

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
OCTOBER 16, 2018

The Faribault County Board of Commissioners met pursuant to the recess of October 2, 2018 at the Courthouse in the City of Blue Earth at 9:00 a.m. on October 16, 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/Warmka motion carried unanimously to approve the synopsis and official proceedings of the September 18, 2018 regular; September 25, 2018 final hearings on CD 17, CD 37, and CD55; and October 2, 2018 regular and drainage meetings.

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Roper/Loveall motion carried unanimously to approve the agenda of October 16, 2018.

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The calendar was updated.

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Committee reports were given. Warmka reported on GBERBA; Groskreutz reported on department head training, CEDA staff meeting, and Community Health conference; Roper reported on CEDA staff meeting, department head training, and Region 5 Workforce; and Loveall reported on labor negotiations and Region 9.

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Central Services Director Dawn Fellows met regarding office business.

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Groskreutz/Loveall motion carried unanimously to approve the following tax abatements in the City of Winnebago for decreases: \$148 to Gary Pletsch on Parcel No. 31.200.2910; \$108 to Vernon & Donna Hicks on Parcel No. 31.250.0750; \$260 to Darcy Gillespie on Parcel 31.643.0330; \$132 to Antonia Fortin on Parcel 31.200.2940; \$420 to Rebecca & Hubert Shadley on Parcel No. 31.643.0080; and \$358 to Patricia Espinosa on Parcel No. 31.548.0310.

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Groskreutz/Roper motion carried unanimously to approve Resolution 18-CB-49 levying the 2018 assessments to meet the cost of ditch repair on county, judicial, and joint county ditches. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Minnesota Statute 103E.705 subdivision 6, authorizes the County Board to levy assessments to meet the cost of ditch repair on county, judicial, and joint county ditches;

WHEREAS, the County Board has reviewed the assessments prepared by the County Auditor-Treasurer,

THEREFORE, BE IT RESOLVED that the assessments for more than one year be due and payable by December 31, 2018 and that unpaid balances at that time be charged a 4.0% annual rate of interest.

BE IT FURTHER RESOLVED that any assessments for a landowner less than \$250.00 will be assessed in one year for multi-year assessments and that individual assessments on one-year assessments over \$650 may be spread over 2 years, assessments under \$1,350 over 3 years and assessments over \$3,500 over 5 years at the Auditor-Treasurer’s determination.

THEREFORE, BE IT RESOLVED that the following assessments be applied to the listed ditches as follows:

Ditch Name	2018 Asmt	<u>Yrs to Run</u>
CD 3	\$ 310,000	15
CD 5 & Imp	\$ 17,500	1
CD 7	\$ 50,000	5
CD 8	\$ 11,000	1
CD 9	\$ 3,000	1
CD10	\$ 18,310	1
CD 11	\$ 7,000	1
CD13	\$ 750	1
CD 14	\$ 20,000	1
CD 15	\$ 1,000	1
CD 16	\$ 13,000	1
CD19	\$ 2,500	1
CD 22	\$ 350	1
CD 23 Imp	\$ 28,000	1
CD25	\$ 25,000	1
CD 26	\$ 20,000	1
CD 27	\$ 400	1
CD 27 Br 39	\$ 400	1
CD 32	\$ 3,500	1
CD 33	\$ 250	1
CD 34	\$ 4,000	1

CD 36	\$	3,400	1
CD 38	\$	400	1
CD 40	\$	2,500	1
CD 43	\$	14,000	1
CD 46	\$	15,000	1
CD 49	\$	300	1
CD 52	\$	8,600	1
CD 53	\$	400	1
CD 59	\$	300	1
CD 60	\$	500	1
CD 64	\$	110,500	15
CD 77	\$	3,000	1
CD 78	\$	4,000	1
CD 86	\$	1,500	1
CD89	\$	1,500	1
CD 90	\$	400	1
JD 1F	\$	5,000	1
JD 1F Imp	\$	5,000	1
JD 2 F	\$	7,500	1
JD 4F&M	\$	20,000	1
JD 6F & Imp	\$	2,500	1
JD 7M&F	\$	40,000	1
JD 9F&BE & Imp	\$	10,000	1
JD 10F	\$	33,500	1
JD11FBE	\$	1,000	1
jD12FBE	\$	4,000	1
JD 13F & BrA	\$	20,000	1
JD 17	\$	3,000	1
JD 20F	\$	1,000	3
JD 21F	\$	1,000	1
JD 22F	\$	1,200	1
JCD1BE&RF	\$	3,000	1
JCD 201 M&F	\$	11,000	1
JCD 314 M&F	\$	301,000	15

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Loveall/Warmka motion carried unanimously to approve requests of W. Goo to attend a 2-day Concrete Field 1 and a 3-day Bituminous Street in Arden Hills, and a 2-day Construction Site Management in Mankato; B. Shimmom to attend 2-day Microsoft Excel class in Mankato.

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10-16-18

Roper/Groskreutz motion carried unanimously to authorize signatures on the 2018 Emergency Management Performance Grant agreement with the Minnesota Department of Public Safety to match the \$19,770 awarded to Faribault County.

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Planning and Zoning Administrator Loria Rebuffoni met regarding office business.

A conditional use hearing was held for David J. Anderson, Charles R. Anderson and Trey J. Dyslin dba as TJD Repair and Services in Section 29 of Blue Earth Township. Rebuffoni reviewed the planning commission action.

Roper/Groskreutz motion carried unanimously to waive the reading of the findings.

No member of the public appeared to make comment.

Loveall/Warmka motion carried unanimously to approve Resolution 18-PZ08-50 granting a conditional use permit to David J. Anderson, Charles R. Anderson, and Trey Dyslin dba TJD Repair & Service, LLC to operate/work on agricultural and semi equipment in Blue Earth Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

David J. Anderson, Charles R. Anderson, Trey Dyslin – TJD Repair & Service, LLC
Blue Earth Township, Section 29-102-27
#09-18-61

WHEREAS, according to the Faribault County Zoning Ordinance, David J. Anderson, Charles R. Anderson, Trey J. Dyslin – TJD Repair & Service, have requested a conditional use permit to operate/work on agricultural and semi equipment.

The proposed project is in the A-2 General Agriculture District located at:
That part of the Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼) of Section Twenty-nine (29) in Township One Hundred Two (102) North, Range Twenty-seven (27) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota, described as follows:

Commencing at the South Quarter corner of said Section Twenty-nine (29); thence on an assumed bearing of North 0 degrees 00 minutes 00 seconds East, along the North-South Quarter line of said section, a distance of 1757.95 feet, to an iron monument, said iron monument being the point of beginning of the tract to be described; thence North 89 degrees 08 minutes 16 seconds East, a distance of 682.00 feet to an iron monument; thence North 0 degrees 00 minutes 00 seconds East a distance of 549.00 feet to an iron monument located 330 feet south of the East-West Quarter line of said section; thence South 89 degrees 08 minutes 16 seconds West, parallel with said East-West Quarter line, a distance of 682.00 feet to an iron monument located on the North-South Quarter line of said section; thence South 0 degrees 00 minutes 00 seconds West along said North-South Quarter line, a distance of 549.00 feet to the point of beginning, containing 8.59 acres.

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 David J. Anderson, Charles R. Anderson, Trey J. Dyslin – TJD Repair & Service, LLC, in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit only authorizes the use as specifically described in the submitted application.
2. All hazardous materials must be handled in accordance with State regulation.

3. Any signage for the business to be erected shall be in compliance with Section 15, B – Sign Regulations of the Faribault County Zoning Ordinance and any county road restrictions.
4. If needed, SSTS installation, compliance and maintenance must be performed in accordance with Section 23 of the Faribault County Zoning Ordinance and MN Statutes 7080.
5. All County, State, and Federal laws, regulations, and ordinances shall be complied with, and site must be in compliance with all necessary permits.
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 October 16, 2020.

A conditional use hearing was held for Jeff Erickson and the Golden Bubble in Section 08-102-24 of Foster Township. Rebuffoni reviewed the planning commission action.

Groskreutz/Warmka motion carried unanimously to waive the reading of the findings.

Leon Farrow appeared during public comment.

Loveall motion to approve a conditional use permit hearing with the landowner to have a fence died for lack of second.

Groskreutz/Warmka motion carried unanimously to approve Resolution 18-PZ09-51 granting a conditional use permit to Jeff and Ann Erickson to reopen the Golden Bubble in Foster Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Jeff & Ann Erickson – Golden Bubble
Foster Township, Section 8-102-24
#09-18-62

WHEREAS, according to the Faribault County Zoning Ordinance, Jeff and Ann Erickson – Golden Bubble, have requested a conditional use permit to reopen the Golden Bubble.

The proposed project is in the A-1 Shoreland Agriculture District and A-2 General Agriculture District located at:

09.008.1200 The north 100 feet of the east 16 rods of the south 20 rods of the northeast quarter of Section 8, Township 102, Range 24, Foster Township, Faribault County, Minnesota.

09.008.1600 Tract commencing 30 rods north of the southeast corner of the northeast quarter, thence west 16 rods, north 13.5 rods, east 16 rods, south to the beginning. Section 8, township 102, range 24, Foster Township, Faribault County, Minnesota

09.008.2200 Tract commencing 20 rods north of the southeast corner of the northeast quarter, thence west 16 rods, north 10 rods, east 16 rods, south to the beginning. Section 8, township 102, range 24, Foster Township, 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 Jeff and Ann Erickson – Golden Bubble, in the A-1 Shoreland Agriculture District and 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 any permits or requirements by Minnesota Department of Health, Department of Labor and Industry: Americans with Disabilities Act (ADA), including any requirements related to the preparation and serving of food, any required Faribault County permits and any other licenses, including any liquor license or licenses that may be needed prior to the start of operation.
2. Applicant must notify the Zoning Administrator prior to opening and allow the Administrator to complete a walk through for ADA evaluation and feedback.
3. All lighting shall be directed downward to minimize glare to adjacent properties and public roadways.
4. Electrical and building repairs should be done to State code.
5. Applicant is responsible for ensuring appropriate insurance and rental agreements are in place prior to opening and throughout operation of the business.
6. MPCA noise standards must be met. If noise becomes a concern, the applicant shall prove they meet this condition or will work to remedy any issues.
7. Applicants have addressed waste and will ensure they continue to remove waste according to State standards.
8. Parking shall meet the Faribault County Zoning Ordinance, Section 15 – General Regulations; A. Parking and Loading Regulations.
9. 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.
10. 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.
11. Any signage for the business to be erected shall be in compliance with Section 15, B – Sign Regulations of the Faribault County Zoning Ordinance and any County/State road restrictions.
12. Applicant must notify the Zoning Administrator, neighbors, local Fire, Police, and Sheriff, as listed in conditional use permit file, of any event related to the business 10 days prior to its occurrence. The notification shall include the nature of the event, approximate hours of operation, and number of expected people at the event.
13. 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 October 16, 2020.
14. Traffic to and from the Golden Bubble is prohibited from using the neighboring driveway to the North.

A conditional use hearing was held for Larry Twedt for a feedlot with more than 1,000 animal units in Jo Daviess Township, Section 25-102-28. Rebuffoni reviewed the planning commission actions and findings. A petition has been filed with the Environmental Quality Board therefore the county can take no action at this time.

Dennis Koziolk, Alberta Greimann, Scott Ankeny, Richard Ash, Joel Welder, Rahn Greimann, David Greer, Karen Ristau, Dr. Aaron Johnson, Jenna Johnson, Bruce Stensland, Larry Twedt, Micha Twedt, Bruce Lyon, and Shelley Greimann spoke during public comment.

Warmka/Loveall motion carried unanimously to table the conditional use request from Larry Twedt for a feedlot in Jo Daviess Township until the November 6, 2018 board meeting at 9:30 a.m.

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

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Chief Deputy Scott Adams met regarding Sheriff business.

Warmka/Loveall motion carried unanimously to approve the Federal Equitable Sharing Memorandum of Understanding with the South Central Drug Investigation Unit to be signed by the sheriff, chair, and auditor.

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Budget meeting was set for 1:00 p.m.

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Loveall/Roper motion carried unanimously to pay bills totaling \$ 345,573.75 as follows:

COUNTY REVENUE FUND	\$ 212,741.91
PUBLIC WORKS FUND	54,419.83
FORFEITED TAX SALE FUND	367.50
TAXES AND PENALITES (EVEN)	1,038.00
NON REV/DISB A	4,435.15
DITCH FUND	<u>72,571.36</u>
	\$ 345,573.75

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The meeting was adjourned for October 2018.

Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator