

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
APRIL 15, 2014

The Faribault County Board of Commissioners met pursuant to the recess of April 1, 2014 at the Courthouse in the City of Blue Earth at 9:00 a.m. on April 15, 2014. 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 Loveall.

The pledge of allegiance was recited.

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Groskreutz/Roper motion carried unanimously to approve the synopsis and official proceedings of the April 1, 2014 regular meeting.

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Young/Roper motion carried unanimously to approve the agenda of April 15, 2014.

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No member of the public appeared during public comment.

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Calendar was updated.

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Committee reports were given. Warmka reported on the AMC Board of Directors; Roper reported on the township banquet, Headstart open house, SHIP, and joint meeting with soil and water board; Groskreutz reported on HRA, MRCI, planning and zoning, One Watershed/One Plan, and Mn River Board.

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

Stindtman presented conditional use permits from Kenneth Schroeder and Cargill-Marna. Kenneth Schroeder met regarding his conditional use permit.

Groskreutz/Roper motion carried unanimously to approve Resolution 14-PZ05-15 granting a conditional use permit to Kenneth Schroeder of Clark Township to operate a used vehicle dealership. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Kenneth Schroeder
Clark Township, Section 28-103-24
#03-14-30

WHEREAS, according to the Faribault County Zoning Ordinance, the applicant is requesting a conditional use permit to operate a used vehicle dealership.

The proposed project is located in the A-2 General Agriculture District in the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-eight (28) Township One Hundred Three (103) North, Range Twenty-four (24) West, Clark Township, Faribault County, Minnesota.

Commencing at the southwest corner of the NW ¼ Section 28-T103N-R24W of the 5th P.M.: thence North 00 degrees 05' 36" East a distance of 255.48 feet, on an assumed bearing on the west line of the NW ¼ of said Section 28, to the point of beginning: thence North 00 degrees 5' 36" East a distance of 33.00 feet, on the west line of said NW ¼: thence South 89 degrees 23' 35" East a distance of 718.94 feet; thence North 86 degrees 44' 33" East a distance of 155.59 feet; thence North 02 degrees 26' 22" East a distance of 400.21 feet; thence South 89 degrees 21' 14" East a distance of 363.00 feet; thence South 02 degrees 26' 22" West a distance of 443.72 feet; thence North 89 degrees 21' 14" West a distance of 363.00 feet; thence North 89 degrees 23' 35" West a distance of 872.48 feet, to the point of beginning: subject to highway easement on the westerly-most side thereof.

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.
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 necessary facilities to support the proposed use of the property.

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. Use is allowed in the A-2 General Ag 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. Listed conditions address any potential for adverse effects.
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.
9. That the result of this request will not allow for the storage of materials and that adequate disposal measures are in place.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve the conditional use permit for Kenneth Schroeder to operate a used vehicle dealership in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit only authorizes the use specifically described in the submitted plan and application for a used vehicle dealership and related activities dates March 11, 2014.
2. All other federal, state, and local applicable laws, ordinances, licenses, and permits shall be obtained and complied with from the appropriate agency and maintained in association with the used vehicle dealership.
3. No more than five (5) vehicles shall be allowed to be displayed for sale at any given time.
4. Any additional modifications to the existing plan must be submitted to the Zoning Administrator and may require a conditional use permit.
5. A maintenance fee of \$50.00 every two years shall be paid as long as the conditional use is in effect starting April 15, 2016.
6. A copy of the current Minnesota Vehicle Dealer License must be on file with the department.
7. The septic system must be brought into compliance within 10 months of the conditional use permit date of February 15, 2015.

Dan Theilen, manager of the Cargill sites in Marna and Guckeen met regarding the conditional use permit for Cargill – Marna.

Young/Warmka motion carried unanimously to waive the reading of the resolution.

Warmka/Roper motion carried unanimously to approve Resolution 14-PZ06-16 granting a conditional use permit to Cargill-Marna for an additional 12 x 30 foot fertilizer tank. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Cargill - Marna
Emerald Township, Section 30-102-26
#03-14-31

WHEREAS, according to the Faribault County Zoning Ordinance, the applicant is requesting a conditional use permit for an additional 12 x 30 fertilizer tank.

The proposed project is located in the A-2 General Agriculture District in the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Thirty (30) Township One Hundred Two (102) North, Range Twenty-six (26) West, Emerald Township, Faribault County, Minnesota.

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 30, Township 102N, Range 26W, Faribault County, described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 30; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing) along the North line of the Southwest Quarter a distance of 215.21 feet to the point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds East along the North line of the Southwest Quarter a distance of 490.00 feet; thence South 0 degrees 00 minutes 00 seconds West a distance of 444.49 feet to an iron pipe survey marker; thence South 90 degrees 00 minutes 00 seconds West a distance of 490.00 feet to an iron pipe survey marker; thence North 0 degrees 00 minutes 00 seconds East a distance of 444.49 feet to the point of beginning.

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.
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 necessary facilities to support the proposed use of the property.
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. Use is allowed in the A-2 General Ag 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. Listed conditions address any potential for adverse effects.
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.
9. That the result of this request will not allow for the storage of materials and that adequate disposal measures are in place.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve the conditional use permit for Cargill – Marna for an additional 12 x 30 fertilizer tank in the A-2 General Agriculture District with the following conditions:

1. Spill detectors to be installed and maintained to identify the occurrence of any leak of product from the storage tank.
2. This conditional use permit only authorizes the use as specifically described in the submitted plan and application dated March 14, 2014.
3. Any proposed changes, additions, or modifications to the site, or to the services proposed, shall be brought back before the Planning Commission and County Board for review.
4. 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 April 15, 2016.

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Chief Deputy Scott Adams met regarding sheriff department business.

04-15-14

Roper/Young motion carried unanimously to approve Resolution 14-CB-17 a joint powers agreement creating the South Central Minnesota Regional Radio Board. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Faribault County is a participating member of the South Central Minnesota Regional Radio Board (hereinafter the “Board”), a Joint Powers Entity formed pursuant to Minnesota Statutes 403.39 and 471.59; and

WHEREAS, a Joint Powers Agreement creating the Board was approved by the thirteen counties and two cities comprising the Board, including Faribault County; and

WHEREAS, the Minnesota legislature has amended Minnesota Statute 403.39 by adding a new section entitled “Regional Emergency Communications Boards” that provides authority for Regional Radio Boards to assume responsibility for coordinating regional 911 services; and

WHEREAS, compliance with this amendment to Minnesota statute requires modification of the existing Joint Powers Agreement; and

WHEREAS, the Board recommends modification of the Joint Powers Agreement governing the Board to provide for regional coordination of 911 services and public safety broadband data services and changes the name of the Board to “South Central Minnesota Regional Emergency Communications Board”.

NOW THEREFORE, BE IT RESOLVED the Faribault County Board of Commissioners approves the modifications to the Joint Powers Agreement recommended by the Board and attached hereto; and

BE IT FURTHER RESOLVED that the Chair is hereby authorized to execute the required addendum to the existing Joint Powers Agreement to implement the authorized modifications.

Young/Warmka motion carried unanimously to approve to purchase a 2014 Ford F150 4x4 pickup from Fairmont Ford for \$32,374 and transfer the title of the 2008 Dodge Ram to the Planning and Zoning Department transferring \$16,000 from the general fund to the Sheriff Department budget.

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

Young/Warmka motion carried unanimously to accept the low bid of \$126,225 from Ulland Brothers of Albert Lea on the turn lane/bypass lane project for the Stateline elevator. Two other bids were received: \$134,165 from W W Blacktopping Inc. and \$186,307.50 from Southern MN Construction Co. Inc.

Young/Roper motion carried unanimously to approve Resolution 14-RB04-18 entering into Mn/DOT Contract No. 05851, a detour agreement with the State of Minnesota Department of Transportation on S.P. 2280-132 Trunk Highway No. 90 detour. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

IT IS RESOLVED, that Faribault County enters into MnDOT Agreement No. 05851 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County Road 16 as a detour route during the contract construction to be performed upon, along, and adjacent to trunk Highway No. 90 from 22 to Faribault/Freeborn County Line under State Project No. 2280-132 (T.H. 90).

IT IS FURTHER RESOLVED, that the Faribault County Board Chair and the Faribault County Auditor-Treasurer are authorized to execute the Agreement and any amendments to the Agreement.

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Faribault County Development Corporation Executive Director Linsey Warmka met regarding Economic Development Agency business.

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Central Services Director Dawn Fellows met regarding office business.

Roper/Groskreutz motion carried unanimously to support and promote the goals and objectives of the employee wellness and recognition program as presented and use funding from South Central Service Cooperative and any other non-levy sources.

Roper/Groskreutz motion carried unanimously to accept the retirement of Don Amundson as veteran services driver and transit driver effective May 30, 2014.

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Warmka/Groskreutz motion carried unanimously to approve requests from L. Krachmer and S. Robbins to attend a 2-day Mn Assoc. of Assessing Officers seminar in St. Cloud, from K. Boettcher and M. Murphy to attend a 3-day DMT G certification course in St. Paul, and from D. Babcock and M. Durkee to attend a 1-day Concrete Plant Monitor workshop in Mankato.

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Groskreutz/Young motion carried unanimously to authorize per diem and mileage for attendance to Minnesota Department of Transportation's Towards Zero Deaths workshop on May 14, 2014 in Mankato.

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Young/Warmka motion carried unanimously to appoint Retha Rasmussen of Winnebago to a 3-year term on the Extension Committee ending December 31, 2016.

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Discussion was held regarding permit requirements being pursued by the Pollution Control Agency and the Army Corp of Engineers.

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Young/Warmka motion carried unanimously to pay bills totaling \$ 330,914.11 as follows:

COUNTY REVENUE FUND	\$ 92,992.77
PUBLIC WORKS FUND	33,173.98
HUMAN SERVICES FUND	167,846.00
DITCH FUNDS	<u>36,901.36</u>
	\$ 330,914.11

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The meeting was adjourned for April 2014.

Tom Loveall, Chairman

John Thompson, Auditor/Treasurer/Coordinator