

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
MAY 21, 2013

The Faribault County Board of Commissioners met pursuant to the recess of May 7, 2013 at the Courthouse in the City of Blue Earth at 9:00 a.m. on May 21, 2013. 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 Young.

The pledge of allegiance was recited.

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Warmka/Roper motion carried unanimously to approve the synopsis and official proceedings of the May 7, 2013 regular meeting.

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Groskreutz/Warmka motion carried unanimously to approve the agenda of May 21, 2013.

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

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Committee reports were presented. Warmka reported on GBERBA policy meeting; Roper reported on Stateline Coop meeting in Burt, Iowa on EDA issues, workforce meeting in Mankato; and MVAC; Loveall reported on Region Nine, Planning and Zoning, and Transit issue; Groskreutz reported on Clark Township board and garbage dumping issues, commercial parcel issues without a conditional use permit, Public Health meeting in St. Paul, personnel meeting, county plan update, MN River Board, and MVAC.

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Veteran Services Officer Dave Hanson met regarding office business. Ride Link, Memorial Day, Veteran Support group, Veteran's Court, and a community based center were discussed.

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Central Services Director Brenda Ripley met regarding office business.

Loveall/Warmka motion carried unanimously to approve the transfer of Lori Grathwohl from the Recorder's office to the Driver's License Bureau effective May 31, 2013.

Loveall/Groskreutz motion carried unanimously to accept the resignation of Dorothy Sundquist as Fraud Investigator in the Sheriff's Department effective May 17, 2013.

Loveall/Groskreutz motion carried unanimously to approve an in-house advertising for a P.O.S.T. licensed applicant for the Fraud Investigator position in the Sheriff's Department.

Warmka/Groskreutz motion carried unanimously to approve hiring Dawn Fellows of Blue Earth as Central Services Director effective May 30, 2013.

Loveall/Groskreutz motion carried unanimously to approve advertising for a union B21 secretary in the Recorder's office.

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Soil and Water/Planning and Zoning Program Administrator Michele Stindtman met regarding conditional use permits.

Loveall/Roper motion carried unanimously to approve Resolution 13-PZ04-13 granting a conditional use permit to Bob and Mary Bell in Section 15 of Blue Earth City Township for a commercial vehicle repair shop. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, according to the Faribault County Zoning Ordinance, applicant is requesting a conditional use permit for a commercial vehicle repair shop.

The proposed project will be located on a tract of land in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼), Section Fifteen (15), Township One Hundred Two (102) North, Range Twenty-seven (27) West, Blue Earth City Township, Faribault County, Minnesota.

See attached Exhibit A for legal description.

WHEREAS, the Planning Commission finds:

1. That the proposed use will not have an adverse impact on the health, safety, and general welfare or be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood IF proper disposal procedures are in place and being followed for waste products.

2. That the proposed use will not have an adverse impact on traffic conditions including parking, traffic congestion, or traffic hazard. The facility is off the road and the parking is adequate.
3. That there are adequate public utilities, public services, roads, drainage, off-street loading space and other necessary facilities to support the proposed use of the property. Heavy black top.
4. That the proposed use will not have an adverse effect or diminish property values or future development of land in the surrounding neighborhood. It is approximately 1,750 feet to nearest neighbor.
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. Second dwelling is allowed in the A-2 district with a conditional use permit.
6. That the proposed use will not have an adverse effect on the environment including impacts on groundwater, surface water, soils and air quality. Proper procedures will need to be followed.
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. Area is Agriculture.
8. That adequate measures are in place to prevent or control offensive odors, fumes, dust, noise and vibration so that none of these will constitute a nuisance. Residential use. Operation should not contribute much, if any, of the issues presented.
9. That the result of this request will allow for the storage of materials and that adequate disposal measures are in place. Adequate storage and disposal.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve the conditional use permit for Bob and Mary Bell to allow a commercial vehicle repair shop on an existing site in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit only authorizes the use as specifically described in the submitted application to operate an ag related business which will perform repairs on commercial vehicles.
2. Any signage for the business to be erected shall be in compliance with Section 15, B – Sign Regulations of the Faribault County Zoning Ordinance and any state highway requirements.

3. SSTS compliance and maintenance be performed in accordance with Section 23 of the Faribault County Zoning Ordinance.
4. No more than 5 unlicensed and/or inoperable vehicles can be stored on site.
5. All federal, state, and local permits need to be obtained and implemented.
6. Any proposed changes, additions, or modifications to the site, or to the services proposed, shall be submitted to the Zoning Administrator and brought back before the Planning Commission and County Board for review.

A review of the conditional use permit will be completed by the Planning and Zoning Department every two years and a maintenance fee of \$50.00 shall be paid every two years as long as the conditional use is in effect starting May 14, 2015.

Warmka/Groskreutz motion carried unanimously to approve Resolution 13-PZ05-14 granting a conditional use permit to Mark and Darla Walton in Section 14 of Brush Creek Township for an additional single family dwelling. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, according to the Faribault County zoning ordinance, applicant is requesting a conditional use permit for an additional single family dwelling on his site.

The proposed project will be located on a tract of land in the Northwest Corner of the Northwest Quarter (NW ¼), Section Fourteen (14), Township One Hundred Two (102) North, Range Twenty-five (25) West, Brush Creek Township, Faribault County, Minnesota.

See attached Exhibit A for legal description

WHEREAS: The Planning Commission finds:

1. That the proposed use will not have an adverse impact on the health, safety, and general welfare or be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood. The second dwelling would be consistent with the present use.
2. That the proposed use will not have an adverse impact on traffic conditions including parking, traffic congestion or traffic hazard. Utilizing the same driveway.
3. That there are adequate public utilities, public services, roads, drainage, off-street loading space and other necessary facilities to support the proposed use of the property. Residential use.
4. That the proposed use will not have an adverse effect or diminish 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. Second dwelling is allowed in the A-2 district with a conditional use permit.
6. That the proposed use will not have an adverse effect on the environment including impacts on groundwater, surface water, soils and air quality. New septic for second dwelling will be installed.
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.
8. That adequate measures are in place to prevent or control offensive odors, fumes, dust, noise, and vibration so that none of these will constitute a nuisance. Not anticipated with residential use.
9. That the result of this request will allow for the storage of materials and that adequate disposal measures are in place. N/A

NOW THEREFORE BE IT RESOLVED: That the Faribault County Board of Commissioners approve the conditional use permit for Mark and Darla Walton for an additional single family dwelling on an existing site in the R-1 Rural Residence District with the following conditions:

1. This conditional use permit only authorizes the addition of a second dwelling on the site as described in the submitted application dated April 15, 2013.
2. An approved septic plan for the new dwelling must be received in the Planning and Zoning office from a licensed contractor prior to applicant receiving a building permit.

Conditional use permit expires if construction is not substantially undertaken within one year from the date of final approval.

Roper/Groskreutz motion carried to approve Resolution 13-PZ06-15 granting a conditional use permit to Robert and Jonathan Weerts in Section 6 of Blue Earth City Township for the extraction of materials and minerals as amended. Commissioners Groskreutz, Loveall, Roper, and Warmka voted yes. Commissioner Young abstained.

RESOLUTION

WHEREAS, according to the Faribault County zoning ordinance, applicant is requesting a conditional use permit for the extraction of materials and minerals (sand).

The proposed project will be located in the North Half (N ½), Section Six (6), Township One Hundred Two (102) North, Range Twenty-seven (27) West, Blue Earth City Township, Faribault County, Minnesota.

See attached Exhibit A for legal description.

WHEREAS: The Planning Commission finds:

1. That the proposed use WILL have an adverse impact on the health, safety, and general welfare or be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood. Truck traffic and related activities.
2. That the proposed use WILL have an adverse impact on traffic conditions including parking, traffic congestion or traffic hazard. Township road will have increased truck traffic on a narrow road.
3. That there are adequate public utilities, public services, roads, drainage, off-street loading space and other necessary facilities to support the proposed use of the property.
4. That the proposed use will have an adverse effect or diminish property values or future development of land in the surrounding neighborhood. Dust, noise, and traffic.
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. Allowed in sections 6 and 15 of the zoning ordinance.
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.
8. That adequate measures are in place to prevent or control offensive odors, fumes, dust, noise, and vibration so that none of these will constitute a nuisance. Provided adequate measures that are required and adhered to.

NOW THEREFORE BE IT RESOLVED: That the Faribault County Board of Commissioners approve the conditional use permit for Robert and Jonathan Weerts for the extraction of materials and minerals (sand) in the A-1 Shoreland Agriculture District with the following conditions:

1. This conditional use permit only authorizes the use of the area for mineral extraction as allowed in the A-1 Shoreland Agriculture District.
2. Applicant is responsible for adhering to and applying for all required federal, state, and local permits including, but not limited to NPDES, water appropriation, and variance.
3. This conditional use permit does not allow for activities to occur that are regulated through the floodplain ordinance.
4. Applicant must comply with township and county road authorities in regard to road use requirements.
5. Mining activities will require a 200 foot setback from all water courses OHWL.
6. Applicant will be responsible for providing adequate erosion control to prevent the transport of sediment or other pollutants into surface waters.
7. Stormwater should be directed into a depression or other containment area prior to discharge into public waters.
8. Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public roadways. Any spillage resulting from overloading or from adhering to truck tires shall be removed at regular intervals.
9. Applicant is responsible for ensuring that proper security measures are in place.
10. Amended agreement between Jo Daviess Township and applicant must be on file.
11. Approved reclamation plan will be required on any mining activities.
12. Applicant shall make active efforts to control dust.
13. No stockpiling of materials or equipment is allowed within 500 feet from the centerline of the township road.
14. Truck hauling signs must be placed along County Road 8 during hauling hours.
15. Copy of NPDES permit must be on file with the Zoning Administrator.
16. Hauling hours will be from 7:00 a.m. – 7:00 p.m. Monday through Friday and 7:00 a.m. – 12:00 noon on Saturdays.
17. Applicant must work with the two homeowners along 370th Avenue to mitigate dust and noise if scheduled events will be occurring.
18. Any proposed changes, additions, or modifications shall be submitted to the Zoning Administrator and brought back before the Planning Commission and County Board for review.
19. A review of the conditional use permit will be completed by the Planning and Zoning Department every two years and a maintenance fee of \$50.00 shall be paid every two years as long as the conditional use is in effect starting May 14, 2015.
20. This conditional use permit will be limited in time (3 years) and will expire on May 21, 2016.

Stindtman requested a work session on water issues with the various organizations that are involved from local to state.

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Public Works Director John McDonald met regarding office business. An update of department business was given.

Roper/Loveall motion carried unanimously to accept the low bid of \$377,971.00 on SAP 22-604-13 bridge replacement project on CSAH 4 from M & K Bridge Construction of Walnut Grove contingent upon approval by the MnDOT Office of Civil Rights. Other bids received were: \$401,325.65 from Icon Contractors, LLC; \$440,619.50 from Structural Specialties, Inc.; \$464,972.75 from Minnowa Construction; and \$534,038.25 from Duininck Inc.

Roper/Loveall motion carried unanimously to accept the low bid of \$2,005,531.11 on SAP 22-613-021 the reconstruction of CSAH 13 from CSAH 16 to CSAH 4 and realignment of township roads near Marna from Brunz Construction of Madison Lake. Other bids received were: \$2,143,047.95 from Minnerath Construction Inc.; \$2,180,663.12 from Mathiowetz Construction; \$2,444,722.90 from Midwest Contracting, LLC; and \$2,572,747.87 from Central Specialties Inc.

Roper/Warmka motion carried unanimously to approve Resolution 13-RB05-16 an agreement with Cargill, Inc. regarding improvements on 85th Street in Emerald Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Cargill, Incorporated (“Cargill”) is developing land in Section 30, T102N, R26W in Faribault County for a new retail liquid fertilizer and bulk storage facility (“Cargill Facility”); and,

WHEREAS, 85th Street in Section 30, T102N, R26W is an Emerald Township road adjacent to the Cargill Facility; and,

WHEREAS, Emerald Township has entered into an agreement to have Faribault County represent them with regard to roadway issues; and,

WHEREAS, 85th Street currently has an aggregate surface and is restricted to 5 ton per axle loading during spring load restrictions; and,

WHEREAS, Faribault County is planning to improve CSAH 13 from CSAH 16 to CSAH 4 in 2013 and 2014. Included in this project is the upgrading of CSAH 13 to an all season 10 ton per axle load road. Included in the upgrade is the realignment of the 85th Street/CSAH 13 intersection; and

WHEREAS, Cargill requests Faribault County to include the upgrade of 85th Street as part of the construction plan for CSAH 13; and,

WHEREAS, Cargill, in compliance with Paragraph 9 of the conditional use permit approved by Faribault County on October 2, 2012, has agreed to pay the costs of upgrading that portion of 85th Street to an all season 10 ton per axle load road from the new intersection of CSAH 13 and 85th Street east approximately 600-700 feet to just past the most easterly driveway for access into the Cargill Facility (“Cargill Upgrade”).

NOW, THERE, IT IS HEREBY MUTUALLY AGREED AND UNDERSTOOD BETWEEN THE PARTIES THAT:

1. Faribault County will include the Cargill Upgrade of 85th Street in the construction plans for the improvements to CSAH 13.
2. In the event conflicts arise between Cargill’s development plans at the Facility and Faribault County’s roadwork, priority will be given to the completion of Faribault County’s roadwork.
3. Cargill will pay all costs associated with the Cargill Upgrade only. Included in the costs of the Cargill Upgrade will be engineering, right of way acquisition (if needed), and all construction costs. When complete, 85th Street will be an all season 10 ton per axle roadway.
4. Faribault County will bill Cargill annually in 2013 and 2014 for the Cargill Upgrade work done in the respective year. Cargill will tender payment for any billing within 60 days of the receipt of said bill.
5. Cargill agrees to pay Emerald Township \$500 annually for roadway maintenance for the Cargill Upgrade portion of 85th Street.

The meeting was closed to discuss the purchase of land next to the Public Works Department that Watonwan Farm Services has for sale. The meeting was re-opened and Auditor Thompson reviewed the meeting.

Discussion was held regarding the Highway 169 project through Blue Earth.

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Soil and Water Urban Outreach Specialist Michelle Wigern met regarding office business.

Roper/Groskreutz motion carried unanimously to approve a Board of Water and Soil Resources (BWSR) grant of up to \$5,000 for water management at Woods Lake with the guarantee that the County would not destroy the improvements for at least 10 years.

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Loveall/Warmka motion carried unanimously to approve the requests from J. McDonald to attend a three-day MN County Engineer Assoc summer conference in Alexandria; D. Bullerman to attend a two-day DNR basic boating school in Woodbury; and S. Cory to attend 2 three-day Appraisal Business Area Analysis workshops in Waite Park and 2 three-day Assessment Administration Business Area Analysis workshops in Waite Park.

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Warmka/Groskreutz motion carried unanimously to approve a two year contract with the State of Minnesota for Sentence to Serve through June 30, 2015.

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Discussion was held regarding Judicial Ditch 2.

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Groskreutz/Warmka motion carried unanimously to pay bills totaling \$175,832.75 as follows:

GENERAL REVENUE FUND	\$ 97,756.55
PUBLIC WORKS FUND	73,536.49
DITCH FUNDS	<u>4,539.71</u>
	\$ 175,832.75

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The meeting was adjourned for May.

Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator