

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
APRIL 5, 2016

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 April 5, 2016. 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 Warmka. The pledge of allegiance was recited.

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Young/Roper motion carried unanimously to approve the synopsis and official proceedings of the March 15, 2016 regular meeting and drainage authority CD21 hearing.

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Groskreutz/Young motion carried unanimously to approve the agenda of April 5, 2016.

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

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Committee reports were given. Loveall reported on buffer meetings and CD62 on-site meeting; Roper reported on CD62 on-site meeting, South Central Workforce, SHIP, and MVAC; Groskreutz reported on MVAC, HRA, and Public Health forum; and Warmka reported on parks committee, buffer meetings, and AMC transportation meeting.

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Central Services Director Dawn Fellows met regarding office business. Construction update and an update on the Assessor position was given.

Groskreutz/Young motion carried unanimously to approve the purchase of an AED from Allied 100 for \$1,123.00 for installation at the Ag Center location.

Loveall/Roper motion carried unanimously to approve Met-Con Construction change order of \$786.50 for HVAC system connectivity to the existing technology at the Ag Center.

Roper/Loveall motion carried unanimously to approve Nieman Roofing Co. change order of \$8,910.00 for the removal of additional roof layers on the old jail building.

Loveall/Groskreutz motion carried unanimously to hire Angela Murphy of Blue Earth for the union position of Technical Clerk in the Driver's License Bureau.

Loveall/Groskreutz motion carried unanimously to hire Chelsey Mauris for the union position of Tax Accounting Clerk in the Auditor/Treasurer office and Carlos Baez, Magali Esteve, and Aubrey Olson as part-time intermittent jailers in the Sheriff office.

Roper/Groskreutz motion carried unanimously to approve a cell phone stipend of \$75 per month to Greg Young.

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Public Works Director Mark Daly met regarding office business. An update on the May 2nd start of Wells Safe Route to School was given.

Groskreutz/Young motion carried unanimously to authorize the chair to sign Contract 16001 with Ferguson Brothers Excavating, Inc. for gravel crushing on CP 16-600-09.

Young/Loveall motion carried unanimously to direct Mark Daly to review the ITC development agreement and require ITC to sign agreement if he desires.

Young/Roper motion carried to approve the repair of manhole covers on CR21 in Minnesota Lake at a cost not to exceed \$19,000. Loveall and Groskreutz voted no.

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Loveall/Young motion carried unanimously to set April 11, 2016 at 9:30 for a special meeting to accept bids for camera/key access security upgrades.

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Groskreutz/Warmka motion carried unanimously to approve Resolution 16-CB-04 Proclaiming April as Child Abuse Prevention Month in Faribault County. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, approximately 3 million children are reported abused and neglected in this country each year; and

WHEREAS, the effects of child abuse are felt by whole communities and need to be addressed by the entire community; and

WHEREAS, these events will provide information and materials that support families to prevent child maltreatment and celebrate people who work with and support children and families; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment; and

NOW, THEREFORE, we the Commissioners of Faribault County hereby proclaim April as Child Abuse Prevention Month in Faribault County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in efforts to prevent child abuse and neglect, thereby strengthening the communities in which we live.

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Roper/Young motion carried unanimously to approve a tax court settlement abatement of \$1,155,800 for taxes payable due in 2015 and to issue a refund of \$35,946 on Parcel No. 25.681.0470 in the City of Elmore.

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Young/Loveall motion carried unanimously to approve the following preliminary order for CD 21 improvement project:

STATE OF MINNESOTA

COUNTY OF FARIBAULT

**In the Matter of the Petition of Curt
Sorgenfrie, Lee Manthie,
and others for the Improvement of County
Ditch 21, Faribault County**

**ORDER ON PRELIMINARY
HEARING**

The above-entitled matter came on duly to be heard before the Drainage Authority of Faribault County Ditch 21 on February 16, 2016 at the Faribault County Ag Center, 415 South Grove Street, Blue Earth, MN and continued on March 15, 2016 in the Faribault County Boardroom, 415 North Main, Blue Earth, MN at 1:30 p.m., at a hearing thereon duly called for the purpose of considering the petition of Curt Sorgenfrie, Tim Manthie, Lee Manthie and others for the improvement of County Ditch 21 of Faribault County and of considering the engineer's report of their preliminary survey thereof, and of hearing all persons interested therein.

Bruce E. Sellers of the firm of Wendland Sellers Bromeland, P. A., Blue Earth, Minnesota, appeared as attorney for the petitioners. Engineer Charles Brandle of I&S Group appeared and explained the plan for said ditch improvement, and numerous property owners were present and testified in their own behalf.

It appeared by proper evidence that due notice had been given of the pendency of said matter and the filing of said engineers' report of preliminary survey in the office of the Auditor of Faribault County, to the petitioners and the owners of lands and properties and corporations, public and private, likely to be affected by the proposed ditch improvement, as shown by the engineers' report, as required by law; and the Authority did at the time and place above-specified, proceed to hear said matter and all persons interested therein.

And the Authority, having duly considered said matter and having heard all persons interested therein, as provided by law, finds as follows, to-wit:

1. That the petition for the improvement of said ditch, made and filed by Curt Sorgenfrie, Lee Manthie, and others, was authorized and is sufficient, as required by law, said petition being signed by substantially more than (1) at least 26% of the owners of the property affected by the proposed improvement; (2) at least 26% of the owners of property that the proposed improvement passes over; (3) at least 26% of the owners of the property area affected by the proposed improvement; or (4) at least 26% of the owners of the property area that the proposed improvement passes over;
2. That the engineers have completed their preliminary survey and made and filed their report thereon, according to law;
3. That the proposed ditch improvement, as outlined in the petition, or modified and recommended by the engineer, as shown by their plan and report filed herein, is feasible, that there is necessity therefore, that it will be of public benefit and promote the public health, and that the outlet for said ditch is adequate;
4. That consideration was given to environmental and land use criteria in Minn. Stat. § 103E.015, sub. 1; and
5. That the outlet is adequate.

THEREFORE, IT IS ORDERED that said engineers proceed and complete a final detailed survey and report, and furnish all necessary plans and specifications for said ditch, including any proposed changes or modifications, and report the same to this Authority, with all reasonable dispatch, as provided by law.

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Young/Loveall motion carried unanimously to approve the following order to appoint ditch viewers for CD 21 improvement project:

STATE OF MINNESOTA

COUNTY OF FARIBAULT

**In the Matter of the Petition of Curt
Sorgenfrie, Lee Manthie,
and others for the Improvement of County
Ditch 21, Faribault County**

ORDER ON APPOINTING VIEWERS

In the matter of the improvement of County Ditch 21 whereas the Drainage Authority of Faribault County having duly ordered an engineer's detailed final survey report that disinterested freeholders, namely, Chris Christianson, Mark Behrends, Robert Hanson, and Dennis Distad be appointed as viewers, to view the lands and properties affected by said ditch and to report on damages and benefits thereon as required by law.

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Roper/Young motion carried unanimously to approve requests from M. Murphy and C. Albers to attend a 1-day Recertification Taser instructor course in La Crescent; L. Frommie to attend a 1-day annual South Central MN Emergency Preparedness conference in Mankato; D. Esser to attend a 2-day Mn Assoc. of

County Auditor Treasurers and Finance Officers regional meeting in Morton; D. Babcock to attend a 1-day concrete plant monitor training in Mankato; and S. Asmus to attend a 3-day Fidler educational symposium in Davenport IA.

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Discussion was held regarding the forfeited tax demolition policy.

Young/Loveall motion carried unanimously to approve the following forfeited tax demolition policy:

Faribault County Forfeited Tax Demolition Policy

The County Board is responsible for the following forfeited tax duties;

- Classification of Tax-Forfeited parcels as conservation or non-conservation.
- Determining the appraised value of the parcels.
- Determining the terms of the sale of TF lands.
- Initiating legal proceedings to cancel contracts for the purchase or repurchase of TF lands that are in default (County has not entered into these types of agreements).
- The authorization to approve or disapprove the repurchase of TF lands by the former owner or other eligible party.
- The board may delegate these duties to the County Auditor.

A - Substandard or Hazardous Structures on Forfeited Tax Parcels

1. The Faribault County Board of Commissioners believes that there are instances when a structure on a forfeited tax parcel may need to be taken down for the operation, use, preservation and safety of the building, structures and the public.
2. The County Board believes that this is a shared responsibility between a City and the County (For the purposes of this policy the term City may mean a city or a township).
3. The County Board is authorized to take action on forfeited tax structures under Minnesota Statute 282.04 Subdivision 2. The Board believes this statute to be permissive in nature and the Board is not required to take any action.

B - Permitted Actions

1. With the approval of the County Board, the county auditor **may** be authorized to take the following actions pertaining to any buildings located on a parcel of tax-forfeited land.
2. Make repairs and improvements that are necessary for the operation, use, preservation, and safety of the buildings.
3. Provide for maintenance of buildings and structures.
4. Insure the buildings against loss or damage resulting from fire or windstorm.
5. Purchase workers' compensation insurance to cover workers in and around the buildings who are employed by the county.
6. Insure the county against claims for injuries to persons or property because of the management, use or operation of the buildings.

7. Contract for the demolition of any building or structure, which has been determined by the county board to be especially liable to fire or so situated as to endanger life or limb or other buildings or property in the vicinity because of age, dilapidated condition, defective chimney, defective electrical wiring, any gas connection, heating apparatus or defect.
8. Sell any salvaged materials from the building or structure. The net proceed from the sale are to be deposited in the tax forfeited fund.
9. Contract for the demolition of any buildings that the county board determines are reducing the taxable values of property in the neighborhood because of age, dilapidated condition, or excessive size. The demolition may also be done to improve the chance of selling the parcel.
10. Grading of tax forfeited land located in an urban area. The term refers to the action of leveling or smoothing of the surface of land.
11. Improvement by constructing or maintaining a private road on parcel of tax forfeited land.
12. Subdivide a parcel into a group of smaller parcels.
13. The Auditor may seize and sell any personal property abandoned on tax forfeited land. The County Board must approve the seizure following MS345.15 or 504B.271.
14. The county board may authorize the conveyance of a road easement across unsold tax forfeited land to an individual who requests an easement for access to private property.
15. Any other duties authorized by Minnesota Statute.

C - County Board Review

1. When a parcel forfeits the County Board will schedule a review of each parcel as part of the statutory classification and appraisal process.
2. The County Board may undertake a further analysis to determine the viability of the structure.
3. Any action deemed necessary by the County Board shall be approved by motion or resolution of the County Board.
4. Cities/Townships will be notified of parcels that forfeit and of any action taken by the County Board.
5. The Board encourages open communication between the City/Township and the County during this process.
6. The Board may consider comments from a City as to whether or not any of the permitted actions should take place.
7. The review of parcels shall also include those parcels covered by this policy that will forfeit the following year if taxes are not paid. The review may result in discussions with the affected city/township pertaining to possible permitted actions that may be taken.

D - County & City Participation

1. The County Board may authorize the County Auditor to contact a city to determine if interest exists in a demolition under the terms of this policy.
2. A city may contact the County Board if it feels a structure needs to be demolished by contacting the County Auditor.
3. No permitted action will be authorized without official county board action.
4. An agreement shall be reached between the County and the City/Township outlining the financial arrangements of a project before bids and/or quotes are approved for any project.
5. The County shall retain the right to refuse any bids on a project due to budgetary considerations.

E - Cost Sharing

1. Faribault County will pay 50% of the cost of the approved project with the exception of the following:
 - a. Any below ground excavations or removal of foundations or other below ground structures will be the responsibility of the City. The County will only participate with cost of demolishing the Structure to ground floor level. Ground floor level will be determined prior to start of the project.
 - b. The County will participate with the cost of filling in basements and/or other depressions to bring the area to ground floor level or to the street level. Ground floor level will be determined prior to the approval of the project.
 - i. Ground level shall be considered the finished floor level of a structure
 - ii. The City will be responsible for the costs of the removal of foundations or other structure in order to bring the building to ground floor level if local ordinances require such action.
 - c. Cost of the demolition of other structures not in forfeited tax status unless approved by the County Board.
 - d. Costs to repair or maintain any shared wall beyond the cost necessary to for the demolition of the tax forfeited building.
 - e. The City shall be responsible for the cost of any of the additional actions if they desire those actions to be included in a project.
 - f. Cost of demolition of structures classified as residential by the County Assessor.
2. The County Board may consider caps on the amount available per project and will set caps annually during the budget cycle.

F - Demolition Projects

1. The County Board may appoint committees to oversee a demolition project that may include county board members, the County Auditor-Treasurer, the County Engineer and/or persons with experience in the demolition of buildings and/or contracts to demolish buildings. The committee shall not exceed two county commissioners.
 - a. The County Board may charge the committee with any tasks deemed necessary. The committee may invite representatives of any city to participate in the meetings as deemed appropriate.
2. The County Board shall direct the County Auditor or other staff to prepare agreements and contracts for approval by the County Board before any permitted action is completed.
 - a. The County Board may direct the County Auditor to engage the services of an engineer, consultants, contractors or other persons necessary to develop a plan and contract for the demolition of forfeited structures.
 - b. City representatives may request to be involved in the development of demolition plans by applying to the County Auditor. The Auditor shall present such requests to the County Board for approval.

G - Routine Maintenance

1. The County Board believes that day to day maintenance including snow removal, weed control and grass mowing are the responsibilities of the City. A city may apply for cost sharing with the County Board in special circumstances.

H - Special Circumstances

1. The County Board shall consider any request other than demolition under “Permitted Actions” on a case by case issue. Requests should be directed to the County Auditor who shall present the request to the County Board.

I - Ownership

1. The County Board may consider selling the parcel to a City upon the payment of the agreed upon share.
2. The County Board may sell any parcel at public auction where no request to hold the property from sale is received within 60 days of the notification to the City of the classification and appraisal of forfeited tax parcels if it deems appropriate.

J - Purchase by City before a Public Auction

1. Minnesota Statute 282 provides a mechanism where a City may purchase or acquire a forfeited parcel before a public auction at the basic sales price, a reduced price or at no charge. The city should send a letter to the County stating their desire to purchase a parcel, the statute that allows a city to purchase the parcel and the city’s plan for the parcel after demolition.
2. The County Board may consider a request from a city for cost sharing in the event the city buys a parcel before a public auction.

K - Funding

1. The board may annually budget an amount to be used for the demolition of forfeited structures.
2. The County Board may levy an amount necessary to complete county share of approved contracts to demolish, repair or maintain forfeited structures or use available fund balances.
3. The board may consider using fund balances to undertake projects it deems necessary.

Groskreutz motion to set cap at \$20,000 failed for lack of second.

Young/Roper motion carried to set the cap at \$30,000 for the county share per demolition approved project. Groskreutz voted no.

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Groskreutz/Young motion carried unanimously to pay bills totaling \$ 437,348.67 as follows:

COUNTY REVENUE FUND	\$ 398,458.23
PUBLIC WORKS FUND	22,635.08
DITCH FUND	<u>16,255.36</u>
	\$ 437,348.67

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The meeting was recessed to Drainage Authority meeting.

Tom Warmka, Chair

John Thompson, Auditor/Treasurer/Coordinator