

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
AUGUST 21, 2018

The Faribault County Board of Commissioners met pursuant to the recess of August 7, 2018 at the Courthouse in the City of Blue Earth at 9:00 a.m. on August 21, 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 August 7, 2018 regular meeting.

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Warmka/Groskreutz motion carried unanimously to approve the agenda of August 21, 2018 with the addition of a closed session on labor negotiations.

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The calendar was updated.

During public comment Faribault County Register reporter Robert Brewer thanked the board for their assistance during his time in Blue Earth.

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Committee reports were given. Warmka reported on Extension and GBERBA; Groskreutz reported on ditch inspections on JCD301 and MVAC; Roper reported on Workforce annual meeting; and Loveall reported on labor negotiations and Region Nine.

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Blue Earth City Administrator Tim Ibisch met regarding a Tax Increment Financing (TIF) project. The Main Street TIF project was discussed.

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Veteran Services Officer Jenna Schmidtke met regarding office business.

Warmka/Loveall motion carried unanimously to approve Resolution 18-CB-41 to enter into a grant contract with the Minnesota Department of Veterans Affairs to conduct the County Veterans Service Office

Operational Enhancement Grant Program. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED by Faribault County that the County enter into the attached grant contract with the Minnesota Department of Veterans Affairs (MDVA) to conduct the following program: County Veterans Service Office Operational Enhancement Grant Program. The grant must be used to provide outreach to the county's veterans; to assist in the reintegration of combat veterans into society; to collaborate with other social service agencies, educational institutions, and other community organizations for the purposes of enhancing services offered to veterans; to reduce homelessness among veterans; and to enhance the operations of the county veterans service office, as specified in Minnesota Laws 2013 Chapter 142 Article 4. This grant should not be used to supplant or replace other funding.

BE IT FURTHER RESOLVED by the Faribault County that Jenna R. Schmidtke, the County Veterans Service Officer, be authorized to execute the attached grant contract for the above-mentioned program on behalf of the County.

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Central Services Director Dawn Fellows met regarding office business.

Warmka/Roper motion carried unanimously to approve hiring Emily Kiefer as secretary in the Recorder's office.

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The Faribault County Historical Society met regarding their activities.

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Public Works Director Mark Daly met regarding office business.

Warmka/Groskreutz motion carried unanimously to adopt Resolution 18-RB09-42 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.

Roper/Loveall motion carried unanimously to adopt Resolution 18-RB10-43 entering into a contract with Stateliners Snowmobile Club for trail maintenance. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

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.

Roper/Groskreutz motion carried unanimously to authorize the Public Works Director to use wheelage tax on the 4th Street project in Frost.

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Planning and Zoning Administrator Loria Rebuffoni met regarding planning and zoning business. Randy Lewis and Carl Walter attended regarding conditional use permits.

Warmka/Loveall motion carried unanimously to approve Resolution 18-PZ06-44 granting a conditional use permit to Randy Lewis in Prescott Township to add a second dwelling for primary residence to the property. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Randy Lewis
Prescott Township, Section 2-103-78
#07-18-60

WHEREAS, according to the Faribault County Zoning Ordinance, Randy Lewis has requested a conditional use permit to add a second dwelling for primary residence to the property.

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

That part of the East Half of the Southeast Quarter (E ½ SE ¼) of Section Two (2) in Township One Hundred Three (103) North, Range Twenty-seven (27) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota, described as follows:

Beginning at the Southeast corner of said Section Two (2); thence on an assumed bearing of South 90 degrees 00 minutes West, along the south line of said section, a distance of 1183.00 feet to an iron monument; thence North 1 degree 35 minutes East a distance of 610.00 feet to an iron monument; thence North 89 degrees 29 minutes East a distance of 481.27 feet to an iron monument; thence continuing North 89 degrees 29 minutes East a distance of 18 feet, more or less, to the centerline of Rice Creek; thence North 1 degree 22 minutes East, along said centerline, a distance of 968 feet; thence North 43 degrees 18 minutes West, along said centerline, a distance of 69 feet; thence North 72 degrees 36 minutes West, along said centerline, a distance of 100 feet; thence South 89 degrees 02 minutes West, along said centerline, a distance of 712 feet; thence North 89 degrees 05 minutes West, along said centerline, a distance of 477 feet; thence North 75 degrees 35 minutes West, along said centerline, a distance of 120 feet; thence North 34 degrees 33 minutes West, along said centerline, a distance of 132 feet; thence North 2 degrees 37 minutes East, along said centerline, a distance of 755 feet; thence North 46 degrees 20 minutes East, along said centerline, a distance of 45 feet; thence North 0 degrees 00 minutes East, along said centerline, a distance of 38 feet, more or less, to the east-west quarter line of said section; thence North 90 degrees 00 minutes East, along said east-west quarter line, a distance of 2182 feet, more or less, to the East Quarter corner of said section; thence south 1 degree 48 minutes 14 seconds West, along the east line of said section, a distance of 2620.80 feet to the point of beginning.

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 Randy Lewis to add a second dwelling for primary residence to the property in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit only authorizes the addition of a second dwelling on the site as described in the submitted application dated July 20, 2018.
2. An approved septic plan for the new dwelling must be received in the Planning and Zoning Office from a licensed contractor prior to applicant receiving a building permit.
3. Conditional use permit expires if construction is not substantially undertaken within one year from the date of final approval.
4. When the building permit is issued, a 911 form must also be submitted by applicant.

Loveall/Warmka motion carried unanimously to approve Resolution 18-PZ07-45 granting a conditional use permit to Verizon Wireless/Howard & JoAnn Lange for a telecommunications facility in Brush Creek Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Verizon Wireless / Howard & JoAnn Lange
Brush Creek Township, Section 8-102-25
#07-18-59

WHEREAS, according to the Faribault County Zoning Ordinance, Verizon Wireless / Howard & JoAnn Lange has requested a conditional use permit for a telecommunications facility.

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

The Northeast Quarter of Section Eight (8) in Township One Hundred Two (102) North, Range Twenty-five (25) West of the Fifth Principal Meridian, Brush Creek Township, Faribault County, Minnesota.

Excepting therefrom the following tract:

That part of the Southwest Quarter of the Northeast Quarter and Southeast Quarter of the Northeast Quarter of Section 8, Township 102 North, Range 25 West, Faribault County, Minnesota;

which lies southerly of a line run parallel with and distant 100 feet northerly of the following described line:

Beginning at a point on the east line of said Section 8 distant 13.25 feet north of the east quarter corner thereof; thence run westerly at an angle of the 89 degrees 46 minutes 02 seconds with said east section line (measured from south to west) for 3018.52 feet and there terminating;

together with that part of the above described tract adjoining and northerly of the above described strip, which lies southeasterly of the following described line: Beginning at the point of intersection of a line run parallel with and distant 100 feet northerly of the above described line with a line run parallel with and distant 150 feet westerly of the east line of said Section 8; thence run northeasterly to a point distant 50 feet westerly (measure at right angles) of a point on the east line of said Section 8 distant 1313.25 feet north of the east quarter corner thereof; thence run easterly to a point on said east section line distant 1313.25 feet north of the east quarter corner thereof and there terminating.

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 Verizon Wireless / Howard & JoAnn Lange for a telecommunications facility 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.
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. Applicants must submit proof of insurance annually to Faribault County Planning & Zoning.
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 August 21, 2020 and shall be subject to revocation for any violation of the above listed conditions.

Loveall/Warmka motion carried unanimously to approve that the Planning and Zoning Board investigate the following areas of the planning ordinance: revising the “two family dwelling” definition for requiring a conditional use permit, adding a dangerous animal ordinance, and passing a resolution that would allow review of parcel splits prior to recording.

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Roper motion died for lack of second to donate \$2,500 to the City of Preston for the future Veterans Home in Preston.

Groskreutz/Warmka motion carried unanimously to donate \$5,000 to the City of Preston for the future Veterans Home in Preston from the 2019 budget.

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Loveall/Warmka motion carried to approve the following training including out of state travel for T. Beckman to Iowa: G. Paschke to attend a 3-day MAAO fall conference in St. Cloud; C. Vereide to

attend a 1-day Passport Agent recertification in Mankato; T. Beckman to attend a 3-day combustion carbon monoxide safety training in Emmetsburg, IA and a 5-day HVAC automation training with Johnson Controls in Plymouth; M. Eckhardt to attend a 1-day Mn County Attorney Assoc. Legal Professional Staff training in St. Paul; C. Lewis to attend a 2-day legal description workshop in St. Peter; D. Wiederhofs to attend a 1-day Domestic Violence conference in Prior Lake; M. Quittem to attend a 3-day Mn County Attorneys Assoc. conference in Alexandria. Groskreutz voted no.

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Public Works Director Mark Daly met regarding the 5-year plan.

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Warmka/Loveall motion carried unanimously to close the meeting for labor negotiation strategy.

Roper/Warmka motion carried unanimously to open the meeting.

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Roper/Groskreutz motion carried unanimously to pay bills totaling \$ 218,107.90 as follows:

COUNTY REVENUE FUND	\$ 122,687.73
PUBLIC WORKS FUND	53,879.47
FORFEITED TAX SALE FUND	46.00
NON REV/DISB A	4,106.20
DITCH FUND	<u>37,388.50</u>
	\$ 218,107.90

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The meeting was adjourned for August 2018.

Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator