

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
MAY 21, 2019

The Faribault County Board of Commissioners met pursuant to the recess of May 7, 2019 at the Courthouse in the City of Blue Earth at 9:00 a.m. on May 21, 2019. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator John Thompson was also present.

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

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Warmka/Roper motion carried unanimously to approve the synopsis and official proceedings of the May 7, 2019 regular and drainage authority meetings.

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Loveall/Young motion carried unanimously to approve the agenda of May 21, 2019.

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The calendar was updated.

During public comment, Jared Bruellman of Frost discussed forfeited buildings and beaver control in open ditches.

Committee reports were given. Loveall reported on Region 9; Warmka reported on AMC Futures; Young reported on CD21 meetings and I-90 work; Roper reported on Ship meeting, CEDA, Workforce, and MVAC; and Groskreutz reported on MRCI, Transit, CEDA, MVAC, and HRA

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Central Services Director Dawn Fellows met regarding office business.

Warmka/Roper motion carried unanimously to approve hiring Vernon Heise, Ethan Jordi, and Lorman Jahnke as temporary seasonal in Public Works.

Loveall/Young motion carried unanimously to approve hiring Ellen Eckhardt as full-time secretary in the Veterans Services office.

Young/Warmka motion carried unanimously to approve hiring Reegan Howard as temporary seasonal in the Assessor's office.

Loveall/Young motion carried unanimously to accept the resignation of William Goo as assistant engineer in Public Works effective July 10, 2019.

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Planning and Zoning Administrator Loria Rebuffoni met regarding conditional use permits.

Josh Raimann met regarding a conditional use permit in Clark Township.

Young/Warmka motion carried unanimously to approve Resolution 19-PZ04-15 granting a conditional use permit to Stonekings, LLC: Josh Raimann, and Matt Troska to sell crushed concrete, black dirt, clay, wood chips, and piling/crushing of concrete in Section 15-103-24 of Clark Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

## RESOLUTION

Stonekings, LLC: Josh Raimann, and Matt Troska  
Clark Township, Section 15-103-24  
04-19-67

**WHEREAS,** according to the Faribault County Zoning Ordinance, Stonekings, LLC: Josh Raimann, and Matt Troska have requested a conditional use permit to sell crushed concrete, black dirt, clay, wood chips, and piling/crushing of concrete.

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

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

Sect-15 Twp-103 Range-024 18.00 AC that part of NW ¼ of NW ¼ LY N&W of C.D. #1.

**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 Stonekings LLC, Josh Raimann, and Matt Troska 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, including the cleanup of the site.
2. 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.
3. Septage and any waste shall be handled in accordance with applicable statutes and ordinances.
4. 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.
5. Any hazardous materials must be handled in accordance with State regulation.
6. To remedy buffer and CRP violations, a 16.5’ buffer from the adjacent county ditch must be sown with an approved buffer mix as per Faribault County Drainage Authority. Vegetation must be perennially maintained.
7. No stockpiling of any material within 50’ of the top of the adjacent county ditch.

8. No extraction of minerals without approval and permitting from the County and any other necessary agencies as deemed appropriate by Faribault County Planning and Zoning.
9. Applicant shall pay the 911 fee for the County to establish an address at the site.
10. Dust and noise must be kept at a minimum. The existing perimeter of trees shall not be removed.
11. 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 May 21, 2021.

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Dennis Kloke of Croell, Inc. met regarding a conditional use permit for a temporary concrete batch plant.

Young/Loveall motion carried unanimously to approve Resolution 19-PZ05-16 to approve a conditional use permit to Croell, Inc. and Neal Mensing to set up and use a portable concrete batch plant. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

### RESOLUTION

Croell, Inc. and Neal Mensing  
Jo Daviess Township  
04-19-66

**WHEREAS,** according to the Faribault County Zoning Ordinance, Croell, Inc., and Neal Mensing have requested a conditional use permit to set up and use a portable concrete batch plant.

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

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

All that part of the following described tract: The southeast quarter of the southeast quarter (SE ¼ SE ¼ ) section 6, township 102 north, range 28 west; with lies easterly of the following described line: beginning at a point on the east line of said section 6 distant 1850 feet south of the east quarter corner thereof; thence run westerly at right angles to said east section line for 50 feet; thence run northerly to the point of intersection of a line run parallel with and distant 125 feet westerly of the east line of said section 6 with a line run parallel with and distant 100 feet southwesterly of Line A described below and there terminating;

Line A. Beginning at a point on the east line of said section 6 distant 610.2 feet south of the east quarter corner thereof; thence run northwesterly at an angle of 75°00' from said east section line for 100.39 feet; thence deflect to the right on a 4°00' curve (delta angle 11°30') for 287.5 feet and there terminating;

Containing 0.42 acre, more or less, in addition to the existing highway.

**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 Croell, Inc., and Neal Mensing in 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 site must be in compliance with all necessary permits, including all performance standards of Section 15 of the Faribault County Ordinance and 911 addressing.

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. Temporary driveways must be in line with the Highway Engineer's specifications and all necessary permits obtained.
5. Croell shall restore CSAH 1 to as good of condition as before the hauling operation.
6. All aspects of the operation shall be located at least ten (10) feet of any property line or right of way line.
7. 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 original state.
8. Faribault County Development agreement shall be agreed upon as approved by the Public Works Director and the County Board.

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Public Works Director Mark Daly met regarding office business.

Warmka/Loveall motion carried unanimously to accept sole bid for CP 19-600-01 for seal coat oil from Henry G. Meigs, LLC in the amount of \$270,594.50.

Loveall/Warmka motion carried unanimously to accept sole bid for 2019 overlays on SAP 022-612-009, 022-615-011, and SAP 022-663-002 from Ulland Brothers for \$2,859,727.29.

Roper/Young motion carried unanimously to approve a joint powers agreement with the City of Blue Earth on SAP 022-663-002 with a cost participation of \$318,557.88 for Faribault County and \$70,548.03 for the City of Blue Earth, as finally determined by engineer.

Loveall/Young motion carried unanimously concur with the City of Delavan on SAP 022-615-012 for \$740,176.55, with \$492,158.74 from Dirt Merchants being the county share.

Warmka/Young motion carried unanimously to approve the purchase of a ½ ton pickup from Marthaler Dodge for \$31,496.00 from the state contract. Other state contract bids were \$32,972 from Lager's Dodge and \$35,748 from Greenfield Chevrolet.

Warmka/Loveall motion carried unanimously to approve Resolution 19-RB04-17 a grant agreement for snowmobile trail grooming with Minnesota Department of Natural Resources, Blue Earth Snow Rovers, Stateliner's Snowmobile Club, and Blue Earth River Trails. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

## RESOLUTION

**BE IT RESOLVED** that the County of Faribault act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance and grooming of the snowmobile trails managed by Blue Earth Snow Rovers, Stateliner's Snowmobile Club, and Blue Earth River Trails.

**BE IT FURTHER RESOLVED** that upon approval of its application by the State, the County of Faribault may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

**BE IT FURTHER RESOLVED** that Mark Daly Director/Engineer of the Public Works Department and John Thompson County Auditor are authorized to sign such an agreement with the Department of Natural Resources.

**BE IT FURTHER RESOLVED** that Mark Daly Director/Engineer of the Public Works Department is hereby authorized to serve as the fiscal agent for the above referenced project.

Warmka/Roper motion carried unanimously to approve Resolution 19-RB05-18 to enter into Master Partnership Contract Amendment 1 with the Minnesota Department of Transportation for a one-inch overlay on SAH 253 and SAH 254. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

## RESOLUTION

**WHEREAS,** the Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government, and

**WHEREAS,** Minnesota Department of Transportation and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

**WHEREAS,** the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration and have determined that having the ability to write "work orders" against a master contract would provide the greatest speed and flexibility in responding to identified needs.

**THEREFORE, BE IT RESOLVED,** that the County of Faribault enter into Master Partnership Contract Amendment 1 with the Minnesota Department of Transportation for a one inch overly on SAH 253 and SAH 254, a copy of which was before the Faribault County Board of Commissioners;

That the proper County of Faribault officers are authorized to execute such contract and any amendments thereto; and

That the County of Faribault Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from the Minnesota Department of Transportation, and that the County of Faribault Engineer may execute such work order contracts on behalf of the County of Faribault without further approval by the Faribault County Board of Commissioners.

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Blue Earth Area Baseball Association President Brent Legred met regarding a Veterans Field donation.

Warmka/Roper motion carried unanimously to allow the Veteran Services Officer to use outreach funds to donate up to \$1,188.60 for the Veterans Field signage.

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Young/Roper motion carried unanimously to approve Resolution 19-CB-19 accepting petition on CD 514 and appointing Charles Brandel of ISG to prepare a preliminary engineer's report. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

## RESOLUTION

**BE IT RESOLVED** that the Faribault County Board of Commissioners, acting as Drainage Authority for CD 514 makes the following findings and order;

### Findings:

1. On May 3, 2019, Petitioners Raymond Hornke, Harold Hill and Mary Lawrence Hill trustees of the Harold Joseph Hill & Mary Lawrence Hill Living Trust, Russell D. Hornke, Steven P Lawrence trustee of the Steven P. Lawrence Trust, Chad S Lawrence and Angela L. Lawrence filed a Petition to improve Branch S of County Ditch 514 in Faribault County pursuant to Minnesota Statute § 103E.215.
2. A bond in the amount of \$50,000 payable to the Drainage Authority of Faribault County has been filed concurrently with the Petition. The bond is of adequate surety and has been approved by the Faribault County drainage authority attorney. The bond is conditioned to pay the costs incurred if the proceedings are dismissed.
3. The Petition conforms with the requirements of Minn. Stat. § 103E.215.
4. Pursuant to Minn. Stat. § 103E.215, subd. 5, the Petition requires appointment of an engineer to investigate the effect of the proposed installation and file a report of findings with the drainage authority.

### 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 514, hereby orders as follows:

1. The Petition is hereby accepted.
2. The Faribault County Board of Commissioners is the Drainage Authority for County Ditch 514.
3. Charles Brandel, ISG, Mankato MN is hereby appointed to prepare a preliminary engineer's report and file a report of findings with the Faribault County Auditor.

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4. The engineer shall subscribe to an oath to faithfully perform the assigned duties in the best manner possible and file a bond in the amount of least \$5,000 with the Faribault County Auditor. The bond shall be subject to approval by the County Auditor. The bond shall be conditioned to pay any person or the drainage authority for damages and injuries resulting from negligence of the engineer while the engineer is acting in the proceedings or construction and provide that the engineer will diligently and honestly perform the engineer's duties.
5. Upon the filing of the report of findings, the Faribault County Auditor shall promptly notify the Board which will, in consultation with the County Auditor, set a time, by order, not more than 30 days after the date of the order, for a hearing on the engineer's report of findings. The County Auditor shall provide notice of the public hearing on the report of findings in accordance with Minn. Stat. § 103E.261.

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Warmka/Loveall motion carried unanimously to approve requests of T. Beckman to attend a 1-day HVAC training in Plymouth, L. Olson to attend a 2-day Mn Assoc of Assessment Personnel workshop in Willmar, M. Eckhardt to attend a 2-day MCAPS program training in Alexandria, L. Rebuffoni to attend a 2-day AMC Planning and Zoning administrators conference in Baxter and R. Stenzel to attend a 1-day Basics of Planning & Zoning in Mankato.

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Young/Loveall motion carried unanimously to pay the following audit list and auxiliary totaling \$315,782.50:

GENERAL REVENUE FUND	\$ 92,275.66
PUBLIC WORKS FUND	196,494.45
ECONOMIC DEVELOPMENT AUTH	20.00
COUNTY LIBRARY FUND	3,048.00
DEBT SERVICE FUND	500.00
DITCH FUND	23,380.14
FORFEITED TAX SALE FUND	8.25
NON REV/DISB A	<u>56.00</u>
	\$ 315,782.50

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The meeting was adjourned for May 2019.

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Bill Groskreutz, Chair

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John Thompson, Auditor/Treasurer/Coordinator