

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
MAY 5, 2015

The Faribault County Board of Commissioners met in regular session at the Courthouse in the City of Blue Earth at 9:00 a.m. on May 5, 2015. 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 Groskreutz. The pledge of allegiance was recited.

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Warmka/Young motion carried unanimously to approve the synopsis and official proceedings of the April 21, 2015 regular meeting.

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Warmka/Loveall motion carried unanimously to set the start time of the June 16, 2015 meeting to 3:30 p.m.

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Warmka/Young motion carried unanimously to approve the agenda of May 5, 2015.

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

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Central Services Director Dawn Fellows met regarding office business.

Roper/Young motion carried unanimously to accept quote of \$2,500 from I&S Group to analyze the Blue Earth Ag Center for possible office space needs.

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Warmka/Loveall motion to adopt Resolution 15-CB-14 creating a Cooperative Project Revolving Loan Fund.

Roper/Loveall motion carried unanimously to amend the resolution to change under "3. Eligibility" the population to 725.

Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes on the resolution as amended.

RESOLUTION

Establishing the Cooperative Project Revolving Loan Fund, providing for Initial capitalization and approving policy for the management and administration thereof

WHEREAS, the County Board of Faribault County supports the concept of cooperative ventures between political jurisdictions within Faribault County which can produce costs savings which benefit taxpayers in Faribault County; and

WHEREAS, some townships and smaller cities within the county frequently do not enjoy sufficient cash reserves to undertake necessary capital projects within their jurisdictions; and

WHEREAS, these jurisdictions are required to finance capital projects through the issuance of bonds, notes or other securities, and the issuance costs associated with the issuance of small dollar amounts of securities are disproportionately high, causing the effective costs of borrowing to be uneconomical; and

WHEREAS, Minnesota Statutes 471.59 authorizes units of government within Minnesota to enter into Joint Powers Agreements to accomplish the construction and financing of capital projects; and

WHEREAS, Faribault County currently enjoys cash reserves sufficient to fund a limited trial program to extend targeted capital loans to small jurisdictions within the county, and

WHEREAS, the County Board believes that interest earnings generated through the program can match or exceed interest earnings generated by other county investments, thereby preserving or enhancing the interest revenues of the county.

NOW, THEREFORE BE IT RESOLVED by the County Board of Faribault County, Minnesota (the "County"), as follows:

1. Creation of Program. The County hereby establishes a Cooperative Project Revolving Loan Program to be operated in accordance with terms outlined by this resolution.
2. Initial Funding. The County hereby establishes a Cooperative Project Revolving Loan Fund, to be committed funds within the general fund of the county. The initial capitalization of the program shall be \$350,000, which amount shall be committed funds for the Cooperative Revolving Loan Fund.
3. Eligibility. All townships and those cities under 725 populations within Faribault County are eligible to participate in the Program.
4. Eligible Projects. Projects which are eligible for funding shall include public streets, roads, and sidewalks. Building renovation and demolition of buildings on parcels forfeited for non payment of property taxes shall also be eligible. New building construction is not an eligible project.
5. Financing Terms and Limits. The following limitations shall apply to all loans.
 - (a) The principal amount of any loan may not exceed \$110,000.
 - (b) The term of repayment may not exceed five (5) years.
 - (c) The loan shall bear interest approximately equal to the average rate on bonds of similar nature at the time the loan is made from the Cooperative Revolving Loan Fund. In no event shall the rate be less than 5.00%. The determination of the

average yields shall be provided by the County Auditor-Treasurer.

6. Processing and Approval Process. Jurisdictions may submit an application for financing to the County Auditor-Treasurer, utilizing forms, and procedures as required by the County Auditor-Treasurer. The County Auditor-Treasurer shall review the application and evaluate at least the following factors:
 - (a) Eligibility of the application and proposed project(s) for program financing.
 - (b) Adequacy of revenues to be pledged for loan repayment. If special assessments are to be pledged, County Auditor-Treasurer shall assure that the jurisdiction has complied with the requirements of M.S. Chapter 429. If property taxes are to be pledged for repayment, County Auditor-Treasurer shall have a reasonable expectation that there exists no statutory or other impediment to levying property taxes for loan payments in future years.
 - (c) Availability of moneys in the Revolving Fund to make the loan.

If the County Auditor-Treasurer recommends denial of the loan, the application shall be returned to the applicant with reasons for denial set forth in writing. If the County Auditor-Treasurer recommends approval of the loan, the recommendation shall be forwarded to the County Board for final approval. Notwithstanding the recommendation of the County Auditor-Treasurer, the County Board shall retain the authority to deny any funding application for any reason.

Agreement and Payment Schedule. Applicants approved for funding shall enter into a standard agreement with the county as prepared and/or approved by the County Attorney. The agreement shall include fixed payment schedule, specify the sources of revenue pledged to payment, and provide recourse to the county in the event of default.

Trial Program. It is understood that the Cooperative Program Revolving Loan Program may be suspended or terminated by the County Board at any time for any reason. In the event the program is terminated, all available funds in the revolving fund and all payments from outstanding loans shall be no longer be classified as committed with the general fund of the county which provided initial capital for the program. Suspension or termination of the program shall not change any payment or other terms of outstanding loans. Interest earned on outstanding loans from the Cooperative Project Revolving Loan fund shall be classified as investment earnings and/or charges for service in the general fund.

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Warmka/Roper motion carried unanimously to approve request from G. Berg-Moberg to attend a 1-day new prosecutor training in Chaska.

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Soil and Water Program Administrator Michele Stindtman met on planning and zoning business.

Warmka/Loveall motion carried unanimously to approve Resolution 15-PZ01-15 granting a conditional use permit to Elmer and Alverna Ehlert for extraction and excavation of materials and minerals on Section 09-102-24 of Foster Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Elmer and Alverna Ehlert
Foster Township, Section 09-102-24
#04-15-35

WHEREAS, According to the Faribault County Zoning Ordinance, the applicant is requesting a conditional use permit for extraction, including excavation, of materials and minerals.

The proposed project is in the A-2 General Agriculture District located at:

The Southwest Quarter (SW ¼) of Section Nine (9), Township One Hundred Two (102) North of Range Twenty-Four (24) West of the Fifth Principal Meridian, Foster Township, Faribault County, Minnesota.

WHEREAS, The Planning Commission finds:

1. That the proposed use will not have an adverse impact on
 - a) Health
 - b) Safety
 - c) Or, General welfare.
2. That the proposed use of the property will not be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood. Proposal is temporary.
3. That the proposed use of the property will not have an adverse impact on:
 - a) Traffic conditions.
 - b) Off-street parking.
 - c) Traffic congestion.
 - d) Traffic hazard. Ulland will utilize appropriate signage.
4. That for the proposed use of the property, there are adequate measures in place in regard to:
 - a) Necessary public utilities including water, electricity, and sewer. Applicant will be responsible for portable restrooms.
 - b) Public services.
 - c) Access roads. Will improve existing driveway off Highway 22.
 - d) Site drainage. Erosion control practices will be utilized.
 - e) Off street parking. None is required, lot is sufficient.
 - f) Loading space. Lot is sufficient.
 - g) Other necessary facilities. N/A
5. That the proposed project will not have an adverse effect on land in the surrounding neighborhood.
6. That the proposed project will not diminish the property values or diminish the opportunity for future development. Permit is temporary.
7. That the proposed project meets the standards of the Faribault County Zoning Ordinance and is allowed with a conditional use permit in the general agriculture

05-05-15

district as outlined in Section 7, C – Conditional Uses, 1 – Extraction of Minerals and Section 15, D – Extraction of Materials and Minerals.

8. That the proposed project will not have an adverse effect on:
 - a) Environment. Erosion control required
 - b) Groundwater.
 - c) Surfacewater. Silt fences and other practices will be used.
 - d) Soils. Site will be returned to agricultural production.
 - e) Air quality. N/A

9. That the proposed use will not have an adverse effect in the surrounding neighborhood in regard to:
 - a) Normal and orderly development.
 - b) Improvement of surroundings.

10. That the proposed use will have adequate measures in place to prevent or control the following items so that none of these will constitute a nuisance:
 - a) Offensive odors.
 - b) Fumes.
 - c) Dust. Control measures are required.
 - d) Noise. Hours of operation are established.
 - e) Vibration.

11. That the proposed use will have adequate measures in place for any materials being stored, and that adequate disposal measures are in place.

12. That the operation will cease on December 31, 2015.

13. That the interim use will not impose additional costs on the public. Project is on private land.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve the conditional use permit for Elmer and Alverna Ehlert, for extraction, excavation, of materials and minerals in the A-2 General 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-2 General Ag District, and Section 15 of the Zoning Ordinance.
2. Applicant is responsible for adhering to and applying for all required federal, state and local permits.
3. Ulland Brothers must ensure compliance with all road authorities in regard to necessary permits and road use requirements.
4. Ulland Brothers is responsible for providing adequate erosion control to prevent the transport of sediment or other pollutants into the East Branch of the Blue Earth River.
5. 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 by Ulland Brothers at regular intervals.
6. Ulland Brothers is responsible for ensuring that proper security measures are in place.
7. Ulland Brothers will be responsible for dust control.

8. No stockpiling of materials or equipment is allowed within 100' from the centerline of any roads.
9. Truck hauling signs must be placed along roadways during hauling hours.
10. 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.
11. Nighttime noise and lighting shall not constitute an annoyance to neighboring properties.

This conditional use permit will be limited in time and will expire on December 31, 2015.

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Soil and Water Program Technician Shane Johnson met regarding a feedlot hearing. Larry Twedt of Frost also attended.

A public hearing was held. No board action was required.

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Public Works Director Mark Daly met regarding office business. A construction update was given.

Warmka/Loveall motion carried unanimously to accept the bid from Flint Hills Resources LP of St. Paul for bituminous materials at \$442.37 per ton for an estimated 645 tons making a total bid of \$285,328.65. Two other bids were received from H G Meigs, LLC of Portage WI for a total bid of \$328,246.95 and from Jebro Incorporated of Sioux City IA for \$364,425.00.

Roper/Young motion carried unanimously to approve Resolution 15-RB05-16 to act as legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance and grooming of snowmobile trails. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County of Faribault act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance and grooming of the snowmobile trails managed by Blue Earth Snow Rovers, Stateliner's Snowmobile Club, and Blue Earth River Trails.

BE IT FURTHER RESOLVED that upon approval of its application by the State, the County of Faribault may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED that Mark Daly Director/Engineer of the Public Works Department and John Thompson County Auditor are authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED that Mark Daly Director/Engineer of the Public Works Department is hereby authorized to serve as the fiscal agent for the above referenced project.

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Discussion was held regarding forfeited tax building policies.

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Roper/Young motion carried unanimously to pay bills totaling \$153,343.00 as follows:

COUNTY REVENUE FUND	\$ 30,190.36
PUBLIC WORKS FUND	24,218.20
HUMAN SERVICES FUND	94,946.00
DITCH FUND	<u>3,988.44</u>
	\$ 153,343.00

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The meeting was recessed to Drainage Authority meeting.

William Groskreutz Jr., Chair

John Thompson, Auditor/Treasurer/Coordinator