

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
AUGUST 15, 2017

The Faribault County Board of Commissioners met pursuant to the recess of August 1, 2017 at the Courthouse in the City of Blue Earth at 9:00 a.m. on August 15, 2017. 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 Roper.

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 1, 2017 regular and drainage meetings.

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Warmka/Loveall motion carried unanimously to approve the agenda of August 15, 2017.

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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 Region 9, Young reported on CD 21 and Human Services, Groskreutz reported on MRCI and employee insurance meeting, Warmka reported on GBERBA, and Roper reported on Workforce.

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Central Services Director Dawn Fellows met regarding office business.

Groskreutz/Loveall motion carried unanimously to award Dispatcher/Jailer Jennifer Howard an Excellence in Performance Award for her work done creating policy for the Law Enforcement Center's Prison Rape Elimination Act certification.

Loveall/Warmka motion carried unanimously to approve hiring Kristen Heenan of Blue Earth as part-time Dispatcher/Jailer.

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Sheriff Mike Gormley and Chief Deputy Scott Adams met regarding sheriff business. Discussion was held regarding aquatic species enforcement grant.

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Public Works Director Mark Daly met regarding public works business.

Young/Warmka motion carried unanimously to accept the bid for SAP 022-599-100 replacing Bridge 3130 in Blue Earth City Township for \$618,737.00 from Redstone Construction. Other bids were received from M & K Bridge Construction, Inc. for \$635,727.30, ICON Constructors, LLC for \$645,839.60, and Duininck, Inc. for \$762,693.60.

Groskreutz/Warmka motion carried unanimously to concur with the City of Wells and accept the bid for SAP 022-632-012 3rd Street reconstruction in Wells from EJM Pipe Services for \$363,420.95 with the county share being \$213,917.20. Other bids received were \$456,490.23 from GM Contracting, Inc. and \$627,886.36 from Dulas Excavating, Inc. Bids were opened by the Wells City Council.

Groskreutz/Young motion carried unanimously to adopt Resolution 17-RB08-22 for an amendment to Minnesota Department of Transportation Agreement (MnDOT) No. 6443 on SP 022-591-001. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, the State has a contract with Faribault County identified as MnDOT Contract Number 06443 (“Original Contract”) to act as Faribault County’s agent in accepting federal funds and document the preliminary and engineering soft match credit on Faribault County’s construction project.

WHEREAS, this amendment is necessary to update the project cost and engineering soft match cost on the agreement.

NOW THEREFORE BE IT RESOLVED, to accept the amendment to MnDOT Contract Number 06443 on SP 022-591-001.

Loveall/Warmka motion carried unanimously to adopt Resolution 17-RB09-23 entering into a contract with Blue Earth Snow Rovers Snowmobile Club for trail maintenance. 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, 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 contraction 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.

Warmka/Groskreutz motion carried unanimously to adopt Resolution 17-RB10-24 entering into a contract with Stateliners Snowmobile Club for trail maintenance. 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, Stateliners 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 Stateliners 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 contraction 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.

Discussion was held regarding solar powered LED stop signs.

Warmka/Young motion carried unanimously to use a red light for stop signs on both sides and to continue with the LED lights for future use.

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Planning and Zoning Administrator Loria Rebuffoni met regarding office business.

Warmka/Loveall motion carried unanimously to approve Resolution 17-PZ05-25 granting a conditional use permit to Heidi Walter for a petting zoo in Brush Creek Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Heidi Walter
Brush Creek Township, Section 14-102-25
#07-17-50

WHEREAS, according to the Faribault County Zoning Ordinance, Heidi Walter has requested a conditional use permit to allow for a petting zoo.

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

A tract of land in the West Half of the Southwest Quarter of Section 14, Township 102 North, Range 25 West, Brush Creek Township, Faribault County, Minnesota described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 14, Township 102 North, Range 25 West in Faribault County, Minnesota; thence North 0 degrees 00 minutes 00 seconds East (assumed bearing) along the West of the Southwest Quarter a distance 1053.52 feet to the point of beginning; thence continuing North 0 degrees 00 minutes 00 seconds East along the West line of the Southwest Quarter a distance of 544.50 feet; thence North 87 degrees 00 minutes 00 seconds east a distance of 400.55 feet to an iron pipe survey marker; thence South 0 degrees 00 minutes 00 seconds West a distance of 544.50 feet to an iron pipe survey marker; thence South 87 degrees 00 minutes 00 seconds West a distance of 400.55 feet to the point of beginning, Faribault County, Minnesota

WHEREAS, according to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4–6), the Planning Commission has made its recommendation based on findings with respect thereto and all facts in connection therewith, and has designated conditions deemed necessary for the protection of public interest.

WHEREAS, The Planning Commission finds that:

1. The proposed use of the property will not have an adverse impact on health, safety and the general welfare or be injurious to the use and enjoyment of other properties and residents for purposes already permitted in the surrounding neighborhood.
2. The proposed use meets the standards of the Faribault County Zoning Ordinance including that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.
3. The proposed use will not have an adverse impact on traffic conditions, or that additional measures are being proposed in regard to access roads, traffic conditions, traffic congestion, and traffic hazard.
4. There are adequate public or private facilities and services in place or are being proposed to support the proposed use in regard to water supply, electricity, sewer services, lighting, public services, site drainage and off-street parking.
5. If the proposed use requires storage of materials, that adequate disposal measures are in place.
6. The proposed use will not have an adverse effect on the environment including impacts on the groundwater, surface water, soils, and air quality.
7. The proposed use will not substantially diminish and impair property values within the immediate vicinity, and is compatible with the existing neighborhood.
8. The proposed use will not hinder the normal and orderly development and improvement of surrounding properties in the surrounding neighborhood for the uses predominate to the area.

9. The proposed use will have adequate measures in place to prevent or control offensive odors and/or fumes, dust, noise, and vibration, so that none of these will be a disturbance to neighboring properties.
10. If the proposed use requires any additional necessary facilities that they are identified in the permit.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve a conditional use permit to Heidi Walter to allow for a petting zoo in the A-2 General Agriculture District with the following conditions:

1. All County, State, and Federal laws, regulations, and ordinances shall be complied with and all necessary permits and licensures, including, but not limited to a Class C Exhibitors License, Class A Breeder License, a Certificate of Veterinary Inspection (CVI) for any animals imported, and any other permits or requirements by Minnesota Department of Health, Board of Animal Health, and the United States Department of Agriculture (USDA), shall be attained prior to the start of operation.
2. Applicant will comply with all USDA Animal and Plant Health Inspection Service (APHIS) Animal Welfare Act (AWA) Standards as required by the USDA permits.
3. Applicant shall provide a plan to the Zoning Administrator for concessions and sanitation as approved by the County Public Health Sanitarian prior to serving food.
4. Appropriate insurance will be in place prior to operating.
5. Applicants have addressed waste by utilizing a dumpster and will ensure waste does not become an issue.
6. If needed in the future of the business, SSTS installation, compliance and maintenance must be performed in accordance with Section 23 of the Faribault County Zoning Ordinance and MN Statutes 7080. Completed and approved septic application must be submitted at the time of need as determined by the applicant and/or County.
7. Applicant will work with the County on a manure management plan and deceased animal plan which must be approved by the County prior to operating.
8. Animal pens will be built and maintained in accordance with the USDA's Animal Welfare Act (AWA) standards, tall enough for animals not to escape, and regularly inspected to ensure their integrity.
9. There will be no possession of regulated animals as defined in Minn. Stat. 345.155.
10. Applicant will adopt a breeding program that will ensure there is not an overabundance of animals.
11. Signs and rules must be in place to prohibit visitors from bringing their own pets into the petting zoo.
12. Applicant shall comply with the Minnesota Department of Health Petting Zoo Best Practices Check List.
13. As required by the USDA, Applicant shall establish adequate veterinary care and there shall be a regular inspection by a licensed veterinarian. All incoming

animals and newborns born onsite shall be inspected by a licensed veterinarian and given appropriate vaccinations.

- 14. Any proposed changes, additions, or modifications to the site, or to the services proposed, shall be submitted to the Zoning Administrator and brought back before the Planning Commission and County Board for review.
- 15. A review of the conditional use permit will be completed by the Planning and Zoning Department every two years and a maintenance fee of \$50.00 shall be paid every two years as long as the conditional use is in effect starting August 1, 2019 and shall be subject to revocation for any violation of the above listed conditions.

Groskreutz/Warmka motion carried unanimously to approve the draft of the buffer enforcement ordinance be sent to the Board of Water Resources for review.

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Groskreutz/Warmka motion carried unanimously to approve training requests from S. Robbins to attend a 4-day Mn Assoc. of Assessing Officers conference in Duluth, A. Wachlin to attend a 2-day Mn Deputy Registrars Assoc. conference in St. Cloud, M. Lore to attend a 1-day MN Assoc. of Drainage Inspectors joint meeting in Alexandria, G. Berg-Moberg to attend a 2-day 2017 Criminal Justice Institute in Minneapolis, C. Beaver to attend a 1-day CoverTrack GPS training in Bloomington, L. Rebuffoni to attend a 1-day practical guide for variances in shore lands and floodplains in Mankato, and J. Schmidtke to attend a 3-day MNCVSO Assistants and Secretaries Association conference in St. Cloud.

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The meeting was closed to consider pending litigation for the security system contract with AISG and pending litigation involving the veteran services office. Present were Tom Warmka, Tom Loveall, Bill Groskreutz, Greg Young, John Roper, John Thompson, Troy Timmerman, Dawn Fellows, Mike Gormley, and Scott Adams.

Warmka/Young motion carried unanimously to reconvene the meeting. Timmerman gave a re-cap of the closed session.

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Loveall/Young motion carried unanimously to pay bills totaling \$402,920.68 as follows:

COUNTY REVENUE FUND	\$ 130,051.06
PUBLIC WORKS FUND	222,645.60
NON REVENUE/DISB A	5,074.20
DITCH FUND	<u>45,149.82</u>
	\$ 402,920.68

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Continued meeting as a budget work session.

The meeting was adjourned for the month of August.

John Roper, Chair

John Thompson, Auditor/Treasurer/Coordinator