDER ROAD SURFACE	TILE CLEARANCE	UNDER DITCH*	OVER LANDS	TOPSOIL SEGREGATION
Pipelines – Natural Gas	4.5 ft.	4.5 ft.	4.5 ft.	12 in. (federal law)	4.5 ft.	NA	2 ft.
Pipelines – Petroleum – Hydro Carbons	4.5 ft.	4.5 ft.	4.5 ft.	12 in.	4.5 ft.	NA	2 ft.
Pipelines – Water	6 ft.	6 ft.	6 ft.	12 in.	4 ft.	NA	2 ft.
Pipelines – Other	4.5 ft.	4.5 ft.	4.5 ft.	12 in.	4.5 ft.	NA	2 ft.
Power lines – Underground	3 ft.	3 ft.	3 ft.	12 in.	4 ft.	NA	NA
Power lines – Overhead	NA	NA	NA	NA.	NA	20 ft.	NA
Communications – Underground	3 ft.	3 ft.	3 ft.	12 in.	4 ft.	NA	NA
Communications Overhead	NA	NA	NA	NA	NA	20 ft.	NA

*County or Judicial Ditch

Figure 1, Table 3: Setbacks for Major Essential Services

Setbacks shall be a measurement from the closest point of the feature listed in the table to the essential service easement at its nearest point as measured on a horizontal plane. Reverse setbacks shall also apply.

- **OCCUPIED STRUCTURE** means: home, business, and places of public assembly with a capacity for 50 people or less (excluding places of worship and schools).
- **UNOCCUPIED STRUCTURE** means: agricultural structures, sheds, garden sheds, septic tanks, water wells and similar structures.
- **OTHER STRUCTURE MEANS:** mailboxes and yard lights.
- **FACILITIES REQUIRING ASSISTED EVACUATION** means: places of assembly with a capacity over 50 people, schools (of any capacity), hospitals, jails/prisons, medical facilities, nursing homes, and places of worship (of any capacity).

Major Essential Service Line	Occupied Structure	Unoccupied Structure	Facilities requiring Assisted Evacuation	Other Structure
Pipelines – Natural Gas ^{1, 2}	50 ft. ³	25 ft. ³	500 ft.	10 ft. ³

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

Pipelines – Hazardous Liquid ^{1,2}	50 ft. ³	25 ft. ³	500 ft.	10 ft. ³
Transmission lines	As regulated by the Public Utilities Commission			

¹Buildings/structures required to operate or maintain pipeline systems are exempt from these setbacks.

²Variances may be considered and/or granted from the above standard only after permission has been received from the Office of Pipeline Safety.

³As recommended by the American Petroleum Institute (API)

Passed and approved this 5th day of January, 2021.

Motion made by Commissioner Ankeny, seconded by Commissioner Baldus, to allocate the fairgrounds minor repair fund as follows for 2021 and to authorize full distribution of the 2021 amounts.

Ag Society	50%	\$ 15,000
Historical Society	35%	10,500
4-H	15%	<u>4,500</u>
	TOTAL	\$30,000

Motion carried.

Date: January 5, 2021

Res. #02-21

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Baldus, the following Resolution was unanimously passed and adopted at a meeting held January 5, 2021 at the Government Center in Austin, Minnesota.

BE IT RESOLVED, by the Board of County Commissioners of Mower County, Minnesota to appoint the following persons as Mower County Delegates to the Association of Minnesota Counties for 2021: Commissioner Jerry Reinartz, Commissioner Polly Glynn, District One Commissioner, Commissioner Jeff Baldus, Commissioner Mike Ankeny, County Administrator Trish Harren, and two staff delegates to be determined at a later date.

Passed and approved this 5th day of January, 2021.

The Board received the following quotes for 2021 legal newspaper:

Austin Daily Herald	\$5.07 per column inch
Mower County Independent	\$4.25 per column inch

A quote adjustment had been calculated due to the difference between the total text in a column inch between the two newspapers. (Austin Daily Herald \$5.07 per column inch and Mower County Independent \$5.37 per column inch.) With the calculated quote adjustment the Austin Daily Herald was the low quote and had the larger circulation.

Date: January 5, 2021

Res. #03-21

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Baldus, the following Resolution was unanimously passed and adopted by the Mower County Board of

Commissioners at a meeting held January 5, 2021 at the Government Center, Austin, Minnesota.

BE IT RESOLVED, based on the low quote and being in the best interest of the public, that the award go to the “*Austin Daily Herald*”, a bi-weekly newspaper, with general circulation in Mower County, as the newspaper in which the notice and list of real estate remaining delinquent on the first business day in January 2021, the Financial Statement of the year 2020 and the proceedings of the County Board of said County for the year 2021 shall be published and the same is hereby accepted as per quote of \$5.07 per column inch.

BE IT FURTHER RESOLVED, that the “*Mower County Independent*”, a weekly newspaper, be awarded as the secondary county newspaper with a quote of \$4.25 per column inch in which the proceedings of the annual meeting, the County Board of Equalization and 2020 Financial Statement shall be published.

Passed and approved this 5th day of January, 2021.

Date: January 5, 2021

Res. #04-21

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Baldus, the following Resolution was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held January 5, 2021 at the Government Center, Austin, Minnesota 55912.

BE IT RESOLVED that pursuant to M.S. Chapter 375.34 & 375.35, the sum of up to \$300.00 to be paid to each recognized military organization or society including their auxiliary, with a maximum of \$600.00 per post, and the same is hereby appropriated out of the General Revenue Fund of Mower County to each of the recognized Military Persons' Organizations or Societies filing bills showing expenses in this amount, for the purpose of Memorial Day Exercises and the County Auditor/Treasurer is expected to draw his warrant for the amount shown on the itemized bill not to exceed \$300.00.

Passed and approved this 5th day of January, 2021.

Date: January 5, 2021

Res. #05-21

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 5, 2021 at the Government Center, Austin, Minnesota.

BE IT RESOLVED That the County Auditor-Treasurer be allowed to pay various incidental expenses, refunds, state agency payments, tax apportionments and Board approved appropriations. Items paid by auditor warrant include: utilities; telephone; requests by a

Judge for immediate payment; postage; license fees; tax overpayments; employee benefits; and payroll deductions; credit card payments, when necessary to avoid late penalties and charges and costs associated with employee travel and conferences. All claims for employee reimbursement must be submitted Human Resources within sixty (60) days of occurrence in order to qualify for payment.

BE IT FURTHER RESOLVED, that the County Auditor-Treasurer be allowed to pay the, partial contract payments and claims for payment from foster care, guardianship and placement care providers. An auditor warrant may be issued provided a signed legal contract is on file, the department head supervising the contract has approved the payment for work completed and that the payment is not a final payment on a contract.

BE IT FURTHER RESOLVED, that the County Administrator be allowed to approve payment via auditor warrant up to \$50,000 for emergency items, legal settlements, and disaster recovery items;

Passed and approved this 5th day of January, 2021.

Date: January 5, 2021

Res. #06-21

RESOLUTION

On motion of Commissioner Ankeny, seconded by Commissioner Baldus, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 5, 2021 at the Government Center, Austin, Minnesota.

WHEREAS, Mower County receives and disburses public funds and shall deposit such funds in a commercial bank, savings association, trust company, credit union or other financial institution as defined by law in Minnesota Statutes 118A.01;

WHEREAS, Mower County will designate as a depository of its funds one or more financial institutions per MS 118A.02;

WHEREAS, the following financial institutions are designated depositories for 2021:

First Farmers and Merchants -- Austin, Brownsdale and Grand Meadow
US Bank
Home Federal Savings Bank
Mower County Employees Credit Union
Minnesota Association of Government Investing for Counties /PFM Asset Management LLC
UBS

BE IT RESOLVED THAT, the Mower County Board of Commissioners adopt and designate the listed financial institutions in this resolution as depositories of public funds for the year 2021.

Passed and approved this 5th day of January, 2021.

Date: January 5, 2021

Res. #07-21

RESOLUTION

On motion of Commissioner Baldus, seconded by Commissioner Ankeny, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held January 5, 2021 at the Government Center, Austin, Minnesota.

BE IT RESOLVED; That Jenna Wheeler Anderson, M.D., be appointed as Mower County Medical Consultant / Health Officer for the year 2021;

BE IT FURTHER RESOLVED: that the medical officer shall receive \$2,600.00 per year plus expenses upon receipt of an itemized and verified bill for said expenses.

Passed and approved this 5th day of January, 2021.

Motion made by Commissioner Reinartz, seconded by Commissioner Baldus, to set the County Board of Review & Equalization for June 15 , 2021 at 6:00 p.m. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Baldus, to approve the 2021 Countywide Fee Schedule as proposed. The fee schedule is on file in the office of the County Administrator. Motion carried.

Motion made by Commissioner Baldus, seconded by Commissioner Ankeny, to approve a late claim for payment for employee #59. Motion carried.

Under Finance Committee Commissioner Baldus reported that the committee is still working on establishing the criteria and the procedures for the distribution of the new grant funds received to assist area businesses including the hospitality industry. The Development Corporation of Austin will be retained again for assisting with the grant application process and the distribution of the funds.

Commissioner Baldus provided the Board with a brief update from the Minnesota Rural Counties meeting he had attended. The primary focus had been establishing legislative priorities.

Commissioner Ankeny reported that the Fair Board is having discussions and difficulty in making a decision on hosting the annual demolition derby in support of paint the town pink.

Motion made by Commissioner Ankeny, seconded by Commissioner Baldus, to adjourn the meeting at 2:27 p.m. Motion carried. The next meeting is scheduled for January 12, 2021 at 9:00 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

Attest:

By: _____
Clerk/Administrator

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