

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
JULY 19, 2016

The Faribault County Board of Commissioners met pursuant to the recess of July 5, 2016 at the Courthouse in the City of Blue Earth at 9:00 a.m. on July 19, 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. There was a moment of silence to honor fallen law enforcement personnel in the United States.

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Loveall/Young motion carried unanimously to approve the synopsis and official proceedings of the July 5, 2016 regular and drainage authority meetings.

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Roper/Groskreutz motion carried unanimously to approve the agenda of July 19, 2016.

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

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Committee reports were given. Young reported on a letter for Woods Lake Park; Roper reported on MVAC; Groskreutz reported on MRCI and MVAC, and Warmka reported on GBERBA and buffer meeting.

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Central Services Director Dawn Fellows met regarding office business. Personnel business was discussed and a construction update was given.

Groskreutz/Roper motion carried unanimously to amend the date of the appointment of Gertrude Paschke as Faribault County Assessor to the date approved by the Department of Revenue.

Groskreutz/Young motion carried unanimously to name Gertrude Paschke as acting department head in the assessor's office.

Groskreutz/Loveall motion carried unanimously to approve the transfer of LeAnn Eastman from the Veterans Services office to the Driver License Bureau.

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Groskreutz/Young motion carried unanimously to appoint Commissioners Warmka and Groskreutz to the Board of Canvass scheduled to meet 8:00 a.m. on August 12, 2016.

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Loveall/Groskreutz motion carried unanimously to approve partial payment #4 in the amount of \$79,002.73 to Ground Works Backhoe Service, LLC on CD7 repair contract per engineer's recommendation.

Loveall/Groskreutz motion carried unanimously to approve change order #2 in the amount of \$17,400 on contract with Ground Works Backhoe Service, LLC on CD 7 repair contract per engineer's recommendation.

Loveall/Roper motion carried unanimously to approve change order #3 in the amount of \$15,049.60 on contract with Ground Works Backhoe Service, LLC on CD 7 repair contract per engineer's recommendation.

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Soil and Water Program Administrator Michele Stindtman met regarding a public hearing on planning and zoning renewable energy ordinance. Publication of notice to intent was presented.

Loveall/Young motion carried unanimously to approve Resolution 16-PZ03-10 adopting Section 35 Renewable Energy Ordinance as amended. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N
SECTION 35 – RENEWABLE ENERGY ORDINANCE

WHEREAS, renewable energy systems (RES) includes both wind energy facilities and solar energy facilities.

WHEREAS, the goal of the Faribault County Renewable Energy Ordinance is to regulate the installation and operation of RES within Faribault County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Chapters 216F, 216C.25, and 500.30, and Minnesota Rules Chapter 1325.1100, as amended.

WHEREAS, Faribault County's goal is to promote the effective and efficient use of renewable energy systems and to facilitate economic opportunities for local residents consistent with public health, safety, and general welfare.

WHEREAS, the Faribault County Planning Commission, after proper notice and publication, held a public hearing on the recommendation for adoption of the Wind Energy Conversion Systems (WECS) on the 14th day of June at the Faribault County Ag Center.

WHEREAS, after hearing public testimony and with due deliberation, the Planning Commission voted to recommend adoption of this ordinance to the Faribault County Board of Commissioners.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners hereby ordains that all renewable energy systems established within Faribault County shall comply with the standards set forth by this ordinance.

NOW THEREFORE BE IT FURTHER RESOLVED, The Faribault County Board of Commissioners after due deliberation hereby ordains and adopts the attached Renewable Energy Ordinance. Complete ordinance is on file in the Faribault County Auditor office and the Faribault County Planning and Zoning office.

Loveall/Groskreutz motion carried unanimously to approve Resolution 16-PZ04-11 repealing Section 35 – Wind Energy Conversion Systems of the Faribault County Zoning Ordinance and replacing with Section 35 – Renewal Energy Ordinance. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Amendment to the Zoning Ordinance

BE IT RESOLVED that the Faribault County Board of Commissioners ordains that Section 35 – Wind Energy Conversion Systems of the Faribault County Zoning Ordinance as adopted on August 19, 2010 is repealed in its entirety and replaced by Section 35 – Renewal Energy Ordinance as adopted July 19, 2016.

A conditional use permit hearing for the City of Wells was held. Wells City Administrator Robin Leslie also attended.

Young/Loveall motion carried unanimously to approve Resolution 16-PZ05-12 approving a conditional use permit to the City of Wells for continual use of existing storage facilities, staging area for temporary city, county, utility, and MNDOT projects, and auctions, excluding livestock. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

City of Wells

Clark Township, Section 6-103-24

#06-16-41

WHEREAS, According to the Faribault County Zoning Ordinance, the City of Wells is requesting a conditional use permit for continual use of existing storage facilities, staging area for temporary city, county, utility, and MNDOT projects, and auctions, excluding livestock.

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

The West Half of the Southeast Quarter (W ½ SE ¼) and the West Half of the Southeast Quarter of the Southeast Quarter (W ½ SE ¼ SE ¼) all in Section Six (6) Township One

07-19-16

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Hundred Three (103) North of Range Twenty-four (24) West of the Fifth (5) Principal Meridian containing One Hundred acres (100) more or less, according to Government Survey thereof:

Also, all of that tract of land lying South of the Chicago, Milwaukee and St. Paul Railway Right of Way, in the South Half of the Northeast Quarter (S ½ NE ¼) Section Six (6) Township One Hundred Three (103) North of Range Twenty-four (24) West of the Fifth (5) Principal Meridian, said to contain three acres, be the same more or less, according to U.S. Government survey thereof.

Also, the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼ SE ¼) of Section Six (6) all in Township One Hundred Three (103) North of Range Twenty-four (24) West of the Fifth Principal Meridian, containing ten (10) acres Clark Township, Faribault County, Minnesota .

WHEREAS, the Planning Commission finds:

1. That the proposed use, through conditions listed, will not have an adverse impact on health, safety, 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 traffic conditions, off-street parking, traffic congestion, or traffic hazard.
4. That for the proposed use of the property there are adequate measures in place or being proposed through the conditions attached in regard to necessary public utilities (including water, electricity, and sewer), public services, access roads, site drainage, off street parking, loading space, and other necessary facilities.
5. That the proposed project will not have an adverse effect on land in the surrounding neighborhood. Allowed uses will be temporary in nature.
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. Under 18. Uses determined by the Planning Commission to be of the same general character as the conditional uses listed and found not to be detrimental to the general health and welfare of the county. (Similar to 13. Essential public utilities or services and service buildings, including storage yards.)
8. That the proposed project, through conditions listed, will not have an adverse effect on the environment, groundwater, surface water, soils, or air quality.
9. That the proposed use will not have an adverse effect in the surrounding neighborhood in regard to normal and orderly development, and 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: offensive odors, fumes, dust, noise, and vibration.
11. Though listed conditions, the proposed use will allow for the storage of materials, and require adequate disposal measures be in place.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve a conditional use permit for the City of Wells for continued use of open storage for temporary public works projects for city, county and MNDOT projects, and temporary auctions, excluding livestock in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit allows for open storage for periodic public works projects for city, county, MNDOT and private utility projects, and for periodic auctions, not including livestock.
2. Allows for the continued use of private storage buildings on the property pursuant long standing lease agreements that currently exist with the city of Wells.
3. For the protection of the township road, the storage of aggregate on site will only be allowed with prior township approval.
4. The use of portable restroom facilities will be required at any time there is activity occurring on site.
5. Applicant must acquire adequate off street parking to ensure no parking of vehicles occurs on the township road or the state highway.
6. Storage of any hazardous materials on site must have adequate storage and disposal measures in place.
7. Any modifications or changes to the original request, or any expansions to the existing site must be submitted to the Zoning Administrator and may require amendments to this conditional use permit.
8. All County, State, and Federal laws, regulations, and ordinances shall be complied with, and site must be in compliance with all necessary local and city permits.
9. The City of Wells must notify the Zoning Department, in writing, at least 10 days prior to the any activities on site.
10. A maintenance fee of \$50.00 every two years shall be paid as long as the conditional use is in effect starting July 19, 2018.

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

Roper/Loveall motion carried unanimously to approve the sole bid for 440th A Bridge 2733 project SAP 22-599-110 from Midwest Contracting, LLC of Marshall for \$148,085.00.

Groskreutz/Young motion carried unanimously to approve a final payment of \$113,012.38 for micro surfacing to Asphalt Surface Technologies Corporation of St. Cloud.

Young/Roper motion carried unanimously to approve a joint power agreement with the City of Blue Earth for the North Main Street project on CSAH 6.

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Soil and Water Program Technician Shane Johnson and Kyle Chirpich met regarding a public feedlot meeting for a feedlot in Section 29 of Dunbar Township. The meeting notice was read by Johnson. No member of the public appeared. Meeting was adjourned.

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Groskreutz/Young motion carried unanimously to approve Resolution 16-CB-13 requesting a one year extension of the effective date of the current County Comprehensive Local Water Management Plan until December 31, 2017. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Minnesota Statutes, §103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a Comprehensive Local Water Management Plan, and

WHEREAS, Faribault County currently has a state approved Comprehensive Local Water Management Plan that covers the period of January 2007 through December 2016, and

WHEREAS, Faribault County is currently updating the Comprehensive Local Water Management Plan in accordance with Minnesota Statutes §103B.301, and

WHEREAS, Faribault County is working towards focused implementation of its Comprehensive Local Water Management Plan on the Le Sueur and Blue Earth Watersheds, and

WHEREAS, Faribault County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, and

WHEREAS, the Minnesota Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Statutes §103B.3367;

NOW, THEREFORE, BE IT RESOLVED, the Faribault County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until December 31, 2017, in order to complete the update process in accordance with Minnesota Statutes §103B.301.

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BEAM Program Coordinator Shelly Larson and STARS Program Coordinator Mary Jo Volkman met regarding the mentoring program in Faribault County. A request made for \$6,000 for growing and enhancing our mentoring programs.

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Loveall/Groskreutz motion carried unanimously to approve a letter of intent to partner with Greater Blue Earth River Basin Alliance for FY2017 Board of Water and Soil Resources (BWSR) Clean Water Fund Multipurpose Drainage Management Competitive Grants Program.

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Groskreutz/Loveall motion carried unanimously to approve Resolution 16-CB-14 allowing Darrel J. Slette to repurchase Parcel No. 29.221.0030 in the City of Walters for \$4,171.03. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Parcel No. 29.221.0030 was forfeited to the State of Minnesota in favor of the Taxing Districts, and

WHEREAS, the prior owner, Darrel J. Slette has applied to repurchase the parcel pursuant to Minn. Stat. 282.241 to 282.324, and

WHEREAS, the Faribault County Board of Commissioners has considered the application to repurchase the parcel and finds that it would be hardship for the owner to lose his home and that the repurchase would be in the public’s best interest,

BE IT RESOLVED THAT Darrel J Slette, the former owner of Parcel No. 29.221.0030 described as Lot Three of Block One, Brown’s First Addition in the City of Walters, County of Faribault, State of Minnesota be allowed to repurchase said parcel with the payment in full of the reinstated taxes, assessments, fees, and costs as follows:

Taxes	\$1,221.86
Special Assessments	1,491.26
Penalty & Interest	1,153.75
Added Costs	120.00
Repurchase Fee	100.00
Deed Tax	13.16
State Deed Fee	25.00
County Recording Fee	<u>46.00</u>
Total Cost	\$4,171.03

BE IT FURTHER RESOLVED that the repurchase price must be paid in full by August 31, 2016 or repurchase agreement will be void.

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Groskreutz/Young motion carried unanimously to approve request from S. Asmus to attend a Property Records Industry Association Conference, Dubuque, IA.

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Groskreutz/Young motion carried unanimously to close the meeting for labor negotiations. Present were the full board, Auditor/Treasurer/Coordinator John Thompson, Central Services Director Dawn Fellows, and County Attorney Troy Timmerman.

Meeting reconvened.

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Groskreutz/Loveall motion carried unanimously to pay bills totaling \$ 461,770.47 as follows:

GENERAL REVENUE FUND	\$ 111,375.26
PUBLIC WORKS FUND	99,400.39
NON REV/DISB A	4,986.30
HUMAN SERVICES FUND	183,895.00
COUNTY LIBRARY FUND	45.00
FORFEITED TAX SALE FUND	690.00
DITCH FUND	<u>61,378.52</u>
	\$ 461,770.47

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The meeting was adjourned for July 2016.

Tom Warmka, Chair

John Thompson, Auditor/Treasurer/Coordinator