

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
MARCH 19, 2019

The Faribault County Board of Commissioners met pursuant to the recess of March 5, 2019 at the Courthouse in the City of Blue Earth at 9:00 a.m. on March 19, 2019. 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 were also present.

The meeting was called to order by Chair Groskreutz. The pledge of allegiance was recited.

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Roper/Young motion carried unanimously to approve the synopsis and official proceedings of the March 5, 2019 regular and drainage authority meetings and CD 44 final hearing.

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Warmka/Loveall motion carried unanimously to approve the agenda of March 19, 2019.

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The calendar was updated. Courthouse Security Officer Tom Elmer was introduced.

During public comment, Derek Ringhand, constituent Outreach representative for Congressman Jim Hagedorn met with the board.

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Committee reports were given. Roper reported on Workforce; Young reported on Huntley Sewer District meeting and transit; Warmka reported on GBERBA, CD44, AMC Futures, Prairieland, and meeting with Veterans Services Officer and Congressman Jim Hagedorn office; Groskreutz reported on Winnebago workshop, Utilities Commission hearing, HRA, MRCI exec meeting, township meetings, CD44, and MVAC; Loveall reported on Region 9.

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Accountant Darren Esser met regarding a copier replacement in the Extension office.

Warmka/Young motion carried unanimously to approve a 60-month rental agreement on state contract 84340 with Metro Sales on a Ricoh IM C4500 copy machine in the Extension office at a cost of \$218.50 per month.

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Central Services Director Dawn Fellows met regarding office business.

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Planning and Zoning Administrator Loria Rebuffoni met regarding office business.

Warmka/Loveall motion carried unanimously to accept the annual feedlot report.

Warmka/Loveall motion carried unanimously to approve Resolution 19-PZ02-07 for a conditional use permit to Chris Schumann to sell and repair agricultural related equipment in Kiester Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Chris Schumann
Kiester Township, Section 10-101-24
#02-19-65

WHEREAS, according to the Faribault County Zoning Ordinance, Chris Schumann, has requested a conditional use permit to sell and repair agricultural related equipment.

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

That part of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section Ten (10) in Township One Hundred One (101) North, Range Twenty-four (24) West of the Fifth Principle Meridian in the County of Faribault and State of Minnesota, described as follows:

Commencing at the Southwest Corner of said Section Ten (10) thence on an assumed bearing of North, along the West line of said section, a distance of 1648.60 feet to a spike in the paving, said spike being the point of beginning of the tract to be described; thence continuing North, along said West line, a distance of 527.00 feet to an iron monument; thence East a distance of 533.00 feet to an iron monument; thence South parallel with said West line, a distance of 527.00 feet to an iron monument, thence West, a distance of 533 feet to the point of beginning. Said tract continuing 6.45 acres, more or less.

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 Chris Schumann, 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 shall be in compliance with Section 15, B – Sign Regulations of the Faribault County Zoning Ordinance and any State road restrictions. Applicant must work with Staff to evaluate compliance of existing signage and make adjustments if needed.
4. SSTS installation, compliance and maintenance must be performed in accordance with Section 23 of the Faribault County Zoning Ordinance and MN Statutes 7080. Applicant shall sign two delay of construction forms, one for each system on the property, and complete the work specified on the delay of construction.
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. 911 addressing must meet the standards of the current ordinance.

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 March 19, 2021.

Young/Roper motion carried unanimously to approve Resolution 19-PZ03-08 for a conditional use permit to RMGarry Properties LLC and Ulland Brothers, Inc. for material storage and processing of asphalt and

concrete from I90 for the 2019/2020 construction season in Jo Daviess Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

RMGarry Properties LLC and Ulland Brothers, Incorporated
Jo Daviess Township, Section 08-102-28
#02-19-64

WHEREAS, according to the Faribault County Zoning Ordinance, RM Garry Properties LLC and Ulland Brothers, Incorporated have requested a conditional use permit for material storage and processing of asphalt and concrete from I-90 for the 2019/2020 construction season.

The proposed project is in the I – 1 Light Industry District located at:

Real property situated in the County of Faribault, State of Minnesota, and described as follows:

Tract A, Registered Land Survey No.1, Faribault County, Minnesota. Registered Property, Certificate of Title No. 14.

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 RMGarry Properties LLC and Ulland Brothers, Incorporated in the I -1 Light Industry District with the following conditions:

1. A County approved storm water prevention plan must be submitted to Planning and Zoning prior to operation.
2. Septage and any waste shall be handled in accordance with applicable statutes and ordinances.
3. Nighttime noise and lighting shall not constitute an annoyance to neighboring properties. Daytime noise and dust must adhere to OSHA standards.
4. If damaged, any needed repairs to the tile that runs through the NW corner of the property shall be paid for by the applicants.
5. Any signage for the business shall be in compliance with Section 15, B – Sign Regulations of the Faribault County Zoning Ordinance and any county road restrictions.
6. All County, State, and Federal laws, regulations, and ordinances shall be complied with, and site must be in compliance with all necessary permits, including all performance standards of Section 15 of the Faribault County Ordinance.
7. Temporary driveway must be in line with the Highway Engineer’s specifications and all necessary permits obtained.
8. No parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right of way line, or any residence district.
9. conditional use permit will terminate upon completion of the I-90 project, to be no later than December 31, 2020, at which time site and roads shall be restored by the applicants to its current pre-construction state.
10. Hours of operation are Monday-Saturday 7:00 a.m.-7:00 p.m.

Roper/Warmka motion carried unanimously to direct the Planning and Zoning Administrator to prepare a motion to move to a five-member Board of Adjustment.

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County Attorney Kathryn Karjala met to discuss competency restoration.

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Public Works Director Mark Daly met regarding public works business.

Warmka/Roper motion failed to accept a quote for two mowers from Kibble Equipment for \$15,745.66. One other quote was received from AP Service for \$15,200. No state contract is available. Warmka abstained.

Young/Loveall motion carried to accept a quote for two mowers from AP Service for \$15,200. Warmka abstained.

Loveall/Warmka motion carried unanimously to approve advertising for CSAH 12, 15, and 63.

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Prairie Lakes Transit Director Jeremy Monahan met regarding transit business.

Roper/Young motion carried unanimously to advance \$30,000 to the Faribault-Martin County Transit Board to be paid back the end of May 2019.

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Warmka/Roper motion carried unanimously to approve Resolution 19-CB-09 the findings and order for CD44 Redetermination of Benefits. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

WHEREAS, viewers were appointed to determine and report benefits and damages for Faribault County Ditch 44; and

WHEREAS, the viewers report was submitted to the Faribault County Auditor/Treasurer/Coordinator; and

WHEREAS, a public hearing was held on March 12, 2019 at 9:00 a.m. in Hamilton Hall, Blue Earth, MN; and

WHEREAS, the viewers gave their report concerning the Redetermination of Benefits, which is attached and marked as Exhibit A; and

WHEREAS, public comment and questions were solicited from the public as follows;

Barron Webber, brother of landowner Faith Webber, discussed trees within the ditch and buffer area on their property and in other areas of the system. Drainage Manager Merissa Lore replied that there are no plans to clear cut trees at this time. A repair petition could be signed, and the board could consider a project. Commissioner Groskreutz stated that it a cost benefit analysis must be done due to the high cost of removing trees. Commissioner Warmka agreed. Commissioner

Roper said that substantial erosion has taken place due to soil types and that tree roots can help hold a bank in place. Lore will review the system this summer.

NOW, THEREFORE, the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch 44, makes the following Findings and Fact and Order

FINDINGS OF FACT

1. That the Faribault County Board of Commissioners is the drainage authority for County Ditch 44.
2. The viewers report has been made and other proceedings have been completed under Minnesota Statutes 103E.
3. The viewers report, made and amended, is correct and complete.
4. The damages and benefits have been properly determined

ORDER

NOW, THEREFORE IT IS ORDERED,

- A. That the redetermined benefits of CD44 are completed under Minnesota Statutes and are hereby adopted by the Board and shall be used in place of the original benefits and damages in all future proceedings.
- B. The County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for CD44.
- C. The damages for the acquisition of the grass buffer area and repair easement shall be paid and the grass buffer areas established as required by state statute.

That the effective date of the acquisition of the grass strip shall be April 20, 2019.

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Warmka/Loveall motion carried unanimously to approve requests of D. Fellows to attend a 2-day MCHRMA/HR meeting in St. Cloud, T. Elmer to attend a 1-day Tactics for Courthouse Violence in Stillwater, and D. Fellows to attend a 1-day Safety & Loss control workshop in Mankato.

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Warmka/Loveall motion carried unanimously to approve Resolution 19-CB-10 supporting funding to Minnesota's statewide transportation system. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, Minnesota Counties maintain 30,742 miles of County State Aid Highway (CSAH) roads and 14,141 miles of county roads, totaling over 30% of the state's roadways; and

PUBLIC WORKS FUND	176,344.68
ECONOMIC DEVELOPMENT AUTH	1,258.00
DITCH FUND	18,623.20
FORFEITED TAX SALE FUND	46.00
NON REV/DISB A	<u>3,065.60</u>
	\$ 418,010.84

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The meeting was adjourned for March 2019.

Bill Groskreutz, Chair

John Thompson, Auditor/Treasurer/Coordinator