

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
JULY 17, 2018

The Faribault County Board of Commissioners met pursuant to the recess of July 3, 2018 at the Courthouse in the City of Blue Earth at 9:00 a.m. on July 17, 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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Roper/Groskreutz motion carried unanimously to approve the synopsis and official proceedings of the July 3, 2018 regular and drainage meeting.

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Groskreutz/Warmka motion carried unanimously to approve the agenda of July 17, 2018.

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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. Warmka reported on Extension and Veteran court; Groskreutz on MRCI, Emergency disaster meeting in Blue Earth, transit exec, EDA loan committee meeting AED training, and MRCI exec; Roper on disaster meeting in Blue Earth and MVAC; Loveall on personnel meeting and planning and zoning; and Young on personnel meeting and Human Services exec.

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Tax Clerk Lorrie Bosma met regarding SSTS business.

Warmka/Loveall motion carried unanimously to approve an SSTS loan to Paul and Sarah Smith on Parcel No. 15.036.0500 in the amount of \$13,277.15 with a grant of \$3,000.00.

Roper/Warmka motion carried unanimously to approve an SSTS grant to Gary Olsen on Parcel No. 02.002.0500 in the amount of \$3,000.00.

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Central Services Director Dawn Fellows met regarding office business.

Groskreutz/Loveall motion carried unanimously to approve a cell phone stipend to William Goo.

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Groskreutz/Loveall motion carried unanimously to approve requests of J. Anderson and M. Gormley to attend a 4-day Jail Administrators conference in Baxter; D. Fellows to attend a 3-day MNPELRA conference in Duluth; and D. Fellows to attend a 1-day Foundations of Negotiations in St. Paul.

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Planning and Zoning Administrator Loria Rebuffoni met regarding a public feedlot meeting.

A feedlot permit public meeting was held for a feedlot being proposed by Andrew Cartwright in Section 27 of Verona Township. Andrew Cartwright attended. No public comment was given. Rebuffoni stated that no comments had been received by her office on the matter. The public meeting was closed.

Loveall/Warmka motion carried unanimously to approve Resolution 18-PZ04-33 granting a conditional use permit to FTC Tower Co., LLC and Frank Haag for a communication tower in Section 28 of Elmore Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

FTC Tower Co., LLC and Frank Haag
Elmore Township, Section 28-101-27
#06-18-58

WHEREAS, according to the Faribault County Zoning Ordinance, FTC Tower Co., LLC and Frank Haag has requested a conditional use permit for a communication tower.

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

the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 28, Township One Hundred One (101) North, Range Twenty-seven (27) West, Elmore Township, Faribault County, and the State of Minnesota: thence North 89 degrees 52 minutes 42 seconds East (assumed bearing) along the North line of the Northwest Quarte a distance of 1321.55 feet to the Northeast corner of the Northwest Quarte of the northwest Quarter; thence South 0 degrees 02 minutes 78 seconds West along the East line of the West Half of the Southwest Quarter a distance of 33.00 feet; thence South 89 degrees 58 minutes 49 seconds West parallel with the South line of the Northwest Quarter a distance of 1083.35 feet to the easterly right-of-way line of Minnesota Trunk Highway No. 169; thence North 4 degrees 40 minutes 03 seconds East along said easterly right-of-way line a distance of 1724.40 feet; thence North 89 degrees 58 minutes 49 seconds East a distance of 944.29 feet to the point of beginning.

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 FTC Tower Co., LLC & Frank Haag for a communication 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. Any required permits and approval must be obtained from 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. Applicants must submit proof of insurance 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 July 17, 2020 and shall be subject to revocation for any violation of the above listed conditions.

Warmka/Roper motion carried unanimously to approve Resolution 18-PZ05-34 granting a conditional use permit to FTC Tower Co., LLC and Kristi Hantelman for a communication tower in Section 33 of Seely Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

FTC Tower Co., LLC and Kristi Hantelman
 Seely Township, Section 33-101-25
 #06-18-57

WHEREAS, according to the Faribault County Zoning Ordinance, FTC Tower Co., LLC and Kristi Hantelman has requested a conditional use permit for a communication tower.

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

the South Half of the Southwest Quarter of Section 33, Township 101 North of Range 25, West of the Fifth Principal Meridian, Seely 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 FTC Tower Co., LLC & Kristi Hantelman for a communication 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 tower 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 July 17, 2020 and shall be subject to revocation for any violation of the above listed conditions.

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07-17-18

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Public Works Director Mark Daly met regarding office business. The department annual report was presented.

Warmka/Roper motion carried unanimously to approve bid for SAP 022-599-111, SAP 022-599-112, and SAP 022-599-113 from Midwest Contracting LLC of \$849,980.00, Other bids received were \$864,455.00 from ICON Constructors, LLC and \$964,685.50 from Landwehr Construction, Inc. Alcon Construction withdrew their bid before the meeting.

Roper/Warmka motion carried unanimously to accept low bid for 2018-2019 road salt from Independent Salt Company for \$33,200.00. Other bids received were \$35,568.00 from Central Salt, LLC; \$37,436.00 from Cargill, Inc.; and \$38,212.00 from Compass Minerals America, Inc.

Warmka/Loveall motion carried unanimously to approve Resolution 18-RB06-35 for final payment to Asphalt Surface Technologies Corp. for project SAP 022-601-023, CSAH 1 micro-surfacing, for a final cost of \$174,019.70. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, project SAP 022-601-023, CSAH 1 micro-surfacing, has in all things been completed; and

WHEREAS, the final contract amount is \$174,019.70 which is \$3,547.20 (2.0%) more than the original contract bid of \$170,472.50; and

WHEREAS, to date \$165,318.71 has been paid to the contractor leaving the balance of \$8,700.99; 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 Asphalt Surface Technologies Corp.

Groskreutz/Roper motion carried unanimously to approve Resolution 18-RB07-36 for final payment to Asphalt Surface Technologies Corp. for project SAP 022-605-007, CSAH 5 micro-surfacing, for a final cost of \$122,859.50. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, project SAP 022-605-007, CSAH 5 micro-surfacing, has in all things been completed; and

WHEREAS, the final contract amount is \$129,857.40 which is \$6,997.90 (5.7%) more than the original contract bid of \$122,859.50; and

WHEREAS, to date \$123,364.53 has been paid to the contractor leaving the balance of \$6,492.87; 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 Asphalt Surface Technologies Corp.

Warmka/Loveall motion carried unanimously to approve Resolution 18-RB08-37 for final payment to Asphalt Surface Technologies Corp. for project SAP 022-610-008, CSAH 10 micro-surfacing, for a final cost of \$157,218.15. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, project SAP 022-610-008, CSAH 10 micro-surfacing, has in all things been completed; and

WHEREAS, the final contract amount is \$157,218.15 which is \$6,256.15 (4.1%) more than the original contract bid of \$150,962.00; and

WHEREAS, to date \$149,357.24 has been paid to the contractor leaving the balance of \$7,860.91; 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 Asphalt Surface Technologies Corp.

Warmka/Roper motion carried unanimously to approve Z. Coxworth to attend a 1-day commercial driver's license training in Arden Hills.

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Greg Ous and Lisa Bigham from Minnesota Department of Transportation met regarding the Capital Highway Investment Plan (CHIP) Outreach.

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Final acceptance hearing on County Ditch 26 was held. Drainage Manager Merissa Lore and ISG Project Manager Charles Brandel met with the board.

Roper/Groskreutz motion carried unanimously to approve Resolution 18-CB-38 the findings and order on the improvement of the Main and Branch B to County Ditch 26. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, the Faribault County Board of Commissioners finds:

1. By order dated January 5, 2015 the Faribault County Board of Commissioners established the improvement of the Main and Branch B to County Ditch 26 in Faribault County.
2. Upon advertised bids, the drainage authority awarded a contract for construction to Hodgman Drainage.

3. Concurrent with the proceedings to establish the drainage project, the drainage authority appointed viewers for the purpose of determining benefits and damages for the project.
4. In the proceedings, damages were awarded based on the impact construction of the system had on adjacent properties and to account for the future burden and entry for ongoing maintenance and inspection of the system.
5. Upon completion of construction of the improvement of the Main and Branch B, the project engineer inspected the construction and prepared a report to the drainage authority showing the contract price, the amount paid on certificates, the unpaid balance, and the work that is completed under the contract.
6. The engineer has concluded that the work was performed according to the plans and specifications for the improvement, was performed within the right of way for which damages have been determined and paid for the construction and future maintenance of the system and was performed by the contractor in a timely and workmanlike manner by the contractor.
7. The engineer has concluded that all amounts under the contract, including change orders and penalties, if any, have been duly paid to the contractor and that any retainage should be released to the contractor as provided in the contract.
8. Upon receipt of the engineer's report, the auditor set a time and location for a hearing on the report, gave notice of the hearing by publication, by mail to affected landowners and by posting at the meeting place at least ten days before the hearing, and included an invitation in the notice that a party objecting to the acceptance of the contract may appear and be heard.
9. During the public hearing portion of the proceedings, the following persons appeared and provided comment:
10. The contract has been completed in accordance with the plans and specifications.

THEREFORE, BE IT ORDERED that based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch 26 hereby orders as follows:

- A. The contract herein is accepted as complete.
- B. Any retainage under the contract shall be released to the contractor upon proof of release of all liens of contractors or materialmen related to the project.

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Roper/Loveall motion carried unanimously to approve allocation of \$15,000 to the Fair Board for 2018.

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Groskreutz/Loveall motion carried unanimously to pay bills totaling \$ 223,899.32 as follows:

COUNTY REVENUE FUND	\$ 120,548.49
PUBLIC WORKS FUND	90,602.00
COUNTY LIBRARY FUND	549.69
FORFEITED TAX SALE FUND	46.00
NON REV/DISB A	5,432.60
DITCH FUND	<u>6,720.54</u>
	\$ 223,899.32

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The meeting was adjourned for July 2018.

Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator