

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

February 2, 2021

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session February 2, 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

The meeting was opened with the Pledge of Allegiance.

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

There weren't any items to report under Committee Reports.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the minutes of January 26, 2021. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Baldus, to approve the following Commissioner warrants for payment:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
3d Specialties Inc	2,354.04	Department Of Human Services	5,763.00
Ami Imaging Systems Inc	43,058.00	Donnelly Law Firm, Pllc	4,493.20
Anoka County Corrections	51,543.74	Emergency Automotive Technologies, Inc	5,082.00
Austin Automotive Llc	2,451.64	Leadership Development Resources	3,600.00
Cdw Government	8,523.72	Mower County Soil & Water Cons	41,692.16
Clayton Township	18,867.92	Office Of Mn It Services	5,427.22
Dash Medical Gloves Inc.	5,804.00	43 Payments Less Than 2000	15,704.41
		<b>Final Total:</b>	<b>214,365.05</b>

Motion carried.

Motion made by Commissioner Baldus, seconded by Commissioner Ankeny, to reappoint Sue Olson and Jason Weis to the Cedar River Watershed Board for a three-year term for each effective May 1, 2021 through April 30, 2024. Motion carried.

Commissioner Reinartz noted that he had attended the Senior Center meeting and indicated that the new Senior Center President will be addressing the Board during the work session. Commissioner Baldus noted that he had attended the Planning & Zoning meeting and the CUP recommendation will be heard today.

Public Works Director Michal Hanson presented bid information received for projects CP 50-21-02 (CR 61 10th Place NE to CSAH 2); and Combined projects: SAP 050-602-032 (CSAH 2 TH 63 to East County Line), SAP 050-603-020 (CSAH 3 CSAH 7 to CSAH 8), SAP 050-607-042 (CSAH 7 CSAH 5 to CSAH 18), and SAP 050-620-016/SAP 20-609-034 along Dodge/Mower line from Mower CSAH 20 to Dodge CSAH 13.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny, to award the bids to the low bidder Ulland Brothers, Inc. as follows for the following projects awarded as a combined project:

SAP 050-602-032	\$ 369,651.61	Awarded as combined projects:  3,406,547.28
SAP 050-603-020	1,571,220.76	
SAP 050-607-042	613,268.55	
SAP 050-620-016/SAP 20-609-034	852,406.36	

and have the projects commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

Motion made by Commissioner Ankeny, seconded by Commissioner Baldus, to award the bid to the low bidder Ulland Brothers, Inc. for project CP 50-21-02 with a low bid of \$1,079,368.41 and have the project commence. Motion carried. Full bid abstract on file in the office of the County Auditor-Treasurer and Public Works Director.

The Board recessed at 1:16 p.m. for the purpose of a public hearing.

The Chair called the Public Hearing to order at 1:16 p.m. in regard to CUP #911 of Matthew & Morgan Breitbarth, applicants, and Daniel W. Breitbarth, landowner, for an additional dwelling in quarter section to be located in a mature wooded area located in Section 35, Sargeant Township.

Valerie Sheedy, Assistant Environmental Services Supervisor, reviewed the permit and Planning Commission recommendations

The Petitioner was present. No one spoke for or against CUP #911 of Matthew & Morgan Breitbarth.

The Chair closed the Public Hearing at 1:23 p.m. in regard to CUP #911 of Matthew & Morgan Breitbarth, applicants, and Daniel W. Breitbarth, landowner, for an additional dwelling in quarter section to be located in a mature wooded area located in Section 35, Sargeant Township.

The County Board reconvened its regular session at 1:23 p.m.

**Date: February 2, 2021**

**Res. #08-21**

**RESOLUTION**

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

Commissioners at a meeting held February 2, 2021 at the Government Center, Austin, Minnesota.

**WHEREAS**, The Mower County Planning Commission, having presented to the Mower County Board of Commissioners, CUP #911, by Daniel Breitbarth Landowner, and Matthew and Morgan Breitbarth, Petitioner(s), who have petitioned the Mower County Board of Commissioners to allow for the site to be used for:

an additional dwelling in quarter section to be located in a mature wooded area

Location: On a 7.94 acre parcel located in Section 35 of Sargeant Township as legally described as:

A tract of land in the Southeast Quarter of Section 35, Township 104 North, Range 16 West, Mower County, Minnesota described as follows:

Commencing at the Northeast Corner of said Southeast Quarter of Section 35; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) 1211.09 feet along the East line of said Southeast Quarter to the point of beginning;

thence North 78 degrees 39 minutes 43 seconds West 1644.76 feet;

thence North 01 degrees 53 minutes 37 seconds East 254.07 feet;

thence North 28 degrees 14 minutes 03 seconds West 361.80 feet;

thence North 00 degrees 41 minutes 02 seconds West 334.80 feet to the North line of said Southeast Quarter;

thence North 89 degrees 22 minutes 20 seconds West 364.84 feet along said North line of Southeast Quarter;

thence South 17 degrees 11 minutes 21 seconds East 495.65 feet;

thence South 33 degrees 10 minutes 04 seconds East 227.13 feet;

thence South 03 degrees 40 minutes 10 seconds East 247.94 feet;

thence South 78 degrees 39 minutes 43 seconds East 1894.60 feet to said East line of the Southeast Quarter;

thence North 00 degrees 00 minutes 00 seconds West 48.96 feet along said East line to the point of beginning.

Subject to easements of record.

Containing 7.94 acres more or less.

and identified per tax records as 17.035.0015; and

**WHEREAS**, Notice having been duly given, a public hearing was held on the matter on January 26, 2021 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 February 2, 2021 before the Mower County Board of Commissioners, on said petition; and

**WHEREAS**, the County Board has received the Findings of Fact; and

**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. A Zoning Permit shall be obtained prior to any construction of any structure on the property; and
2. An approved ISTS Design for the proposed septic system must be obtained and submitted prior to construction of the residence and/or any other structure; and
3. A secondary Type I septic 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; this area should be preserved and protected from compaction and/or construction or other damages. If a Type I septic system primary and secondary site (s) cannot be located on the proposed parcel, a variance is required before a zoning permit can be issued, or the site is not developable for residential; and
4. Petitioner must sign and notarize the "Rural and Agricultural Home Owners Assumption of Risk Assessment Form"; and
5. Access to the site is proposed via private easement. Any easement agreement for access for any other shared services (well) shall be in perpetuity and must be recorded against both parcels, the parent parcel and child parcel post-split; and
6. Shoreland Overlay and floodplain zones are present on the parcel. Any development in these areas is subject to the standards of those districts or zones; and
7. 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.
8. 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; the 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

9. The subdivision of the parcel (s) into smaller tracts, parcels, or lots shall comply with Mower County's subdivision ordinance and any other applicable government rules, regulations, and/or procedures in effect at that time; and
10. Applicant shall follow all state and federal regulations regarding the proposed use; and
11. 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
12. 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 14-51 (Conditional Use Permits) and Division 9 Shoreland Overlay of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 2<sup>nd</sup> day of February, 2021.

County Administrator Trish Harren under miscellaneous correspondence noted that a packet containing many messages of thanks from small business grant recipients had been received and are available for the Board's review.

Motion made by Commissioner Ankeny, seconded by Commissioner Baldus, to adjourn the meeting at 1:26 p.m. Motion carried. The next meeting is scheduled for February 9, 2021 at 9:00 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

**By:** \_\_\_\_\_  
**Clerk/Administrator**

**INDEX**

**A**

adjourn, 36  
agenda, 32  
award bid  
    Ulland Brothers  
        CP 50-21-02, 33  
        SAP 050-602-032, 33  
        SAP 050-603-020, 33  
        SAP 050-607-042, 33  
        SAP 050-620-016/SAP 20-609-034, 33

**C**

Cedar River Watershed Board Manager Appointments  
    Sue Olson and Jason Weis, 32

**M**

minutes  
    1.26.21, 32

**P**

Public Hearing  
    CUP #911 Breitbarth, 33

**R**

Res. #08-21  
    CUP #911 Breitbarth, 33

**W**

warrants  
    Commissioner, 32