

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
OCTOBER 15, 2013

The Faribault County Board of Commissioners met pursuant to the recess of October 1, 2013 at the Courthouse in the City of Blue Earth at 9:00 a.m. on October 15, 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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Groskreutz/Warmka motion carried unanimously to approve the synopsis and official proceedings of the October 1, 2013 regular meeting.

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Roper/Warmka motion carried unanimously to approve the agenda of October 15, 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.

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Warmka/Groskreutz motion carried unanimously to set the start time of the December 17, 2013 Faribault County Board of Commissioners regular meeting at 4:00 p.m. to accommodate the Proposed Property Tax public hearing at 6:00 p.m.

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Roper/Warmka motion carried unanimously to approve request of S. Cory to attend a one day Ethics for Minnesota Assessors in New Ulm.

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Groskreutz/Warmka motion to approve a quote from Dulas Excavating, Inc. of Wells of \$10,000 to remove debris from Parcel No. 26.200.0850 in the City of Frost after obtaining proper permits failed. Commissioner Roper voted yes. Commissioners Groskreutz, Loveall, and Warmka voted no.

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Vanessa Steffl of Lutheran Social Service met regarding the Meals on Wheels program. The board was updated on the organization's ability to continue to provide hot meals within the confines of sequestration and other federal budget situations.

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Central Services Director Dawn Fellows met regarding office business.

Groskreutz/Loveall motion carried unanimously to accept the resignation of Steve Linde as Sheriff Deputy effective November 31, 2013.

Groskreutz/Loveall motion carried unanimously to approve the in-house posting of a union full-time deputy in the Sheriff Department.

Groskreutz/Warmka motion carried unanimously to accept agreement with Martin County to participate in a study of restructuring transit goals in each county financed by the Minnesota Department of Transportation.

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Soil and Water/Planning and Zoning Program Administrator Michele Stindtman met regarding office business. Stindtman presented a conditional use permit from Midcontinent Communications. Steve Mohr representing Midcontinent Communications attended.

Warmka/Loveall motion carried unanimously to adopt Resolution 13-PZ09-28 granting a conditional use permit to Midcontinent Communications for the installation of a fiber optic cable in the townships of Blue Earth, Emerald, Brush Creek, and Foster adjacent to County Highway 16 in Faribault County. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Midcontinent Communications
Blue Earth, Emerald, Brush Creek, Foster Townships
#09-13-26

WHEREAS, according to the Faribault County Zoning Ordinance, applicant is requesting a conditional use permit for the installation of a fiber optic cable. The proposed project will be located in the townships of Blue Earth, Emerald, Brush Creek, and Foster adjacent to County Highway 16 in Faribault County Minnesota.

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See attached Exhibit A for legal description.

WHEREAS, the proposed use will not have an adverse impact on the health, safety, and general welfare of the occupants in the neighborhood. It will not be injurious to the use and enjoyment of other properties for purposes already permitted in the area.

WHEREAS, the proposed use will not have an adverse impact on traffic conditions including parking, traffic congestion or traffic hazard with utilization of proper signage.

WHEREAS, 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.

WHEREAS, the proposed use will not have an adverse effect or diminish property values for future development of land in the surrounding neighborhood.

WHEREAS, 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 as stated in Sections 7 and 15 of the Zoning Ordinance.

WHEREAS, the proposed use will not have an adverse effect on the environment including minimal impacts on groundwater, surface water, soils, and air quality.

WHEREAS, the proposed use will not have an adverse effect on the normal and orderly development or improvement of surrounding properties in the surrounding neighborhood.

WHEREAS, 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 constitute a nuisance.

WHEREAS, the result of this request will allow for the temporary storage of non-hazardous materials with adequate disposal measures in place.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve a conditional use permit for Midcontinent Communications for the installation of a 72 count fiber optic cable throughout Faribault County with the following conditions.

1. Applicant is subject to execution of "Attachment A" and all applicable conditions set forth in Section 16 of the Faribault County Zoning Ordinance.
2. Applicant shall maintain in force the present \$30,000.00 (thirty thousand) Certificate of Deposit as performance security for a period of 5 (five) years from the date of this permit.

3. Applicant will obtain and implement all required federal, state, and local permits. This will include any and all permits necessary for conducting work in the floodplain and shore land areas.
4. Applicant shall notify each individual landowner in writing of anticipated work schedule through their parcel. This schedule shall reflect the time construction is taking place within time frame of 48 hours.
5. Applicant will implement proper signage along roadways as necessary.
6. Construction must be substantially completed within one year, or by September 17, 2014.

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 October 15, 2015.

Stindtman reviewed the Surface Water Forum that will be held on November 13, 2013.

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Public Works Director John McDonald met regarding office business. A construction update was given.

Roper/Loveall motion carried unanimously to accept final payment of \$24,878.67 to M & K Construction on SP 022-604-013 contingent upon final approval from the Office of Civil Rights.

Warmka/Groskreutz motion carried unanimously to adopt the right of way encroachment procedure policy as follows:

It shall be the policy of Faribault County to enforce Minnesota Statute 160.2715; Right-of-way use. In February of each calendar year the county shall post in the county's newspaper notice explaining that no encroachment into the county road right of way will be tolerated and if discovered all objects must be removed from the right of way at the landowners expense. Should a complaint be filed with the county regarding right of way use a crew will be dispatched to investigate. If it is determined there is a violation, the landowner will be sent a Notice of Encroachment. A typical notice is attached. In the Notice of Violation, the landowner will be given the option to remove the objects or the county will remove and bill the landowner.

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Warmka/Roper motion carried unanimously to adopt Resolution 13-CB-29 authorizing the levy of 2014 ditch assessments. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Minnesota Statute 103E.705 subdivision 6, authorizes the County Board to levy assessments to meet the cost of ditch repair on county, judicial, and joint county ditches;

WHEREAS, the County Board has reviewed the assessments prepared by the County Auditor-Treasurer,

THEREFORE BE IT RESOLVED that the assessments for more than one year be due and payable by November 30, 2014 and that unpaid balances at that time be charged a 4.0% annual rate of interest.

THEREFORE BE IT RESOLVED that the following assessments be applied to the listed ditches as follows:

<u>Ditch Name</u>	<u>Assessment</u>	<u>Percent</u>	<u>Yrs to Run</u>
JD 1F	\$ 2,000	5.785%	1
JD 1F Imp	\$ 2,000	5.642%	1
JD 2 F	\$ 15,000	34.114%	1
JD 2M&F	\$ 2,000	0.184%	1
JD 4F&M	\$ 13,000	0.523%	1
JD 6F & Imp	\$ 245,000	3.137%	10
JD 7M&F	\$ 265,000	2.092%	10
JD 9F&BE & Imp	\$ 7,000	12.387%	1
JD 11 F&BE	\$ 500	1.870%	1
JD 12 F&BE	\$ 8,000	22.535%	1
JD 12 M&F	\$ 3,500	9.312%	1
JD 13F & BrA	\$ 45,000	16.494%	1
JD 14F&F	\$ 200	1.695%	1
JD 17	\$ 750	2.058%	1
JD 19F	\$ 12,000	19.581%	5
JD 20F	\$ 750	10.550%	1
JD 21F	\$ 750	4.997%	1
JD 22F	\$ 650	2.253%	1
JD 24 BE F & M	\$ 850	4.047%	1
JD 25M & F	\$ 1,000	2.552%	1
JD 26F&M	\$ 500	3.338%	1
JD 27 F&M	\$ 1,000	4.777%	1
JCD 49F&BE	\$ 2,000	3.899%	1
JCD 1 BE&F	\$ 3,250	66.530%	1

<u>Ditch Name</u>	<u>Assessment</u>	<u>Percent</u>	<u>Yrs to Run</u>
JCD 201 M&F	\$ 3,900	4.788%	1
JCD 202 F&M	\$ 5,000	0.997%	1
JCD214 M&F	\$ 15,000	1.103%	1
JCD 314 M&F	\$ 15,000	2.549%	1
JCD 414 M&F	\$ 15,000	0.529%	1
JCD 514 M&F	\$ 10,000	0.511%	1
JCD 301	\$ 50,000	0.585%	1
CD 3 & Imp	\$ 30,000	5.748%	1
CD 5 & Imp	\$ 121,000	1.202%	10
CD 7	\$ 9,000	25.766%	1
CD 7 Imp	\$ 9,000	42.810%	1
CD 8	\$ 21,000	49.572%	5
CD 9	\$ 8,500	0.898%	1
CD 10	\$ 10,000	88.378%	1
CD 11	\$ 1,000	8.858%	1
CD 13	\$ 500	8.326%	1
CD 14	\$ 201,200	1.271%	10
CD 15	\$ 8,000	32.911%	1
CD 16	\$ 4,000	13.881%	1
CD 17	\$ 3,000	6.647%	1
CD 18	\$ 1,000	11.075%	1
CD19	\$ 650	8.521%	1
CD 20	\$ 50,000	49.477%	5
CD 21 & Imp	\$ 15,000	73.490%	1
CD 22	\$ 600	4.112%	1
CD 23	\$ 72,300	2.724%	10
CD 24	\$ 77,300	6.268%	10
CD 25	\$ 17,500	22.432%	1
CD 25 Br A Imp	\$ 5,000	1.475%	1
CD 27	\$ 500	4.803%	1
CD 27 Br 39	\$ 250	16.287%	1
CD 28 & Ext	\$ 500	4.584%	1
CD 29	\$ 500	12.361%	1
CD 30	\$ 500	15.873%	1
CD 31	\$ 3,000	6.308%	1
CD 32	\$ 500	2.923%	1
CD 33	\$ 1,250	17.581%	1
CD 34	\$ 1,500	5.708%	1
CD 35	\$ 500	4.442%	1
CD 36	\$ 1,000	4.387%	1
CD 37	\$ 2,000	2.576%	1
CD 38	\$ 600	4.592%	1

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<u>Ditch Name</u>	<u>Assessment</u>	<u>Percent</u>	<u>Yrs to Run</u>
CD 39	\$ 1,000	9.514%	1
CD 40	\$ 400	3.955%	1
CD 41	\$ 15,000	39.619%	1
CD 42	\$ 1,200	1.987%	1
CD 43	\$ 27,000	1.501%	1
CD 44	\$ 29,000	34.834%	1
CD 45	\$ 4,000	57.208%	1
CD 46	\$ 9,000	28.839%	1
CD 49	\$ 1,500	24.884%	1
CD 50	\$ 1,200	6.454%	1
CD 52	\$ 2,500	0.108%	1
CD 53	\$ 500	6.849%	1
CD 54	\$ 750	25.476%	1
CD 55	\$ 2,100	2.950%	1
CD 56	\$ 900	24.896%	1
CD 58	\$ 900	6.718%	1
CD 59	\$ 900	24.678%	1
CD 60	\$ 1,050	2.532%	1
CD 62	\$ 1,500	12.228%	1
CD 63	\$ 750	11.113%	1
CD 64	\$ 7,500	9.385%	1
CD 65	\$ 750	6.334%	1
CD 68	\$ 20,000	0.879%	7
CD 69	\$ 900	2.071%	1
CD 70	\$ 15,000	78.534%	1
CD 72	\$ 4,000	15.158%	1
CD 73	\$ 500	4.654%	1
CD 74	\$ 750	3.573%	1
CD 77	\$ 750	2.563%	1
CD 78	\$ 750	2.915%	1
CD 79	\$ 2,000	3.762%	1
CD 80	\$ 10,000	7.262%	1
CD 81	\$ 750	11.217%	1
CD 83	\$ 900	2.568%	1
CD85	\$ 750	3.096%	1
CD 86	\$ 750	3.563%	1
CD 87	\$ 10,000	5.006%	1
CD89	\$ 750	3.645%	1
CD 90	\$ 500	1.250%	1
CD 92	\$ 500	0.745%	1
	<u>\$1,602,700</u>		

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Groskreutz/Loveall motion carried unanimously to approve the request from M. Murphy to attend a 1-day PREA train the trainer training in Shakopee.

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Warmka/Roper motion carried unanimously to allow courthouse employees to host an open house on November 8, 2013 and have a light display on the lawn.

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Meeting was closed to consider a real estate transaction bargaining and updating the board on union negotiations. Present were Commissioners Groskreutz, Loveall, Roper, Warmka, and Young, Auditor Thompson, and Attorney Timmerman.

Meeting was reconvened and Auditor Thompson gave synopsis of the closed session.

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Warmka/Loveall motion carried unanimously to pay bills totaling \$306,545.84 as follows:

GENERAL REVENUE FUND	\$ 110,423.46
PUBLIC WORKS FUND	33,547.93
HUMAN SERVICES FUND	161,056.00
COUNTY LIBRARY FUND	1500.00
DITCH FUNDS	<u>18.45</u>
	\$ 306,545.84

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The meeting was adjourned for October.

Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator