

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
AUGUST 16, 2016

The Faribault County Board of Commissioners met pursuant to the recess of August 2, 2016 at the Courthouse in the City of Blue Earth at 9:00 a.m. on August 16, 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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Groskreutz/Young motion carried unanimously to approve the synopsis and official proceedings of the August 2, 2016 regular and drainage authority meetings.

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Roper/Groskreutz motion carried unanimously to approve the agenda of August 16, 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. Loveall reported on CD 62 field day, Roper reported on Workforce conference, Groskreutz reported on Buffer workshop and MVAC, and Warmka reported on GBERBA.

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Blue Earth Chamber of Commerce Director Cindy Lyon met regarding Southern Minnesota Tourism.

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Tax Clerk Lorrie Bosma met regarding SSTS business.

Loveall/Young motion carried unanimously to approve an SSTS loan to Claude and Constance Curtis on Parcel No. 19.018.1100 in the amount of \$12,360.90.

Groskreutz/Roper motion carried unanimously to approve an SSTS loan to Bruce Levine on Parcel No. 11.003.0300 in the amount of \$11,246.96.

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08-16-16

County Attorney Troy Timmerman discussed the county's role in township ordinances. Discussion was held regarding the costs of county's involvement.

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Soil and Water Program Administrator Michele Stindtman met regarding a conditional use permit for Myles Fitzsimmons in Barber Township Section 34 for a feedlot over 1,000 animal units. Myles Fitzsimmons also attended.

Loveall/Roper motion carried unanimously to approve Resolution 16-PZ06-16 granting a conditional use permit to Horizon Farm / Myles Fitzsimmons for a feedlot with more than 1,000 animal units in Section 34-103-26 of Barber Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Horizon Farm / Myles Fitzsimmons
Barber Township, Section 34-103-26
#07-16-42

WHEREAS, according to the Faribault County Zoning Ordinance, Horizon Farm / Myles Fitzsimmons is requesting a conditional use permit to allow for a feedlot with more than 1,000 animal units.

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

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 34, Township 103 North, Range 26 West in Barber Township, Faribault County, Minnesota described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 34, Township 103 North, Range 26 West in Faribault County, Minnesota; thence South 0 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of the Northeast Quarter a distance of 1963.63 feet to the point of beginning; thence North 89 degrees 50 minutes 00 seconds East a distance of 660.00 feet to an iron pipe survey marker; thence South 0 degrees 00 minutes 00 seconds West a distance of 660.00 feet to the South line of the Northeast Quarter; thence South 89 degrees 50 minutes 00 seconds West along the South line of the Northeast Quarter a distance of 660.00 feet to the Southwest corner of the Northeast Quarter; thence North 0 degrees 00 minutes 00 seconds East along the West line of the Northeast Quarter a distance of 660.00 feet to the point of beginning. Subject to an easement for public roadway right-of-way along the West line of the Northeast Quarter.

Said tract contains 10,000 acres including the aforementioned easement.

WHEREAS, based upon the public hearings proceedings, and after due deliberation and completion of the Finding of Fact, the Planning Commission finds that the proposed use:

1. Will not have an adverse impact on the health, safety, or general welfare.
2. Will not be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood.
3. Will not have an adverse impact on traffic conditions including off-street parking, traffic congestion, or traffic hazard.
4. Has adequate measures in place or being proposed 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. Will not have an adverse effect on land in the surrounding neighborhood.
6. Will not diminish property values for future development.
7. Meets the standards of the Faribault County Zoning Ordinance and is allowed with a conditional use permit in the A-2 General Ag District as outlined in Section 7.
8. Will not have an adverse effect on the environment including impacts on groundwater, surface water, soils, and air quality.
9. Will not have an adverse effect on normal and orderly development and improvement of surrounding properties in the surrounding neighborhood.
10. 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.
11. 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 the conditional use permit for Horizon Farm/Myles Fitzsimmons 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 as identified in the application.

2. 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.
3. Applicant shall not violate any statute, rules, ordinances, or regulations enforced or imposed by any entity.
4. 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.
5. A maintenance fee of \$50.00 every two years shall be paid as long as the conditional use is in effect starting August 16, 2016.

Loveall/Young motion carried unanimously to deny a conditional use permit to JJ Properties Storage & Rental LLC for a lodging facility of up to 50 people. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Loveall/Groskreutz motion carried unanimously to approve Resolution 16-PZ07-17 to option out of legislation for temporary assisted living dwellings. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

WHEREAS, on May 12, 2016, the Governor of Minnesota signed into law Chapter 111 of the 89th Legislature of the State of Minnesota establishing definitions and requirements for Temporary Family Health Care Dwellings, which was introduced during the 2016 legislature session as Senate File 2555 and House File 2497; and

WHEREAS, Chapter 111 amends Minnesota Statute §394 which regulates county permitting and zoning processes by establishing new rules for the placement of Temporary Family Health Care Dwellings on residential property; and

WHEREAS, the Minnesota Association of County Planning and Zoning Administrators, the professional association for county planning and zoning staff in Minnesota, supports the concept of Temporary Family Health Care Dwellings; and

WHEREAS, Chapter 111 erodes local control of the permitting process; limiting a county's ability to foster and guide development, and placing undue burden on county staff to forego standard permitting practices; and

WHEREAS, it is the intent of the Faribault County Board of Commissioners to protect the public health, safety, and general welfare of County residents and the environment of the County; and

WHEREAS, subdivision 9 of Minnesota Statute §394.307 allows a county to “opt-out” of the regulations through the passage of a county board resolution;

NOW THEREFORE BE IT RESOLVED, that Faribault County elects to regulate Temporary Family Health Care Dwellings through already existing permitting standards of the Faribault County Zoning Ordinance; and

BE IT RESOLVED, pursuant to authority granted by Minnesota Statutes, Section 394.307, Subdivision 9, the County of Faribault opts-out of the requirements of Minnesota Statute 394.307, which defines and regulates Temporary Family Health Care Dwellings.

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

Roper/Young motion carried unanimously to approve Resolution 16-RB02-18 for final payment on SAP 022-606-019 CSAH 6 in the amount of \$24,779.65 to Southern Minnesota Construction Inc. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, SAP 022-606-019 CSAH 6 has in all things been completed, and the County Board being fully advised in the premises,

NOW THEN, BE IT RESOLVED that we do hereby accept said completed project for and in behalf of the County of Faribault and authorize final payment of \$24,779.65 to Southern Minnesota Construction Inc.

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Sheriff Mike Gormley and Chief Deputy Scott Adams met regarding the 2016 Emergency Management Performance Grant.

Roper/Young motion carried unanimously to approve the 2016 Emergency Management Performance Grant in the amount of \$20,389.00.

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Soil and Water Program Technician Shane Johnson and Shawn Olson met regarding a public feedlot meeting. No member of the public appeared to make comment.

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Members of the Faribault County Historical Society met regarding budget allocation. Faribault County Historical Society President Bill Paul reviewed the financial document.

Young/Roper motion carried unanimously to approve a \$10,000 payment of the Faribault County Historical Society.

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

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Judd Schultz of Minnesota Valley Action Council met regarding a request for forgiveness of a Small Cities Development loan.

Groskreutz/Young motion carried unanimously to approve a \$4,000 payment as satisfaction of a Small Cities Development loan on a parcel in Winnebago if the lender, City of Winnebago, Minnesota Valley Action Council and Faribault County all agree.

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Roper/Young motion carried unanimously to approve an access agreement with Cargill allowing access to property in Elmore for the purpose of demolishing buildings with the exemption of the scale and office building.

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Loveall/Groskreutz motion carried unanimously to approve a lease with Faribault Martin County Human Services for 2017.

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Roper/Groskreutz motion carried unanimously to pay bills totaling \$ 695,632.58 as follows:

GENERAL REVENUE FUND	\$ 433,633.82
PUBLIC WORKS FUND	66,061.94
NON REV/DISB A	4,809.00
HUMAN SERVICES FUND	183,895.00
DITCH FUND	<u>7,232.82</u>
	\$ 695,632.58

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The meeting was adjourned for August 2016.

Tom Warmka, Chair

John Thompson, Auditor/Treasurer/Coordinator