

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
DECEMBER 7, 2017

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 December 7, 2017. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. 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.

\* \* \* \* \*

Warmka/Groskreutz motion carried unanimously to approve the synopsis and official proceedings of the November 21, 2017 regular meeting.

\* \* \* \* \*

Warmka/Groskreutz motion carried unanimously to approve the agenda of December 7, 2017.

\* \* \* \* \*

Committee reports were given. Groskreutz reported on MVAC and AMC conference; Young reported on the Huntley Sewer Board; Loveall reported on planning and zoning, Region Nine, and AMC conference; Roper reported on MCIT and AMC conference

\* \* \* \* \*

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

\* \* \* \* \*

Young/Warmka motion carried unanimously to appoint Austin Bressler of Huntley to a four-year term on the Huntley Sewer Service District Board ending December 31,2021.

\* \* \* \* \*

Central Services Director Dawn Fellows met regarding office business.

Loveall/Young motion carried unanimously to hire Jason Casias as a full-time jailer/dispatcher in the Sheriff Department.

Young/Groskreutz motion carried unanimously to set the 2018 meal maximum reimbursement amounts as follows: breakfast \$11.00, lunch \$13.00, Dinner \$20.00.

Loveall/Young motion carried unanimously to approve the following 2018 benefits for non-union employees effective January 1, 2018: 2% cost of living adjustment; Health insurance premium set at \$574.08 per month if enrolled in the single HSA Compatible PEIP plan health insurance. \$676.50 per month if enrolled in the Value or Advantage PEIP plan health insurance. \$687.00 per month if enrolled in family

or employee plus one health insurance; contribution of \$3,300 annually for those enrolled in the H S A compatible PEIP plan which may be used toward health insurance premium.

\* \* \* \* \*

Planning and Zoning Administrator Loria Rebuffoni met regarding office business. Jake Salisbury of EDF Renewable Energy also attended. Discussion was held regarding conditional use permits for the installation of metrological towers. During public comment Andy Pierce of Pilot Grove Township, Lynette Ritter of Emerald Township, Tracy Zierke of Blue Earth, Ron Schultz of Pilot Grove Township, Ruth Scholtz of Pilot Grove Township, Tim Nelson of Emerald Township, Pam Krill of Pilot Grove Township, Joel Rauenhorst of Barber Township, and Ray Rauenhorst of Barber Township spoke.

Loveall/Young motion carried to approve Resolution 17-PZ08-41 granting a conditional use permit to EDF Renewable Energy and Raymond Rauenhorst to sight and install an 81.3-meter metrological tower in Barber Township, Section 13-103-26. Commissioners Groskreutz, Loveall, Roper, and Young voted yes. Commissioner Warmka abstained due to conflict of interest.

## RESOLUTION

EDF Renewable Energy & Raymond Rauenhorst  
Barber Township, Section 13-103-26  
#11-17-52

**WHEREAS,** according to the Faribault County Zoning Ordinance, EDF Renewable Energy and Raymond Rauenhorst have requested a conditional use permit to sight and install an 81.3-meter Metrological tower.

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

The South Half (S ½) of the Northwest Quarter (NW ¼) and the East Half (E ½) of the Southwest Quarter (SW ¼), except 8.6 acres of building site, all in Section Thirteen (13), Township One Hundred Three (103) North, Range Twenty-six (26) West, Barber Township, Faribault County, Minnesota.

The 8.6 acres of Building site described above was previously deed on June 18, 1976, at Microfilm #228396

**WHEREAS,** according to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4–6), the Planning Commission (PC) 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.

12-07-17

- 162-

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 EDF Renewable Energy & Raymond Rauenhorst to sight and install an 81.3-meter Metrological tower in the A-2 General Agriculture District with the following conditions:

1. All County, State, Federal laws, regulations, and ordinances shall be complied with, and site must be in compliance with all necessary permits and setbacks, with special attention to Sections F-M of Section 21 – Tower Ordinance of Faribault County (attached), which addresses General Standards, Permit Application Requirements, Routine Maintenance, Time Limit on Construction, Unused or Abandoned Facility, Removal, Severance Clause, and Fees.
2. Permits and approval must be obtained by the Drainage Authority and Highway Engineer prior to receiving a Tower Permit for construction.
3. All necessary and approved Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) documentation must be submitted to Planning and Zoning prior to the issuance of a Tower Permit for construction.
4. If there is a situation where local emergency services must cut or damage crops to access the tower, the County shall not be held liable.
5. 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 December 7, 2019 and shall be subject to revocation for any violation of the above listed conditions.

6. Applicants must submit proof of insurance on the MET towers annually to Faribault County Planning & Zoning.

Loveall/Young motion carried to approve Resolution 17-PZ09-42 granting a conditional use permit to EDF Renewable Energy and James and Robin Smith to sight and install an 81.3-meter metrological tower in Barber Township, Section 13-103-26. Commissioners Groskreutz, Loveall, Roper, and Young voted yes. Commissioner Warmka abstained due to conflict of interest.

## **RESOLUTION**

EDF Renewable Energy and James & Robin Smith  
Pilot Grove Township, Section 29-101-28  
#11-17-53

**WHEREAS,** according to the Faribault County Zoning Ordinance, EDF Renewable Energy and James and Robin Smith have requested a conditional use permit to sight and install an 80 meter Metrological tower.

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

The West 887.58 feet of the East 1775.24 (as measured at right angles) of the Northwest Quarter of Section 29, Township 101 North, Range 28 West, Pilot Grove Township, Faribault County, Minnesota.

**WHEREAS,** according to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4–6), the Planning Commission (PC) 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 EDF Renewable Energy and James & Robin Smith to sight and install an 81.3 meter Metrological tower in the A-2 General Agriculture District with the following conditions:

1. All County, State, Federal laws, regulations, and ordinances shall be complied with, and site must be in compliance with all necessary permits and setbacks, with special attention to Sections F-M of Section 21 – Tower Ordinance of Faribault County (attached), which addresses General Standards, Permit Application Requirements, Routine Maintenance, Time Limit on Construction, Unused or Abandoned Facility, Removal, Severance Clause, and Fees.
2. Permits and approval must be obtained by the Drainage Authority and Highway Engineer prior to receiving a Tower Permit for construction.
3. All necessary and approved Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) documentation must be submitted to Planning and Zoning prior to the issuance of a Tower Permit for construction.
4. If there is a situation where local emergency services must cut or damage crops to access the tower, the County shall not be held liable.
5. 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 December 7, 2019 and shall be subject to revocation for any violation of the above listed conditions.
6. Applicants must submit proof of insurance on the MET towers annually to Faribault County Planning & Zoning.

\* \* \* \* \*

Planning and Zoning Administrator Loria Rebuffoni and Soil and Water Program Technician Shane Johns met regarding feedlot business.

Loveall/Groskreutz motion carried unanimously to approve the 2018-2019 MPCA County Feedlot Program Delegation Agreement Work Plan.

\* \* \* \* \*

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

Loveall/Young motion carried unanimously to approve Resolution 17-RB14-43 for a final payment to Ulland Brothers, Inc. for CSAH 18 box culvert and overlay project SAP 022-618-005. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

#### **RESOLUTION**

**WHEREAS,** SAP 022-618-005, CSAH 18 Box Culvert and Overlay Project has in all things been completed; and

**WHEREAS,** the final contract amount is \$2,117,246.86 which is \$84,801.82 (4.0%) more than the original contract bid of \$2,034,623.04; and

**WHEREAS,** to date \$2,107,246.86 has been paid to the contractor leaving the balance of \$10,000.00; and;

**WHEREAS,** the work has been performed satisfactorily and all necessary forms have been completed and received by the Highway Department.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners in and for the County of Faribault, Minnesota, that we do hereby accept said completed project and authorize final payment to Ulland Brothers, Inc.

Warmka/Loveall motion carried unanimously to approve Resolution 17-RB15-44 for a final payment to Midwest Contracting, LLC for CSAH 4 bridge project SAP 022-604-014. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

#### **RESOLUTION**

**WHEREAS,** SAP 022-604-014, CSAH 4 bridge project has in all things been completed; and

**WHEREAS,** the final contract amount is \$301,288.43 which is \$4,757.43 (1.6%) more than the original contract bid of \$296,531.00; and

**WHEREAS,** to date \$286,224.01 has been paid to the contractor leaving the balance of \$15,064.42; and;

**WHEREAS,** the work has been performed satisfactorily and all necessary forms have been completed and received by the Highway Department.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners in and for the County of Faribault, Minnesota, that we do hereby accept said completed project and authorize final payment to Midwest Contracting, LLC.

Warmka/Loveall motion carried unanimously to approve Resolution 17-RB16-45 for a final payment to Ulland Brothers, Inc. for CSAH 20 mill and overlay project SAP 022-320-13. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

#### **RESOLUTION**

**WHEREAS,** SAP 022-620-13, CSAH 20 mill and overlay project has in all things been completed; and

**WHEREAS,** the final contract amount is \$121,846.02 which is \$4,431.03 (3.5 %) less than the original contract bid of \$126,277.05; and

**WHEREAS,** to date \$115,753.72 has been paid to the contractor leaving the balance of \$6,092.30; and;

**WHEREAS,** the work has been performed satisfactorily and all necessary forms have been completed and received by the Highway Department.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners in and for the County of Faribault, Minnesota, that we do hereby accept said completed project and authorize final payment to Ulland Brothers, Inc.

Warmka/Loveall motion carried unanimously to approve Resolution 17-RB17-46 for a final payment to Ulland Brothers, Inc. for CSAH 21 mill and overlay project SAP 022-621-026. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

#### **R E S O L U T I O N**

**WHEREAS,** SAP 022-621-026, CSAH 21 mill and overlay project has in all things been completed; and

**WHEREAS,** the final contract amount is \$32,350.40 which is \$5,612.70 (15 %) less than the original contract bid of \$37,963.10; and

**WHEREAS,** to date \$30,732.88 has been paid to the contractor leaving the balance of \$1,617.52; and;

**WHEREAS,** the work has been performed satisfactorily and all necessary forms have been completed and received by the Highway Department.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners in and for the County of Faribault, Minnesota, that we do hereby accept said completed project and authorize final payment to Ulland Brothers, Inc.

Warmka/Loveall motion carried unanimously to approve Resolution 17-RB18-47 for a final payment to Ulland Brothers, Inc. for CSAH 32 mill and overlay project SAP 022-632-011. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

#### **R E S O L U T I O N**

**WHEREAS,** SAP 022-632-011, CSAH 32 mill and overlay project has in all things been completed; and

**WHEREAS,** the final contract amount is \$869,075.90 which is \$16,037.79 (1.8 %) less than the original contract bid of \$885,113.69; and

**WHEREAS,** to date \$859,075.90 has been paid to the contractor leaving the balance of \$10,000.00; and;

**WHEREAS,** the work has been performed satisfactorily and all necessary forms have been completed and received by the Highway Department.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners in and for the County of Faribault, Minnesota, that we do hereby accept said completed project and authorize final payment to Ulland Brothers, Inc.

Loveall/Young motion carried unanimously to approve the sale of a windshield to the City of Winnebago for \$285.99.

\* \* \* \* \*

Kyle Sammons met regarding CD 24 change order. Action moved to Draining Authority meeting.

\* \* \* \* \*

No action was taken to pay Faribault County Development Corporation December invoice. Further research will be done on obligations of the Faribault County Economic Development Authority.

\* \* \* \* \*

Young/Warmka motion carried unanimously to approve Resolution 17-CB-48 approving Faribault County's application for funding from the Voting Equipment Grant. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

### **RESOLUTION**

**WHEREAS,** Minnesota counties are responsible for administering elections, which includes the purchase and maintenance of supplies and election equipment, including accessible voting equipment; and

**WHEREAS,** Minnesota last updated much of its voting equipment between 2002 and 2006 meaning that the equipment is rapidly approaching the end of its 10 to 15-year lifespan; and

**WHEREAS,** it's essential for precincts to have functioning voting equipment so that voters are able to cast their ballot on equipment that is secure, accessible, accurate, and reliable; and

**WHEREAS,** Minnesota's 90th Legislature authorized \$7 million for the Voting Equipment Grant Account to assist counties, cities, towns, and school districts with the purchase of voting equipment; and

**WHEREAS,** to receive funding from the Voting Equipment Grant Account, counties must submit an application to the Minnesota Secretary of State before December 15, 2017; now, therefore,

**BE IT RESOLVED,** Faribault County Board approves its application for funding from the Voting Equipment Grant; and



**BE IT FURTHER RESOLVED**, the County certifies that any funds awarded from the Voting Equipment Grant will be used only to purchase assistive voting technology, an electronic roster system, an electronic voting system, any individual component of an electronic voting system, or any other equipment or technology approved by the Secretary of State.

\* \* \* \* \*

Groskreutz/Warmka motion carried unanimously to approve requests from J. Blair and D. Esser to attend a 1-day tax forfeiture training in Waite Park; and D. Fellows, S. Adams, and M. Gormley to attend a 1-day Brady-Giglio training in Mankato.

\* \* \* \* \*

Groskreutz/Young motion carried unanimously to accept the resignation of Pete Hassing of Wells from the Planning Commission.

\* \* \* \* \*

Young/Warmka motion carried unanimously to appoint Milton Steele to fulfill the term of Clarann Sayre on the Extension Committee ending December 31, 2019.

\* \* \* \* \*

Loveall/Young motion carried unanimously to pay bills totaling \$ 838,161.33 as follows:

COUNTY REVENUE FUND	\$ 286,515.11
PUBLIC WORKS FUND	23,229.32
HUMAN SERVICES FUND	192,988.25
DITCH FUND	335,372.65
NON REVENUE/DISB A	<u>56.00</u>
	\$ 838,161.33

\* \* \* \* \*

The meeting was recessed to 3:00 p.m. December 19, 2017 meeting.

\_\_\_\_\_  
John Roper, Chair

\_\_\_\_\_  
John Thompson, Auditor/Treasurer/Coordinator