

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
FEBRUARY 20, 2018

The Faribault County Board of Commissioners met pursuant to the recess of February 6, 2018 at the Courthouse in the City of Blue Earth at 9:00 a.m. on February 20, 2018. 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 Kathryn Karjala-Curtis were also present.

The meeting was called to order by Chair Young.

The pledge of allegiance was recited.

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Groskreutz/Roper motion carried unanimously to approve the synopsis and official proceedings of the February 6, 2018 regular meeting.

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Loveall/Groskreutz motion carried unanimously to approve the amended agenda of February 20, 2018.

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The calendar was updated.

Committee reports were given. Warmka reported on GBERBA; Groskreutz reported on meeting with drainage staff and JCD301; and Loveall reported on Transit audit meeting, Region Nine, Planning and Zoning, and drainage meetings.

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Muir Library Director Heidi Schutt and Blue Earth Library Director Eva Gaydon met regarding regional library systems funding.

Loveall/Warmka motion carried unanimously to adopt Resolution 18-CB-07 supporting the 2018 legislative platform of the Minnesota Library Association. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, libraries are important to education and community involvement and services in the State of Minnesota; and

WHEREAS, state funding for certain Minnesota public library regions has declined in the past decade because of changes in population and tax capacity; and

WHEREAS, all Minnesota public library regions have agreed on a revised funding formula for Minnesota regional library systems.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners supports the 2018 legislative platform of the Minnesota Library Association, which includes increased funding and a formula change for regional libraries and other improvements to libraries.

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Loveall/Roper motion carried unanimously to adopt Resolution 18-CB-08 appointing Lamar Piper as Special Assistant County Attorney effective upon filing of oath. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

THEREFORE, BE IT RESOLVED, upon the request of County Attorney Kathryn Karjala-Curtis, the Faribault County Board of Commissioners consent to the appointment of Lamar Piper as Special Assistant County Attorney. This appointment to be effective upon the signing and filing of oath as required by law.

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Central Services Director Dawn Fellows met regarding office business. An update on the safety and security contract was provided.

Warmka/Loveall motion carried unanimously to approve hiring Dustin Anderson as Drainage Water Management Technician in the Drainage Department.

Roper/Groskreutz motion carried unanimously to approve hiring Mary Eckhardt as technical administrative assistant in the County Attorney's office.

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Roper/Groskreutz motion carried unanimously to approve requests from J. Schmidtke to attend a 5-day National County Veterans Service conference in Missoula, MT; A. Huston to attend a 3-day Mn Fraud Investigators Assoc. conference in Nisswa; A. Wachlin to attend a 1-day Dept. of Motor Vehicle meeting at Mankato; M. Sonnek, T. Sunken, M. Lacher, and J. Anderson to attend a 3-day annual Correctional Officer training in Mankato; E. Langford, J. Frederickson, K. Jacobs, J. Howard, and K. McGowen to attend a 5-day Jail Academy in Little Falls; T. Hanevik to attend a 3-day Jail Programs and Services conference in Alexandria; D. Anderson and M. Lore to attend a 3-day MN DNR Ditching Dilemma workshop in Blue Earth.

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Warmka/Loveall motion carried unanimously to re-appoint Don Nichols of Kiester to a 5-year term on the Housing and Redevelopment Authority ending December 31, 2022.

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Public Works Director Mark Daly met regarding public works business.

Warmka/Loveall motion carried unanimously to approve the purchase of a robotic total station from the state contract for \$31,107.75.

Loveall/Groskreutz motion carried unanimously to allow the road foreman to take a county vehicle home so roads can be checked without the use of personal vehicle.

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Planning and Zoning Administrator Loria Rebuffoni met regarding office business. Jacob Salisbury from EDF Renewable Energy also attended.

Loveall/Roper motion carried unanimously to approve Resolution 18-PZ01-08 granting a conditional use permit to EDF Renewable Energy and Darrell Zimmerman Family Trust for a metrological tower in Prescott Township. Commissioners Groskreutz, Loveall, Roper, and Young voted yes. Commissioner Warmka abstained.

RESOLUTION

EDF Renewable Energy and Darrell Zimmerman Family Trust
Prescott Township, Section 23-103-27
#01-18-55

WHEREAS, according to the Faribault County Zoning Ordinance, EDF Renewable Energy and Darrell Zimmerman Family Trust have requested a conditional use permit to sight and install a metrological tower.

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

the East Half of the Southwest Quarter (E ½ of SW ¼) of Section Twenty-three (23), Township One Hundred Three (103) North of Range Twenty-seven (27) West of the Fifth Principal Meridian, Prescott Township, Faribault County, and the State of 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 & Darrell Zimmerman Family Trust to sight and install a 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, 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 from the Drainage Authority and Highway Engineer prior to receiving a tower permit for construction, if necessary.
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. Applicants must submit proof of insurance on the MET towers annually to Faribault County Planning & Zoning.
6. 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 February 20, 2020 and shall be subject to revocation for any violation of the above listed conditions.

Groskreutz/Loveall motion carried unanimously to approve Resolution 18-PZ02-09 granting a conditional use permit to EDF Renewable Energy and Dennis Becker for a metrological tower in Barber Township. Commissioners Groskreutz, Loveall, Roper, and Young voted yes. Commissioner Warmka abstained.

RESOLUTION

EDF Renewable Energy and Dennis Becker
Barber Township, Section 21-103-26
#01-18-54

WHEREAS, according to the Faribault County Zoning Ordinance, EDF Renewable Energy and Dennis Becker have requested a conditional use permit to sight and install a metrological tower.

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

West Half (W ½) of the Northwest Quarter (NW ¼) of Section 21, Township 103 North, Range 26 West, EXCEPT for the following described two tracts of land:

Excepted Tract One: The South Two (2) rods of the West Half (W ½) of the Northwest Quarter (NW ¼) of the aforesaid section:

Excepted Tract Two: Commencing at the Northwest corner of the Northwest Quarter (NW ¼) of Section 21, Township 103 North, Range 26 West, thence South 0 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of the Northwest Quarter (NW ¼) a distance of 436.12 feet to the point of beginning; thence continuing South 0 degrees 00 minutes 00 seconds West along the West line of the Northwest Quarter (NW ¼) a distance of 627.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance 700.00 feet; thence North 0 degrees 32 minutes 00 seconds East a distance of 602.39 feet; thence North 88 degrees 00 minutes 00 seconds West a distance of 706.04 feet to the point of beginning. Subject to an easement for public roadway right-of-way along the West line of the Northwest Quarter (NW ¼) of Section 21, said excepted Tract Two containing 9.92 acres, more or less.

Subject to existing highways, easements and rights of way of record. The above described premises contains 69.08 acres, more or less.

This deed is given in fulfillment of a Land Contract dated July 15, 1988, and recorded August 5, 1988, as Faribault County Document No. 266759.

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 & Dennis Becker to sight and install a 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, 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 from the Drainage Authority and Highway Engineer prior to receiving a Tower Permit for construction, if necessary.
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. Applicants must submit proof of insurance on the MET towers annually to Faribault County Planning & Zoning.

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 February 20, 2020 and shall be subject to revocation for any violation of the above listed conditions.

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Communication and Public Affairs Manager Tim Carlsgaard of Xcel Energy met regarding a proposed route for 345K transmission lines in Faribault and Blue Earth County.

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Discussion was held regarding solid waste policies. Scheduled a work session for solid waste issues for March 20, 2018 at 1:00 p.m.

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Loveall/Groskreutz motion carried unanimously to adopt the Findings and Order on CD 3 setting the hearing on March 27, 2018 at 9:00 a.m. at Hamilton Hall in Blue Earth. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 3.
2. On March 3, 2015 the County ordered the redetermination of Benefits for County Ditch 3.
3. On December 1, 2016 the County Auditor ordered the viewers to meet on December 7, 2016.
4. On December 7, 2016 the viewers met, signed the oath of office.
5. The viewers report was filed with the Faribault County Auditor on February 15, 2018.
6. The Final Engineer's Report was filed on January 26, 2018.
7. The Faribault County Board of Commissioners met on February 20, 2018 in regular session to determine the date, time and location for a final hearing on the project.
8. Pursuant to Minn. Stat. § 103E.325, subd. 3 the final hearing must be noticed by publication, posting, and mail.

Order:

Based on the foregoing Findings and the entire record of proceedings the County Board, acting as the Drainage Authority, hereby orders as follows:

- A. A final hearing on the viewers' report shall be held on March 27, 2018 at 9:00 a.m. at Hamilton Hall, Blue Earth, Minnesota.
- B. The Auditor of Faribault County shall publish notice of the final hearing once per week for three successive weeks in a newspaper of general circulation in the area of the proposed project.
- C. The Auditor of Faribault County shall post a printed copy of the final hearing notice at least three weeks before the date of the final hearing at the front door of the courthouse in each county.
- D. Within one week after the first publication of notice, the Auditor of Faribault County shall give notice by mail of the time and location of the final hearing to the commissioner of natural resources, all property owners, and others affected by the proposed drainage project and listed in the detailed survey report and the viewers' report.

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Groskreutz/Roper motion carried unanimously to adopt the Findings and Order on CD 64 setting the hearing on March 27, 2018 at 10:30 a.m. at Hamilton Hall in Blue Earth. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Findings:

- 1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 64.
- 2. On November 1, 2016 the County ordered the redetermination of Benefits for County Ditch 64.
- 3. On December 1, 2016 the County Auditor ordered the viewers to meet on December 7, 2016.
- 4. On December 7, 2016 the viewers met, signed the oath of office.
- 5. The viewers report was filed with the Faribault County Auditor on February 15, 2018.
- 6. The Final Engineer's Report was filed on January 26, 2018.
- 7. The Faribault County Board of Commissioners met on February 20, 2018 in regular session to determine the date, time and location for a final hearing on the project.
- 8. Pursuant to Minn. Stat. § 103E.325, subd. 3 the final hearing must be noticed by publication, posting, and mail.

Order:

Based on the foregoing Findings and the entire record of proceedings the County Board, acting as the Drainage Authority, hereby orders as follows:

- A. A final hearing on the viewers' report shall be held on March 27, 2018 at 10:30 a.m. at Hamilton Hall, Blue Earth, Minnesota.
- B. The Auditor of Faribault County shall publish notice of the final hearing once per week for three successive weeks in a newspaper of general circulation in the area of the proposed project.

- C. The Auditor of Faribault County shall post a printed copy of the final hearing notice at least three weeks before the date of the final hearing at the front door of the courthouse in each county.
- D. Within one week after the first publication of notice, the Auditor of Faribault County shall give notice by mail of the time and location of the final hearing to the commissioner of natural resources, all property owners, and others affected by the proposed drainage project and listed in the detailed survey report and the viewers' report.

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Roper/Loveall motion carried unanimously to approve the agreement for provisions of services between Faribault County Soil and Water Conservation District and Faribault County effective January 1, 2018.

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Warmka/Groskreutz motion carried unanimously to adopt the Findings and Order on repair of CD 64. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Findings:

- 1. A petition dated February 2, 2018 by Gregory Leland was received by the Faribault County Auditor on February 15, 2018 requesting a repair of County Ditch 64 pursuant to Minn. Stat. §103E.715 subdivision 2.
- 2. The petitioner, a benefitted landowner, is asking for cleaning and associated repairs.
- 3. The drainage authority finds that it has jurisdiction over these proceedings and pursuant to Minn. Stat. § 103E.715 accepts the petition.
- 4. Pursuant to Minn. Stat. § 103E.715, the Petition requires appointment of an engineer to investigate the effect the need and estimated costs of the proposed project.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch #64 hereby orders as follows:

- A. The petition is a valid repair petition pursuant to Minn. Stat. § 103E.715
- B. County Ditch 64 is in need of repair.
- C. Charles Brandel, ISG, is hereby appointed engineer for the project and is hereby ordered to prepare a survey report pursuant to Minn. Stat. § 103E.715.
- D. Upon the filing of the report the County Auditor shall present the plan to the County Board and the Board shall set a time, date and location for a public hearing on the plan with at least a 10 day notice to all benefitted landowners on County Ditch 64.

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Groskreutz/Loveall motion carried unanimously to pay bills totaling \$ 203,107.68 as follows:

COUNTY REVENUE FUND	\$ 98,815.87
PUBLIC WORKS FUND	23,703.68
COUNTY LIBRARY FUND	571.71
NON REV/DISB A	4,046.95
DITCH FUND	<u>75,969.47</u>
	\$ 203,107.68

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The meeting was adjourned for February 2017.

Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator