

REGULAR SESSION OF THE MOWER COUNTY  
BOARD OF COMMISSIONERS

July 7, 2020

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Regular Session July 7, 2020 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All members present, viz: Jeff Baldus, Chair  
Polly Glynn  
Tim Gabrielson  
Jerry Reinartz  
Mike Ankeny  
Trish Harren, County Administrator

The meeting was opened with the Pledge of Allegiance.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve the agenda with the deletion of the fair security contract. Motion carried.

Steve Sandvik, County Sheriff presented to the Board for discussion and with a recommendation for approval the Grant Amendment No. 1 to the 911 dispatch center (phones) grant agreement with SEMN Emergency Communications for additional available funds (\$106,716.13) (Grant No. A-DECN-CPE-2019-SEECB-3).

Motion made by Commissioner Gabrielson, seconded by Commissioner Glynn to accept Grant Amendment No. 1 to the 911 (phones) grant agreement with SEMN Emergency Communications for additional available funds (\$106,716.13) (Grant No. A-DECN-CPE-2019-SEECB-3) and authorize the expenditure of the funds for the purchase of the equipment. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Glynn, to amend Res. #26-20 dated March 18, 2020 and as amended on March 24, April 7, April 28, and June 2, 2020 that declares a peacetime state of emergency to extend the local state of emergency through September 1, 2020. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Gabrielson, to approve the minutes of June 23 and July 2, 2020. Motion carried.

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

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
Baudoin Oil Company	11,558.09	Midwest Door Inc	2,395.61
Brock White Co Llc	2,944.90	Northland Trust Services Inc	59,688.75
Chosen Valley Testing, Inc	8,380.00	Office Of Mn It Services	4,715.75
Commissioner Of Transportation	5,425.94	Pro-West & Associates, Inc.	5,000.00
Consolidated Correctional Foodservice	14,733.28	Rochester Sand And Gravel, Inc	32,289.77

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Dell Marketing L P	3,920.59	Ronco Engineering Sales Co., Inc.	3,084.61
Falk Construction Co./L.R.	7,926.12	Sema Equipment Inc	11,074.05
Fox Electric Company	4,110.00	Simplified Technology Solutions	4,852.80
Hanson Tire Of Austin Inc	2,612.00	Tiny's Body Shop	16,157.26
Mayo Clinic	3,291.01	67 Payments less than 2000	29,804.81
Metal Culverts, Inc.	4,202.80	<b>Final Total:</b>	<b>238,168.14</b>

Motion carried.

**Date: July 7, 2020**

**Res. #49-20**

**RESOLUTION**

**Waiving Financial Assurance Requirements for the Cook Farm Compost Facility**

On motion of Commissioner Glynn, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held July 7, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, Mower County is a political subdivision organized and existing under the laws of the state of Minnesota; and,

**WHEREAS**, the Mower County Board of Commissioners has adopted a Solid Waste Management Ordinance (ORD-21) establishing authority for the entire County; and,

**WHEREAS**, Section 6.9(A) states that issuance of any solid waste facility license is contingent upon furnishing financial assurance for pre-closure/operational, closure, and post-closure periods, in an amount and form to be set by the County Board and naming the County as obligee; and,

**WHEREAS**, On November 6<sup>th</sup>, 2018, the Mower County Board passed Resolution #110-18, establishing financial assurance requirements for existing solid waste facilities located within the County; and,

**WHEREAS**, pursuant to County Board Resolution #110-18, current Financial Assurance requirements for Cook Farm Compost facility is a \$10,000 Surety Bond; and,

**WHEREAS**, the City of Austin, in an email dated March 4<sup>th</sup>, 2020, is requesting that the County waive their requirement to obtain \$10,000 Surety Bond for Financial Assurance as required for the Cook Farm Compost facility; and,

**WHEREAS**, the City of Austin further states in their email dated March 4<sup>th</sup>, 2020, that the City is committed to maintaining the site and covering all Financial Assurance requirements without the need to provide a \$10,000 Surety Bond to the County; and,

**WHEREAS**, Pursuant to Section 6.9(A) of Ord-21, the County Board may waive the requirement for a licensee to furnish Financial Assurance, if the Board determines, based on the type of associated conditions surrounding the facility, that financial assurance is not necessary to secure the licensee's performance of its obligations under the license, and is not necessary to protect public health and safety.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mower County Board finds:

- 1) The City of Austin is the landowner of the property described as NW1/4 of the NW1/4, Section 27, Township 103 N. Range 18 W. and with a current PID #34.156.0110 and 34.012.0010, and the Cook Farm Compost Facility resides on that property.
- 2) The Cook Farm Compost Facility operates under a Minnesota Pollution Control Agency permit issued to the City of Austin.
- 3) The City of Austin, as the owner and permittee, is committed to maintaining the Cook Farm Compost Facility which includes its entire property and provide for all Financial Assurance requirements under its own financial means without the need to provide the County with a Surety Bond.

**BE IT FURTHER RESOLVED THAT THE MOWER COUNTY BOARD OF COMMISSIONERS:** Grants a Waiver to the City of Austin, in accordance with Section 6.9(A) of ORD-21, of its requirement to provide the County with a Surety Bond in the amount of \$10,000 for Financial Assurance, with the following conditions:

- 1) The City shall comply with and maintain compliance with its County License, ORD-21, County License, and all applicable Minn. Rules for the Cook Farm Compost Facility.
- 2) The City shall provide, at minimum, a thirty-day written notification to the County of its intent cease operations and close the Cook Farm Compost Facility.
- 3) Immediately upon termination of operations of the Cook Farm Compost facility, the City shall provide for all closure activities as set forth in its County License, and Section 6.8 of Ord-21.
- 4) This waiver applies only the County License, dated July 1, 2020 and with an expiration date of June 30, 2021;
- 5) If the City of Austin requests a waiver to Financial Assurance requirements to a license renewal or license modification, the City shall be required to submit a new request and provide cause for granting a waiver.
- 6) The County Board reserves the right to deny future requests.
- 7) If the City fails to comply with these conditions, or any of the requirements of its County License, the County Board may revoke this waiver and immediately require Financial Assurance on a form and in an amount as required.

Passed and approved this 7<sup>th</sup> day of July, 2020.

**Date: July 7, 2020**

**Res. #50-20**

**RESOLUTION**

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 July 7, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, Minnesota counties are required by law to manage solid waste in a manner that protects the state's land, air, water, and other natural resources, and public health by ensuring that certain reduction, separation and recovery, resource recovery, and proper disposal methods of solid waste is set forth in an ordinance; and

**WHEREAS**, Pursuant to the Mower County Solid Waste Management Ordinance (ORD-21), the County requires any person or entity operating any solid waste facility to first obtain, and maintain, a license for the design, construction, and operation of a solid waste facility; and

**WHEREAS**, the City of Austin submitted a Mower County Solid Waste Facility Application on March 4, 2019 for Construction and Operation of the Cook Farm yard waste compost facility; and,

**WHEREAS**, after review, this application was deemed complete on March 18, 2019; and

**WHEREAS**, on November 6, 2018, the County Board adopted resolution #110-18, establishing financial assurance requirements for all solid waste facilities currently in operation within the County; and

**WHEREAS**, Financial assurance requirements for the Cook Farm Compost Facility is a \$10,000 surety bond payable to the County; and,

**WHEREAS**, pursuant to Board Resolution #49-20, the County has waived the requirement for the City to provide for Financial Assurance in the form of a \$10,000 Surety Bond, as long as all conditions of that resolution are met, and the facility remains in full compliance with its License and Ord-21.

**NOW THEREFORE, THE MOWER COUNTY BOARD OF COMMISSIONERS HEREBY MAKES THE FOLLOWING RESOLUTION:** Grant the City of Austin a Solid Waste License for the Cook Farm Compost Facility as drafted by the Department and approved as to form by the County Attorney, providing operation of a Yard Waste Compost Facility, and including a Financial Assurance waiver, all as described in their License, with a term that will expire on June 30, 2021.

Passed and approved this 7<sup>th</sup> day of July, 2020.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to approve Amendment to Pictometry initial contract dated January 4, 2016 to confirm the cancelation of the second project in the initial agreement with the approval of the new contract Board approved on June 23, 2020. Motion carried.

**Date: July 7, 2020**

**Res. #51-20**

**RESOLUTION**

On motion of Commissioner Gabrielson, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held July 7, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, on July 7, 2020 Disabled American Veterans Mayo SE Chapter 28 presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at Deer Creek Speedway on August 15, 2020.

**BE IT RESOLVED THAT**, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to Disabled American Veterans Mayo Southeast Chapter 28 for gambling at Deer Creek Speedway on August 15, 2020.

Passed and adopted this 7<sup>th</sup> day of July, 2020.

**Date: July 7, 2020**

**Res. #52-20**

**RESOLUTION**

On motion of Commissioner Reinartz, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held July 7, 2020 at the Government Center, Austin, Minnesota.

**WHEREAS**, on July 7, 2020 St. John the Baptist Church presented a request for a Minnesota Lawful Gambling License for gambling to be conducted at the St. John the Baptist Church, Adams, Minnesota on September 13, 2020.

**BE IT RESOLVED THAT**, the Mower County Board of Commissioners does hereby approve the issuance of a Minnesota Lawful Gambling License to St. John the Baptist Church for gambling at St. John the Baptist Church, Adams, Minnesota on September 13, 2020.

Passed and adopted this 7<sup>th</sup> day of July, 2020.

Motion made by Commissioner Glynn, seconded by Commissioner Ankeny, to approve the renewal application of Dexter Mobil, LLP d/b/a Dexter Mobil for a tobacco license effective July 7, 2020 through June 30, 2021. Motion carried.

Under miscellaneous correspondence a press release was shared that included Mower County as an award recipient for 2020 Best Places to Work.

A Public Hearing was held in regard to a Housing Tax Abatement request of Joseph & Pamela Saterdalen, applicants, to construct a single-family home Lot 19, Block 1, River's Edge Addition, City of Leroy, Minnesota (PIN 26.070.0190).

Trish Harren, County Administrator, reviewed the application and recommended approval.

No one spoke for against the Joseph & Pamela Saterdalen housing tax abatement application. *(An email was received that indicated that the applicant was present on the phone but was unable to be heard with the connection. In the email the applicant expressed appreciation for the approval of the housing tax abatement.)*

**Date: July 7, 2020**

**Res. #53-20**

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

On motion of Commissioner Glynn, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held July 7, 2020 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, Eugene M. and Rita M. Miller (sellers) are the owner(s) of certain property within Mower County, legally described as follows:

Lot 19, Block 1, River's Edge Addition, City of Leroy, MN PIN 26.070.0190

WHEREAS, Joseph & Pamela Saterdalen, (buyers) 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 July 7, 2020 before the Mower County Board of Commissioners, on said application.

WHEREAS, Eugene M. and Rita M. Miller (sellers) and Joseph & Pamela Saterdalen, (buyers) 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 30<sup>th</sup> 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 7<sup>th</sup> day of July, 2020.

Motion made by Commissioner Ankeny, seconded by Commissioner Reinartz, to adjourn the meeting at 1:51 p.m. Motion carried. The next meeting is scheduled for July 14, 2020 at 9:00 a.m.

**THE MOWER COUNTY BOARD OF COMMISSIONERS**

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

**Attest:**

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