

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DECEMBER 18, 2012

The Faribault County Board of Commissioners met in regular session at the Courthouse in the City of Blue Earth at 3:00 p.m. on December 15, 2012. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Auditor/Treasurer/Coordinator John Thompson and County Attorney Troy Timmerman were also present.

The meeting was called to order by Chair Roper. The pledge of allegiance was recited.

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The meeting was closed to discuss labor negotiations. Present were Commissioners Roper, Groskreutz, Loveall, Young and Warmka. Auditor/Treasurer/Coordinator John Thompson, Central Services Director Brenda Ripley and Chief Jailer Geary Wells were also present. Attorney Susan Hanson joined the meeting via conference call.

The meeting was reopened. A brief synopsis of the meeting was given.

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Groskreutz/Young motion carried unanimously to approve the synopsis and official proceedings of the December 6, 2012 regular meeting.

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Young/Groskreutz motion carried unanimously to approve the agenda of December 18, 2012.

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The calendar was updated. No member of the public appeared to make comment.

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Committee reports were given. Warmka reported on GBERBA meeting, Young reported on Prairieland Solid Waste meeting, Groskreutz reported on Prairieland Solid Waste meeting and Public Health meeting, and Roper reported on City Council meeting.

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Employees were recognized for their years of service to Faribault County: Eva Adams and Frankie Bly – 10 years; Shane Dulac, Mark Durkee, Brandon Hagenson and Steve Linde – 15

years; Clara Vereide – 20 years; George Murphy – 25 years; Gary Hill and Brenda Ripley – 30 years.

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John McDonald, Public Works Director, met regarding office business.

Groskreutz/Warmka motion carried unanimously to approve Resolution 12-RB13-39 for a final payment to Beemer Companies of \$26,666.84 for work done on Rome Township bridge. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Contracts for bridge replacement referred to as SAP 22-599-107 and SAP 22-599-109 have in all things been completed, and the County Board being fully advised in the premises,

NOW THEN, BE IT RESOLVED that we do hereby accept said completed project for and in behalf of the County of Faribault and authorize final payment of \$26,666.84 to Beemer Companies.

Young/Loveall motion carried unanimously to approve Resolution 12-RB14-40 for a final payment to M&K Bridge Construction Inc. of \$17,878.90 for work done on an Elmore Township bridge. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, contracts for bridge replacement referred to as SAP 22-602-027 have in all things been completed, and the County Board being fully advised in the premises,

NOW THEN, BE IT RESOLVED that we do hereby accept said completed project for and in behalf of the County of Faribault and authorize final payment of \$17,878.90 to M&K Bridge Construction Inc.

Groskreutz/Young motion carried unanimously to approve Resolution 12-RB15-41 approving an advance from County State Aid Highway Municipal Funds of \$861,982. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, the County of Faribault is planning to implement County State Aid Street Projects in 2013 which will require State Aid funds in excess of those available in its State Aid Maintenance Construction Account, and

WHEREAS, said County is prepared to proceed with the construction of said project through the use of an advance from the County State Aid Construction Fund to

supplement the available funds in their State Aid Municipal Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Estimated Account Balance as of 1-1-13 of \$1,060,598.00. Less estimated disbursements for Project #22-662-008 of \$1,572,580 and Projects #22-616-026, 220644-004, and 22-653-007 of \$350,000 for a total disbursement of \$1,922,580 with an advance amount of \$861,982.

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statue 162.08, Subd. 5&7 and Minnesota Rules, Chapter 8820, and

WHEREAS, the County Acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Transportation is hereby requested to approve this advance for financing approved County State Aid Highway Projects of the County of Faribault in an amount up to \$861,982 in accordance with Minnesota Statutes 8820.1500, subp.9. and authorizes repayments from subsequent accruals to the Municipal Construction Account of said County from future year's allocations until fully repaid.

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Soil and Water/Planning and Zoning Program Administrator Michele Stindtman met regarding office business.

Young/Loveall motion carried unanimously to approve Resolution 12-PZ12-42 amending Sections 16, 26, 27, and 28 of the Faribault County Zoning Ordinance as recommended by the Planning Commission after public hearing held on December 12, 2012. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

The County Board of Faribault County ordains an amendment to the Faribault County Zoning Ordinance is hereby adopted as follows:

SECTION 16 CONDITIONAL USE PERMITS

SUBDIVISION 1. CONDITIONAL USES

The board may by ordinance designate certain types of developments, including planned unit developments and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved upon a showing by an applicant that standards

and criteria stated in the ordinance will be satisfied. Such standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use.

SUBDIVISION 2. APPLICATION

An application for Conditional Use Permits shall be filed with the Zoning Administrator on forms provided by the county. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Applicant Name, Address, Contact Information
2. Legal Description obtained from the Faribault County Recorder
3. Dimensions of the property with property corners identified
4. Location and use of all existing buildings including building dimensions
5. Proposed building uses, dimensions, and square footages
6. Existing Driveway and public roads (labeled)
7. Setback distances from:
 8. All property lines
 9. Center and/or right of way of nearest public road
10. Lake, river, stream, DNR protected area
11. Septic System (if not in compliance, will need a plan from licensed contractor)
12. Well
13. Public and Private Drainage
14. Any new driveways (does a 911 address need to be applied for?)
15. Identify any areas on the property where there will be materials, such as fill, stored on site. These activities are not allowed in the Floodplain (DNR)
16. Additional data requested by the FCZA

SUBDIVISION 3. NOTIFICATIONS AND PUBLIC HEARING

1. Upon receipt in proper form of the application and other required material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.
2. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the county.
3. All property owners of record within five hundred (500) feet of the incorporated areas and /or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional use shall be given proper notice.

SUBDIVISION 4. APPROVAL, DISAPPROVAL OR MODIFICATION

The Planning Commission shall make its decision upon the application and forward its recommendations to the County Board. In reporting its recommendations to the County Board, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the County Board shall make a decision upon the application for a Conditional Use Permit

SUBDIVISION 5. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

1. That the proposed use will not have an adverse impact on health, safety and the general welfare or be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood.
2. That the proposed use will not have an adverse impact on traffic conditions including parking, traffic congestion or traffic hazard?
3. That there are adequate public utilities, public services, roads, drainage, off-street loading space and other facilities to support the proposed use of the property.
4. That the proposed use will not have an adverse effect or diminish the property values or future development of land in the surrounding neighborhood.
5. That the proposed use meets the standards of the Zoning Ordinance including that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.
6. That the proposed use will not have an adverse effect on the environment including impacts on groundwater, surface water, soils and air quality.
7. That the proposed use will not have an adverse effect on normal and orderly development and improvement of surrounding properties in the surrounding neighborhood for uses predominant to the area.
8. That the proposed use will have adequate measures in place to prevent or control offensive odors, fumes, dust, noise and vibration so that none of these will be a disturbance to neighboring properties.

SUBDIVISION 6. CONDITIONAL USE PERMITS WITHIN FLOODPLAIN AND SHORELAND AREAS

1. A copy of a request for a Conditional Use Permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to a public hearing.
2. A copy of all decisions granting any Conditional Use Permit within any designated floodplain or shoreland areas shall be forwarded to the Department of Natural Resources with ten (10) days after such decision.
3. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established countywide. The following additional evaluation criteria and conditions apply within shoreland areas:
 - A. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure:
 - 1.) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - 2.) The visibility of structures and other facilities as viewed from public waters is limited;
 - 3.) The site is adequate for water supply and on-site sewage treatment; and
 - 4.) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
 - B. Conditions attached to conditional use permits. The Planning Commission, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach

such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may be include, but are not limited to, the following:

- 1.) Increased setbacks from the normal high water level;
- 2.) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- 3.) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

SUBDIVISION 7. DURATION

A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the board from enacting or amending official controls to change the status of conditional uses.

SUBDIVISION 8. REVIEW

A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on specific parcel and not for a particular person or firm.

SUBDIVISION 9. REVOCATION

A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance and can be cause for the County Board to terminate the permit

SUBDIVISION 10. RECORDING and COPY FILED

1. A certified copy of any Conditional Use Permit, or resolution of the County Board shall be filed with the County Recorder for record. The Conditional Use Permit shall include the legal description of the property involved.
2. The Zoning Administrator shall be responsible for recording with the County Recorder, any Conditional Use Permit issued by the County Board.

SECTION 26 - PLANNING COMMISSION

SUBDIVISION 1. CREATION AND MEMBERSHIP

The Faribault County Board of Commissioners hereby establishes the Faribault County Planning Commission. Such Planning Commission shall consist of no less than five (5) nor more than eleven (11) members, appointed by the Chair of the Board of Commissioners and ratified by the Board.

1. No more than one voting member of the Planning Commission shall be an officer or employee of the County. The County Board may also designate any county officer or employee as a non-voting member of the Commission. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of his or her income from business operations involving the development of land within Faribault County for urban and urban related purposes.
2. At least two members shall be residents of the portion of the county outside the corporate limits of municipalities.
3. The term of each member shall be for three (3) years with staggered terms so that no more than (4) four appointments are made in any one year. There shall be no limitation on the number of terms which an appointee may serve.
4. The Planning Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has three (3) consecutive unexcused absences in

any one year, it shall be recommended to the County Board to replace that member. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.

5. Should any vacancy occur among the members by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chair of the County Board and they shall appoint a replacement.
6. The Planning Commission shall elect a chair, and a vice-chair from among its members and the zoning office shall assume the duties of secretary.
7. The meetings of the Planning Commission shall be held at the call of the Chair and/or Zoning Administrator and at such other times as the Commission specifies.
8. The members of the Planning Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Commission.

SUBDIVISION 2. AUTHORITY AND DUTIES OF COMMISSION

1. Advisory Body. The Planning Commission shall act as an advisory body to the County Board. The Commission shall forward all findings and recommendations to the County Board within sixty days of the date of the application.
2. Duties. The Planning Commission shall have the following duties and any other duties and responsibilities as may be assigned by the County Board from time to time.
 - A. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the County Board, updates of the County Comprehensive Land Use Plan and any amendments to the Ordinance as well as any additional forms of official controls which may be adopted pursuant to the provisions of Section 394.21 to 394.27, Minnesota Statutes, as amended.
 - B. The Planning Commission shall review all applications and hold public hearings for platting, rezoning, subdivisions of land, and make recommendations to the County Board regarding such applications.
 - C. The Planning Commission shall review applications and hold public hearings for Conditional Use Permits and make recommendations to the County Board regarding such applications.

SUBDIVISION 3. ADDITIONAL DUTIES

The board may by ordinance assign additional duties and responsibilities to the planning commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The planning commission may be required by the board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the county for that purpose by any local unit of government or any state or federal agency and shall report thereon in writing to the board.

SECTION 27 - BOARD OF ADJUSTMENT (BOA)

SUBDIVISION 1 CREATION AND MEMBERSHIP

A Board of Adjustment (BOA) is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, Chapter 394.21 through 394.37, as amended.

1. The BOA shall consist of no less than (3) three members, and no more than (7) seven members, including at least one member from the unincorporated area of the county. One member shall be appointed from each of the five commissioner districts. At least one member shall also be a member of the Planning Commission. No elected official of the County or any employee of the County shall serve as a member of the BOA.
2. Member Terms. Each member shall serve for a period of three years, and the terms of the members shall be staggered so that no more than two terms expire in any one year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term; provided, however, that any member shall continue to serve after the expiration of their term until a successor is appointed. Any member who misses three consecutive meetings without a reasonable excuse may be replaced by the Board.
3. Compensation. The members of the BOA may be compensated in an amount determined by the Board for their necessary expenses to attend meetings and conduct business of the BOA including mileage and trainings.
4. The BOA shall elect a chairman and a vice-chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of the proceedings, findings and determinations. The Zoning Office Staff shall act as secretary of the Board.
5. Meetings and Quorum. The meeting of the BOA shall be held at the call of the Zoning Administrator or the BOA Chair. A majority of the BOA shall constitute a quorum, and a majority vote of that quorum is sufficient to conduct business and take action. The BOA Chair has full voting privileges at all times, may vote on any issue, and need not confine his/her voting to break ties.
6. Conflict of Interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged

SUBDIVISION 2. DUTIES AND RESPONSIBILITIES

1. Administrative Appeals. The BOA shall have the exclusive authority to hear and decide administrative appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator.
2. Variances. The BOA shall have the exclusive power to order the issuance or denial of Variances from the terms of any official control including restrictions placed upon nonconformities.

SUBDIVISION 3. PROCEDURE

1. Notice and Hearing Procedures.
 - A. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the BOA and establish a date and time for a public hearing on the application.
 - B. The BOA shall hold a public hearing for all Variances and Administrative Appeals. Notice of time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation serving the town, municipality or other area concerned and in the official newspaper of the county at least 10 calendar days prior to the date of the hearing. Notice of the public hearing shall also be given to the affected Board of Township Supervisors and the City Council of any municipality within two miles of the affected property. In unincorporated areas of the County, property owners of record within 500 feet of the affected property shall be notified in writing of the public hearing for any application for a Variance or Administrative Appeal.

- C. All written notices shall be mailed no less than 10 calendar days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate any proceedings provided a bona fide attempt to comply with this section has been made.
 - D. The applicant or his/her representative shall appear before the BOA in order to address questions regarding the proposed application.
 - E. The BOA and Department shall have the authority to request additional information from the applicant in the case of an administrative appeal or application for a Variance that is declared necessary to verify information or establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for the denial of the request or administrative appeal.
2. BOA Findings of Fact and Certification of Final Action
- A. In conducting a public hearing in a case of an administrative appeal or application for a Variance, the BOA shall prepare written findings of fact setting forth its findings and reasons for its decision.
 - B. The BOA shall forward to the Zoning Administrator the written findings of fact and its order regarding the administrative appeal or Variance application. The Zoning Administrator shall then file a certified copy of the BOA's resolution with the County Recorder. After recording, a copy of the BOA's resolution shall be sent to the affected applicant.

SUBDIVISION 4. ADMINISTRATIVE APPEALS

- 1. A decision by the Zoning Administrator may be appealed by any aggrieved party within 10 calendar days from the date of the order, requirement, decision or determination by filing with the Zoning Administrator a written notice of administrative appeal. The notice of administrative appeal shall state:
 - A. The particular order, requirement, decision, or determination from which the administrative appeal is taken.
 - B. The name and address of the appellant.
 - C. The grounds for the administrative appeal.
 - D. The relief requested by the appellant.
- 2. The BOA shall follow the appeals process as outlined in Subdivision 3 of this Section in making a decision on an administrative appeal. The BOA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that extent shall have all the powers of the officer from whom the administrative appeal was taken and may direct the issuance of a permit.

SUBDIVISION 5. VARIANCES

Please refer to Section 28 of this ordinance.

SUBDIVISION 6. RECORD OF BOA RESOLUTION

A certified copy of any resolution issued by the BOA for an appeal or a request for a Variance shall be filed with the County Recorder. The resolution issued by the BOA shall include the legal description of the property involved. The Department shall maintain a record of all resolutions issued by the BOA and a copy of the filed resolution shall be mailed to the applicant.

SUBDIVISION 7. APPEALS TO DISTRICT COURT

All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any

aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

SUBDIVISION 8. FEES

To defray administrative costs of processing requests for variances and appeals, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

SECTION 28 VARIANCES

The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities as provided by Minnesota Statutes, Chapter 394.27, Subdivision 7; as amended.

SUBDIVISION 1. VARIANCE CRITERIA

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan
2. A Variance may be granted only where the strict enforcement of County zoning controls will result in “practical difficulties.” A determination that a “practical difficulty” exists is based upon the consideration of the following criteria:
 - A. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
 - B. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
 - C. And the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties.
 - E. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
3. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls.
4. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

SUBDIVISION 2. VARIANCE CONDITIONS.

The BOA may impose conditions in the granting of Variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the Variance.

SUBDIVISION 3. EXPIRATION OF VARIANCE.

A Variance shall expire and be considered null and void one year after the BOA’s final decision to grant the Variance if the use or construction for which the Variance was granted has not begun. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building.

SUBDIVISION 4. USE VARIANCE.

No Variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

SUBDIVISION 5. APPLICATION

1. An application for a Variance shall be filed with the Zoning Administrator on forms provided by the County. The application shall be accompanied by a copy of the deed or certified survey of the property, a site plan, and any other information the Zoning Administrator may require for the purposes of administering this Ordinance.
2. An applicant must have an ownership interest in the property for which the application is made.
3. If the application does not contain all required information, the Zoning Administrator, upon receipt of the application, shall notify the applicant, in writing, within the time specified in Minnesota Statutes Section 15.99, noting what information is missing.
4. Re-application. No application for the same Variance as ruled upon by the BOA shall be resubmitted for a period of 12 months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request

SUBDIVISION 6. NOTIFICATIONS

1. The Board of Adjustment upon receipt of a proper application for a variance shall set a time and place for a public hearing before the Board on such application. At least ten (10) days in advance of any such hearing, notice of the time, place and purpose of the hearing shall be published in the official newspaper of the County and in a newspaper of general circulation in the town, municipality, or other area concerned, if there be such a newspaper.
2. An application for a variance shall be sent to all property owners of record within five hundred (500) feet of the incorporated areas and/or five hundred (500) feet of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the variance is proposed. Such written notice shall be sent postage prepaid in the U.S. mails and shall state the time and place of the public hearing. All municipalities within two (2) miles of the proposed variance shall be given proper notice.
3. For the purpose of the foregoing notice provision, the term "affected property" shall mean whatever number of one-sixteenth (1/16) of a section that are required to totally encompass the area subject to the variation from the terms of this ordinance.

SUBDIVISION 7. PUBLIC HEARINGS

The Board of Adjustment may continue the hearing concerning the application for a variance, or it may hold such additional hearings as it deems advisable. The Board of Adjustment shall issue its order concerning the application within ten (10) days of the conclusion of the hearing relating to any given application.

SUBDIVISION 8. RECORD OF BOARD OF ADJUSTMENT ORDERS

A certified copy of an order issued by the Board of Adjustment either granting or denying an application for a variance shall be filed by the FCZA with the County Recorder for record. The order issued by the Board shall be in writing, giving the reasons for the Board's decision and shall include a legal description of the property involved.

SUBDIVISION 9. FEES

To defray administrative costs of processing requests for variances, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

Discussion was held on the status of the update of the comprehensive land use plan.

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Veteran Services Officer David Hanson met regarding office business. The Board was updated on the status of military honors funeral services. Discussion was held on Ride-Link.

Warmka/Loveall motion carried unanimously to approve participating in the Minnesota River Area Agency on Aging and authorizing the Veteran Service Officer to participate in the MinnesotaHelp Network to facilitate call referrals among customers.

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Warmka/Young motion carried unanimously to authorize the County Auditor-Treasurer to pay bills before year end and to present the list of checks to the Board at the first meeting in January of 2013.

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Groskreutz/Warmka motion carried unanimously to approve Resolution 12-CB-43 setting county board salaries, per diems and reimbursement rates. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Chapter 301 of Session Laws 1975 provides for a method of determining county commissioner's compensation, per diem and expense allowance; and,

WHEREAS, The resolution establishing the salary, schedule of per diem payments and expense allowances must be adopted by the County Board of Commissioners prior to January 1 of each year to become effective on January 1 of the next following year; and,

WHEREAS, The County Board of Commissioners of Faribault County, after due deliberation and consideration, has determined the annual salary, schedule of per diem payments and expense allowance that will be effective January 1, 2013, and thereafter until changed by resolution of the said Board in a manner as provided by law.

NOW, THEREFORE, BE IT RESOLVED, By the County Board of Commissioners of Faribault County as follows:

1. That the annual salary of each County Commissioner of Faribault County shall be the sum of \$17,960.00 beginning January 1, 2013, payable in not less than bi-weekly increments, less deductions as authorized or required by law, and shall be

12-18-12

- 178-

paid to such Commissioner during the interval as he or she is qualified to hold office.

2. That each individual County Commissioner shall be paid a per diem of \$80 per day, after making application therefore, who, by proper designation for authorization has served on any board, committee or commission of county government, including committees of the Board, or for the performance of services when required by law for any of the following work, service or activity:

Human Services Board and/or Committee
Representative on the Council on Aging
County Extension Committee
South Central Private Industry Council (PIC) Joint Powers Board
County Fair Board
County Weed-Crop Inspection
County Commissioner's Highway Committee
County Representative MnDOT Advisory Committee
County Representative Minnesota Transportation Alliance
County Commissioners as Road, Drainage Inspectors or Fence Viewers
County Land Classification and Appraisal Committee
Forfeited Tax Sale Proceedings, including Appraisals
Planning and Zoning Commission
County Building, Building Maintenance and Equipment Committee
Crime Commission
Intergovernmental Relations Committee
Regional Development Commissioner, Board or Committee
Economic Development and/or Star County Committee
County Library Board and/or Committee
County Law Library Board
Labor Relations, Negotiations, Personnel and Bargaining Committee
County Insurance Advisory Committee
County Investment Advisory Committee
County Radio Communications System Committee
911 Emergency Telephone Communications Board or Committee
State and/or County Building Code Board or Committee
Airports Zoning Committee
County Parks Board or Committee
Blue Earth River Basin Committee
Comprehensive Water Planning Board or Committee
Interstate Highway 90 Corporation and/or Trunk Highway 169
Commission, Board or Committee
County Deferred Compensation Plan Committee
Solid Waste Management or Disposal Board or Committee
Water Quality Management Board
Wetland Bank Committee

Budget Committee
Resource Conservation and Development Council
Association of Minnesota Counties and/or State Welfare, Social
Services/Human Services Board of Committee
Manure Management Task Force
Juvenile Detention Committee
Environmental Committee
Huntley Sewer Service District
Activities relating to public drainage systems under the
jurisdiction of the County or Court.
Drug Courts

For such committee, board or commission work which may be required by law, or which is authorized by the County Board of Commissioners, providing, that such work, service or activity is authorized by Board action to the performance of such work, service or activity.

That in addition to the salary and per diems set forth herein, each individual County Commissioner may be paid his or her actual and necessary expenses with mileage set at the Internal Revenue Service rate for necessary travel on official business of the county by private conveyance. -

The effective date of this resolution shall be January 1, 2013, and thereafter until changed in the manner provided by law.

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Loveall/Young motion carried unanimously to approve payment to Prairieland Solid Waste Board of \$16,766.

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Warmka/Groskreutz motion carried unanimously to approve Resolution 12-CB-44 committing fund balances per GASB 54. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, the Faribault County Board of Commissioners has adopted a policy in accordance with Governmental Accounting Standards Board (GASB) # 54 , *Fund Balance Reporting and Governmental Fund Definitions* and,

WHEREAS, the policy states that committed fund balance classifications include the portion of the fund balance that reflects constraints that the County has imposed upon itself by a

formal action of the Board of Commissioners and that this constraint must be imposed prior to year end but the amount can be determined at a later date,

THEREFORE BE IT RESOLVED that the Faribault County Board of Commissioners hereby declares that the following funds be designated as “Committed” as of the end of 2013;

- Any unassigned and available funds in the Human Services Fund, Public Works Fund, Ditch Fund and Debt Service Fund that are not Non-spendable or Restricted according to GASB 54.
- \$22,000 unspent from the 2012 budget for Veteran Services software program.

BE IT FURTHER RESOLVED that the Faribault County Auditor-Treasurer shall determine the dollar amount of said committed funds and include these amounts in the financial statements of Faribault County.

* * * * *

Loveall/Young motion carried unanimously to approve Resolution 12-CB-45 ordering redetermination of benefits on certain county ditches. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

WHEREAS, the Faribault County Board of Commissioners acting as the Drainage Authority of County Ditch #33, County Ditch #65, Judicial Ditch #19F and Judicial Ditch #20f has determined that the original benefits or damages determined in drainage proceedings said systems do not reflect present day land values or that the benefited or damaged areas have changed.

THEREFORE BE IT RESOLVED AND ORDERED that the following disinterested residents of the State, be and hereby are appointed viewers to Redetermine and report the benefits and damages and the benefited and damaged areas of above mentioned ditches;

Ron Rinquist
402 Valley View Dr
Redwood Falls, MN 56283

Charles Bowers
78799 335th St
Madelia MN 56062

Milo Holland
64532 400th St
Butterfield MN 56120

Chris Christianson
27258 810th Ave
Hollandale MN 56045

BE IT FURTHER RESOLVED that the viewers, after taking an oath to faithfully perform their duties as viewers and, after having received from the County Auditor-Treasurer copies of the order appointing them as viewers and of the order designating the time and place of their first meeting, proceed with their work as such viewers pursuant to law and make and file their report with the Auditor at the earliest possible date.

* * * * *

Loveall/Young motion carried unanimously to approve an order setting January 30, 2013 for final hearings on redetermination of benefits for County Ditch 23 at 10:00, for County Ditch 24 at 10:30, and for County Ditch 52 at 11:00.

* * * * *

Loveall/Young motion carried unanimously to authorize County Auditor-Treasurer to advance funds to funds with negative balances at year end.

* * * * *

Loveall/Groskreutz motion carried unanimously to reject all bids for the refinancing of the jail bonds and the 2003 drainage bonds.

* * * * *

Groskreutz/Young motion carried unanimously to approve requests from A. Rasmussen, K. McGowen, T. Sunken, and J. Duit to attend a four-day correctional officer's training in Brainerd; and from M. Lacher, K. Boettcher, D. Killion, and M. Murphy to attend a four-day correctional officer's training in Morton.

* * * * *

Warmka/Groskreutz motion carried unanimously to approve solid waste and recycling licenses as presented by the Billee Rabbe, Solid Waste officer.

* * * * *

The Proposed Property Tax Hearing was held at 6:00 p.m. Auditor Thompson reviewed the 2013 levy and budget. The public hearing was opened. Two people spoke on questions on individual parcel increases. The public hearing was closed.

Groskreutz/Warmka motion carried unanimously to approve Resolution 12-CB-46 setting the 2013 budget. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

WHEREAS, The Faribault County Board of Commissioners has considered the financial needs of Faribault County,

BE IT THEREFORE RESOLVED that the budget of Faribault County for 2013 will be set at \$20,637,421 in revenues and \$20,681,389 in expenditures and \$416,620 in transfers.

BE IT FURTHER RESOLVED that a copy of said budget be kept on file in the Office of the County Auditor-Treasurer for public inspection.

Warmka/Young motion carried unanimously to approve Resolution 12-CB-47 setting the 2013 property tax levy. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

WHEREAS, the Faribault County Board of Commissioners has considered the financial needs of Faribault County,

BE IT THEREFORE RESOLVED that the levy of Faribault County for 2013 will be set at \$9,581,250 before state aid reductions and \$ 9,236,472 after state aid reductions.

BE IT FURTHER RESOLVED that the levy be appropriated to the proper funds as follows:

General Fund (including Library)	5,676,299
Public Works Fund	1,200,000
Humans Services Fund	1,932,666
Debt Service	772,285

BE IT FURTHER RESOLVED that state aids be apportioned in proportion to the gross levies of each fund with the exception of the Debt Service fund which shall be all tax revenues.

BE IT FURTHER RESOLVED that a certified copy of said levy will be on file with the County Auditor/Treasurer of Faribault County.

* * * * *

Warmka/Loveall motion carried unanimously to pay bills totaling \$562,898.22 as follows:

12-18-12

- 183-

COUNTY REVENUE FUND	\$ 131,329.74
PUBLIC WORKS FUND	95,776.63
HUMAN SERVICES FUND	156,801.00
ECONOMIC DEVELOPMENT FUND	27.69
LIBRARY FUND	179.88
ISTS LOAN FUND	\$19,794.50
DITCH FUND	114,058.20
AGENCY FUND	40,084.08
FUND 90	<u>4,846.50</u>
	\$ 562,898.22

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The meeting was adjourned Sine Die for 2012.

John Roper, Chairman

John Thompson, Auditor/Treasurer/Coordinator