

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
AUGUST 18, 2015

The Faribault County Board of Commissioners met pursuant to the recess of August 4, 2015 at the Courthouse in the City of Blue Earth at 9:00 a.m. on August 18, 2015. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County 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 August 4, 2015 regular and drainage authority meetings.

\* \* \* \* \*

Roper/Young motion carried unanimously to approve the agenda of August 18, 2015 as amended.

\* \* \* \* \*

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

\* \* \* \* \*

Committee reports were given. Loveall reported on planning and zoning and ag meeting workshop, Young reported on ag meeting workshop and viewers workshop, Roper reported on ag meeting workshop and MVAC, Warmka reported on GBERBA, and Groskreutz reported on MVAC executive meeting.

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Drainage Manager Merissa Lore met regarding office business.

Roper/Loveall motion carried unanimously to approve the quote from Hodgeman Drainage of \$21,427.20 for immediate repair of CD 26 tile lines. Only one quote from the contractor on site for an improvement project was received.

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Central Services Director Dawn Fellows met regarding office business.

Warmka/Roper motion carried unanimously to approve the hiring of Jadrien Irwin of Fairmont as Drainage Inspector effective August 10, 2015.

\* \* \* \* \*

Loveall/Young motion carried unanimously to approve Resolution 15-CB-29 approving the sale of forfeited tax Parcel Nos. 23.036.3900 and 23.561.0210 for the appraised value of \$100 each to the City of Delavan. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**RESOLUTION**

**WHEREAS** Parcel No. 23.036.3900 and Parcel No. 23.561.0210 in the City of Delavan have forfeited for nonpayment of property taxes and

**WHEREAS** the County Board has classified the parcels as non conservation and valued each parcel at \$100.00, and

**WHEREAS** the City of Delavan has requested by resolution of the Delavan City Council to purchase the two parcels in order to demolish the structures and clean up the property, and

**WHEREAS** the City has the ability to purchase parcels pursuant to Minnesota Statute 463.151 and 463.152 to clean up substandard and hazardous structures,

**BE IT RESOLVED** that the Faribault County Commissioners hereby approves the sale of Parcel No. 23.036.3900 and Parcel No. 23.561.0210 to the City of Delavan.

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Faribault County Historical Society Chair Bill Paul and other board members met to discuss their activities.

\* \* \* \* \*

Young/Warmka motion carried unanimously to approve the requests of L. Olson to attend a 2-day legal description training in St. Paul; A. Noll to attend a 3-day DMT-G certification course in St. Paul; D. Killion to attend a 1-day TAC workshop in St. Paul; M. Gormley, J. Anderson, and T. Hanevik to attend a 4-day jail administrators conference in Brainerd; L. Eastman to attend a 3-day Mn CVSO assistant and secretaries annual training in St. Cloud; M. Sonnek and J. Howard to attend a 3-day DMT-G certification course in St. Paul; C. Davis, J. Black, J. Crofton, E. Langford, J. Garlick, S. Wolf, and E. Hotzler to attend a 2-day MN Sheriff Assoc. jail academy at Camp Ripley; and L. Grathwohl to attend a 1-day Driver License Agent training in Mankato.

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Warmka/Roper motion carried unanimously to accept the resignation of Rick Herman of Wells from the Extension Committee.

Groskreutz/Warmka motion carried unanimously to approve the appointment of Doug Bruckhoff of Wells to the Extension Committee to fulfill the term ending December 31, 2017.

\* \* \* \* \*

Discussion was held regarding Minnesota River Congress.

\* \* \* \* \*

Soil and Water Program Administrator Michele Stindtman met regarding a conditional use permits.

Loveall/Young motion carried unanimously to approve Resolution 15-PZ06-30 granting a conditional use permit to Maple Valley Pork in Section 02-104-26 of Lura Township for a feedlot with more than 1,000 animal units. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

## RESOLUTION

Maple Valley Pork  
Lura Township, Section 02-104-26  
#07-15-38

**WHEREAS,** according to the Faribault County Zoning Ordinance, Maple Valley Pork is requesting a conditional use permit to allow for a feedlot with more than 1,000 animal units (AU).

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

That part of the North Half of the Northwest Quarter of Section 2-104-26, described as follows: Commencing at a point on the North line of said Northwest Quarter, 420 feet West of the Northeast corner of said Northwest Quarter, thence South and parallel with the East line of said Quarter, 1,000 feet, thence West and parallel to the North line of said Northwest Quarter, 435.6 feet, thence North to a point on the North line of said Northwest Quarter, 435.6 feet Westerly of the point of beginning, thence Easterly along the North line of said Northwest Quarter 435.6 feet to the point of beginning. Containing 10 acres, more or less.

### Exhibit A

That part of the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 2-104-26, described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ), the point of beginning; thence South and parallel with the East line of said Northwest Quarter (NW  $\frac{1}{4}$ ), 1,000 feet; thence West and parallel to the North line of said Northwest Quarter (NW  $\frac{1}{4}$ ), 420 feet; thence North to a point on the North line of said Northwest Quarter (NW  $\frac{1}{4}$ ), 420 feet Westerly of the said Northeast corner of said Northwest Quarter (NW  $\frac{1}{4}$ ), thence Easterly along the North line of said Northwest Quarter (NW  $\frac{1}{4}$ ), 420 feet to the Northeast corner of said Northwest Quarter (NW  $\frac{1}{4}$ ), the point of beginning. Containing 10 acres, more or less.

Subject to a 60 foot wide Easement of Access in favor of Grantors described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ), the point of beginning; thence South and parallel with the East line of said Northwest Quarter (NW  $\frac{1}{4}$ ), 1,000 feet; thence West and parallel to the North line of said Northwest Quarter (NW  $\frac{1}{4}$ ), 60 feet; thence North to a point on the North line of said Northwest Quarter (NW  $\frac{1}{4}$ ), 1,000 feet Westerly of the said Northeast corner of said Northwest Quarter (NW  $\frac{1}{4}$ ), thence Easterly along the North line of said Northwest

Quarter (NW ¼), 60 feet to the Northeast corner of said Northwest Quarter (NW ¼), the point of beginning.

**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.
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
4. That for the proposed use of the property, there are adequate measures in place or being proposed in regard to:
  - a. necessary public utilities including water, electricity, and sewer
  - b. public services
  - c. access roads
  - d. site drainage
  - e. off street parking
  - f. loading space
  - g. other necessary facilities
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 for future development.
7. That the proposed project meets the standards of the Faribault County Zoning Ordinance and is allowed with a conditional use permit in the A-2 General Agriculture District as outlined in Section 7.
8. That the proposed project will not have an adverse effect on:
  - a. the environment
  - b. groundwater
  - c. surfacewater
  - d. soils
  - e. air quality
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 in regard to nuisance issues:
  - a. offensive odors
  - b. fumes
  - c. dust
  - d. noise
  - e. vibration
11. That the proposed use will allow for the storage of materials, and have adequate disposal measures in place.

**NOW THEREFORE BE IT RESOLVED**, that the Faribault County Board of Commissioners approve a conditional use permit for Maple Valley Pork to allow for a feedlot with more than 1,000 animal units (AU) 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 dated July 17, 2015 and for the addition of the following new structures:
  - a. 61' x 134' gilt grow out barn, and
  - b. 60' x 136' farrowing barn
2. All county, state, and federal laws, regulations, and ordinances shall be complied with, all necessary permits obtained, and plans submitted prior to receiving a building permit.
3. Construction must be substantially completed within two years or by August 2017.
4. Any additional modification to the approved plan must be submitted to the Zoning Administrator and may require an amendment to the conditional use permit.
5. Compliant septic must be installed.
6. Issuance of this conditional use permit was contingent on the granting of Variance #07-15-32V which was approved August 17, 2015.

A maintenance fee of \$50.00 every two years shall be paid as long as the conditional use is in effect starting August 18, 2017.

Loveall/Warmka motion carried unanimously to approve Resolution 15-PZ07-31 granting a conditional use permit to Walnut Creek Properties LLP in Section 31-103-24 of Clark Township for a feedlot with more than 1,000 animal units. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

## **RESOLUTION**

Walnut Creek Properties LLP  
Clark Township, Section 31-103-24  
#07-15-39

**WHEREAS**, according to the Faribault County Zoning Ordinance, Walnut Creek Properties LLP is requesting a conditional use permit to allow for a feedlot with more than 1,000 animal units (AU).

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

All that part of the Southwest Quarter (SW1/4) of Section Thirty-one (31), Township One Hundred Three (103) North of Range Twenty-four (24) West of the fifth Principal Meridian, Clark Township described as follows:

Commencing at the northwest corner of the SW1/4 of said Section 31; thence South a distance of 2029.00 feet, on the west line of said SW1/4, to the point of beginning; thence South a distance of 240.00 feet, on the west line of said SW1/4; thence East a distance of 1090 feet, at a right angle; thence North a distance of 240 feet, at a right angle; thence West a distance of 1090 feet, at a right angle, to the point of beginning; subject to highway easement on the west side thereof.

**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.
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
4. That for the proposed use of the property, there are adequate measures in place or being proposed in regard to:
  - a. Necessary public utilities including water, electricity, and sewer
  - b. Public services
  - c. Access road
  - d. Site drainage
  - e. Off street parking
  - f. Loading space
  - g. Other necessary facilities
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 for future development.
7. That the proposed project meets the standards of the Faribault County Zoning Ordinance and is allowed with a conditional use permit in the A-2 General Agriculture District as outlined in Section 7.
8. That the proposed project will not have an adverse effect on:
  - a. The environment
  - b. Groundwater

- c. Surfacewater
  - d. Soils
  - e. Air quality
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 in regard to nuisance issues:
    - a. offensive odors
    - b. fumes
    - c. dust
    - d. noise
    - e. vibration
  11. That the proposed use will allow for the storage of materials, and have adequate disposal measures in place.

**NOW THEREFORE BE IT RESOLVED**, that the Faribault County Board of Commissioners approve a conditional use permit for Walnut Creek Properties LLP to allow for a feedlot with more than 1,000 animal units (AU) in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit allows for the operation of a feedlot with more than 1,000 animal units (AU).
2. This conditional use permit only authorizes a total of 1,200 animal units.
3. Any additional modifications or expansions to the existing site must be submitted to the Zoning Administrator and may require amendments to this conditional use permit.
4. All county, state, and federal laws, regulations, and ordinances shall be complied with, all necessary permits obtained, and plans submitted prior to receiving a building permit.
5. Any modifications to the existing bathroom, shower, or laundry facilities, or any addition of a bathroom, shower, or laundry facilities will trigger a new septic system to be installed.

A maintenance fee of \$50.00 every two years shall be paid as long as the conditional use is in effect starting August 18, 2017.

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Soil and Water Program Technician Shane Johnson and Joshua Schaible met regarding a public feedlot meeting for a facility in Section 17 in Barber Township. No member of the public appeared to make comment.

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

Young/Warmka motion carried unanimously to approve Resolution 15-RB06-32 a grant agreement with the Commissioner of Transportation for construction of Bridge Nos. 22J41 and 22J42 on CSAH 35. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

### RESOLUTION

**WHEREAS,** Faribault County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge Nos. 22J41 and 22J42 on CSAH 35; and

**WHEREAS,** the Commissioner of Transportation has given notice that funding for this bridge is available; and

**WHEREAS,** the amount of the grant has been determined to be \$221,855.00 by reason of the lowest responsible bid;

**NOW THEREFORE BE IT RESOLVED,** that Faribault County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Young/Warmka motion carried unanimously approving the chair signature on a contract with Midwest Contracting of Marshall on SAP-635-005 contingent upon the approval of the County Attorney.

Warmka/Roper motion carried unanimously to approve Resolution 15-RB07-33 to contract with Blue Earth Snow Rovers Snowmobile Club for trail maintenance for the upcoming year. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

### RESOLUTION

**WHEREAS,** Faribault County desires to establish a public trail in furtherance of its public recreation program, and

**WHEREAS,** the Blue Earth Snow Rovers Snowmobile Club agrees to help and assist the County to acquire, construct and maintain said trail, and is registered as a nonprofit corporation, and

**WHEREAS,** the State of Minnesota offers financial and technical assistance to the County for the construction of an approved trail, and

**WHEREAS,** the trail in connection with this agreement shall hereinafter be called The Blue Earth Snow Rovers Segment of the Faribault County Snowmobile Trail System.

**NOW THEREFORE** it is agreed between the parties thereto:

The County shall apply to the State of Minnesota Department of Natural Resources for financial and technical assistance in accordance with the laws, rules, and regulations governing said assistance.

If the said assistance is granted, the County shall contract with the club for the acquisition of the necessary interests in land and the subsequent construction and maintenance of the trail.

The contract shall specifically provide that any "work" in connection with the trail shall be in accordance with the terms and conditions of the agreement between the state and the County and such terms and conditions be incorporated in said contract by reference.

Further the contract shall provide that the club will certify to the County upon completion of significant benchmarks of "work" on the trail. The County agrees to pay the club the appropriate percentage of the total grant amount for their "work" completed by the club on their portion of the trail system as agreed to/with the other clubs in the trail system; the club will "absorb" the remainder. In the event that a performance penalty is assessed on the sponsor, by the state, such penalty will be passed through to the appropriate club and be their obligation until satisfied.

The contract shall specifically provide that the club will be operating as an independent contractor and that the County and the State of Minnesota shall not be responsible for workman's compensation or other employee benefits.

Notwithstanding the financial assistance provided in the state contract, the County shall not be liable for such costs as are incurred by the club because state funds are depleted.

Roper/Young motion carried to add ramp improvement to CSAH 6 project for an estimated \$90,000. Commissioner Warmka voted no.

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Central Services Director Dawn Fellows and Bob Mickelson of I + S Group met regarding pending courthouse improvement project.

Roper/Warmka motion carried unanimously to approve I + S Group proceeding with the bid process for projects at the Ag Center and renovations to the former jail building.

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Warmka/Young motion carried unanimously to close the meeting to discuss pending litigation. Present were the full board, Auditor-Treasurer-Coordinator John Thompson, County Attorney Troy Timmerman, County Assessor Lynn Krachmer, Elmore City Clerk Dianne Nowak, and Elmore City Councilmember Clara Vereide.

Meeting was re-opened. Timmerman gave a synopsis of the closed session.

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Loveall/Warmka motion carried unanimously to have Commissioners Groskreutz and Young meet with representatives of the City of Wells to discuss possible settlements on demolition costs.

\* \* \* \* \*

Young/Loveall motion carried unanimously to pay bills totaling \$258,190.60 as follows:

COUNTY REVENUE FUND	\$ 62,959.82
PUBLIC WORKS FUND	23,125.91
HUMAN SERVICES FUND	168,801.00
COUNTY LIBRARY FUND	1,500.00
FORFEITED TAX SALE FUND	136.30
DITCH FUNDS	<u>1,667.57</u>
	\$ 258,190.60

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The meeting was adjourned for August 2015.

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William Groskreutz Jr., Chair

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John Thompson, Auditor/Treasurer/Coordinator