

**ADJOURNED MEETING OF THE COUNTY BOARD  
FEBRUARY 19<sup>TH</sup>, 2008**

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m., on Tuesday, February 19<sup>th</sup>, 2008. Members present: Belshan, Nelson, Behrends, Mathiason, and Shoff.

Commissioner Behrends offered the following motion:

**MOVED**, to approve the February 5<sup>th</sup>, 2008 Board Meeting Minutes.

Motion seconded by Commissioner Shoff.

After discussion, a vote was taken and the Chair declared the motion approved.

Commissioners reported on meetings attended.

Commissioner Belshan offered the following resolution:

**RESOLUTION 08-025  
ADOPT AMENDMENTS TO SEMREX JOINT POWERS BOARD AGREEMENT**

**WHEREAS**, changes to the Southeastern Minnesota Recyclers Exchange (SEMREX) Joint Powers Board Agreement were recommended by staff based on information provided by the Minnesota Counties Insurance Trust;

**WHEREAS**, the proposed changes to the SEMREX Joint Powers Board Agreement have been reviewed by the Freeborn County Attorney's Office;

**WHEREAS**, the SEMREX Joint Powers Board reviewed and recommended approval of the proposed changes to the SEMREX Joint Powers Board Agreement at their Dec. 12, 2007 meeting pending review by the respective County Attorney's offices;

**WHEREAS**, the respective County Attorney's offices have had the opportunity to review and comment;

**NOW BE IT THEREFORE RESOLVED** that the Freeborn County Board approves the amendments to the SEMREX Joint Powers Board Agreement, and authorizes the Chairperson to sign the amended Agreement.

Resolution seconded by Commissioner Nelson.

Chairman, Commissioner Mathiason asked for any public comments. There were none.

After discussion a vote was taken and the resolution was unanimously adopted.

Commissioner Belshan offered the following resolution:

**RESOLUTION 08-026  
CONDITIONAL USE PERMIT**

**RESOLVED**, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, a conditional use permit is granted to Terry and Frank Gjersvik for a 48' diameter grain bin and a 12' x 16' electrical shed, on the following described property:

SW ¼ of the SE ¼ of Section 22 of Manchester Township Freeborn County Minnesota

This request is made in accordance with Freeborn County Land Use Ordinance 15, Article 6, Section 3, Subd. 22 and Article 23 "Conditional Uses".

**BE IT FURTHER RESOLVED**, that said Conditional Use Permit be subject to the conditions herein setforth:

- (1) The ventilation fans be changed out to the quieter style.
- (2) Site shall be constructed to the submitted site diagram.
- (3) The facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
- (4) The permit may be revoked by the Freeborn County Board of Commissioners at a public hearing to be held after 30 days notice is given for failure to comply with the provisions of this permit.  
Resolution seconded by Commissioner Shoff.  
Chairman, Commissioner Mathiason asked for any public comments. There were none.  
After discussion a vote was taken and the resolution was unanimously adopted.

Chairman Mathiason recessed the meeting of the Board in order to conduct a Public Hearing. The rules of procedure for the conducting of Hearings were reviewed.

The Chairman opened the public hearing on the Redetermination of Benefits for County Ditch 31. There were no proponents, neutral, or opponent parties. The Chairman closed the hearing.

Commissioner Belshan offered the following motion:

STATE OF MINNESOTA

COUNTY OF FREEBORN

BEFORE THE BOARD OF  
COUNTY COMMISSIONERS OF  
FREEBORN COUNTY, MINNESOTA

In the Matter of the Redetermination  
of Benefits of Freeborn County Ditch  
No. 31, Freeborn County, Minnesota.

### **ORDER REDETERMINING BENEFITS AND DAMAGES**

The above entitled matter came on for hearing by the Board of Commissioners of Freeborn County, Minnesota, on February 19, 2008, at 8:45 a.m., upon the report of the Viewers to redetermine and report the benefits and damages and the benefited and damaged areas of Freeborn County Ditch No. 31.

The firm of Jones, Haugh & Smith, Inc., Engineer appointed by the Board of Commissioners of Freeborn County, Minnesota, to assist the Viewers was present. Wesley J. Tennis, Robert M. Hansen, Chris Christianson and Joel Stensrud, being the Viewers appointed herein, were present at the hearing.

The Board of Commissioners of Freeborn County, Minnesota, having heard the report of the Viewers, all the persons and parties interested, both for and against the redetermination of benefits

and damages of Freeborn County Ditch No. 31, Freeborn County, Minnesota, and all the evidence produced by them, and having considered the same, together with the report of the Engineer, finds the following facts:

I.

That notice of the hearing was given and served upon the Commissioner of Natural Resources and on all persons, corporations and public bodies affected by the proposed system as required by law and that proofs of such service have been filed in the office of the Freeborn County Auditor.

II.

That the report of the Viewers, including amendments, has been duly made and filed in the office of the Freeborn County Auditor and that the report, as made or amended, is complete, just and correct, and that all other proceedings in this matter have been had and taken in accordance with the provisions of the law.

III.

That the estimated benefits to be derived from the Redetermination of Benefits and Damages of Freeborn County Ditch No. 31, Freeborn County, Minnesota, are greater than the total estimated costs, including damages, and that damages and benefits have been duly determined as required by law and that the drainage system will be of public utility and benefit, and promote the public health, and is practicable. The outlet is adequate.

IV.

That the drainage system will be of public utility and benefit, and will promote the public health, and is practicable. The environmental and land use criteria set forth in M.S. §103E.015, Subd. 1, was considered. That a permit from the State of Minnesota, Department of Natural Resources, Division of Waters, Soils and Minerals is not required pursuant to M.S. §103G.245, Subd. 2; there are no protected waters or wetlands that are affected by the proposed project; proper consideration has been given to conservation of soil, water, forests, wild animals and related natural resources and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit or welfare.

V.

The Viewers appointed to assess benefits and damages have assessed damages for acreage required for planting a strip of grass 16½ feet in width on each side of the top edge of the channel of the ditch pursuant to M.S. §103E.021.

VI.

The original benefits or damages determined in the drainage proceeding for construction of Freeborn County Ditch No. 31, Freeborn County, Minnesota, do not reflect reasonable present day land values and the benefited or damaged areas have changed.

**NOW, THEREFORE**, it is ordered and adjudged:

I. That the report of the Viewers appointed by the Board of Commissioners of Freeborn County, Minnesota, and which is on file in this matter, be and the same hereby is in all things adopted and confirmed and that the benefits and damages and benefited and damaged areas as redetermined, be and hereby are in all things allowed and confirmed.

2. That damages be paid in the manner provided by law; that the tracts of land benefited and damaged, and the names of the owners of said lands and the amount of benefits and damages are as set forth in the Viewers' Report, which Viewers' Report is made a part hereof just as fully set forth herein.

3. That the costs of the redetermination of benefits and damages and all other expenses thereof are in all things allowed and confirmed and shall be paid in the manner provided by law.

4. That the liens to be assessed for benefits against the tracts of land as shown in the Viewers' Report shall be payable pursuant to statute.

5. That the redetermination of benefits and damages and benefited and damaged areas be used in place of the original benefits and damages and benefited and damaged areas in all subsequent proceedings relating to the Freeborn County Ditch No. 31 drainage system.

6. That further proceedings shall be had pursuant to statute.

Motion seconded by Commissioner Nelson.

After discussion, a vote was taken and the Chair declared the motion approved.

Commissioner Behrends offered the following resolution:

**RESOLUTION 08-027  
ORDER REDETERMINING BENEFITS AND DAMAGES**

**RESOLVED**, to approve an order in the Matter of the Redetermination of Benefits of County Ditch No. 31, Freeborn County, Minnesota.

**ORDER REDETERMINING BENEFITS AND DAMAGES**

The above entitled matter came on for hearing by the Board of Commissioners of Freeborn County, Minnesota, on February 19, 2008, at 8:45 a.m., upon the report of the Viewers to redetermine and report the benefits and damages and the benefited and damaged areas of Freeborn County Ditch No. 31.

The firm of Jones, Haugh & Smith, Inc., Engineer appointed by the Board of Commissioners of Freeborn County, Minnesota, to assist the Viewers was present. Wesley J. Tennis, Robert M. Hansen, Chris Christianson and Joel Stensrud, being the Viewers appointed herein, were present at the hearing.

The Board of Commissioners of Freeborn County, Minnesota, having heard the report of the Viewers, all the persons and parties interested, both for and against the redetermination of benefits and damages of Freeborn County Ditch No. 31, Freeborn County, Minnesota, and all the evidence produced by them, and having considered the same, together with the report of the Engineer, finds the following facts:

I.

That notice of the hearing was given and served upon the Commissioner of Natural Resources and on all persons, corporations and public bodies affected by the proposed system as required by law and that proofs of such service have been filed in the office of the Freeborn County Auditor.

II.

That the report of the Viewers, including amendments, has been duly made and filed in the office of the Freeborn County Auditor and that the report, as made or amended, is complete, just and correct, and that all other proceedings in this matter have been had and taken in accordance with the provisions of the law.

III.

That the estimated benefits to be derived from the Redetermination of Benefits and Damages of Freeborn County Ditch No. 31, Freeborn County, Minnesota, are greater than the total estimated costs, including damages, and that damages and benefits have been duly determined as required by law and that the drainage system will be of public utility and benefit, and promote the public health, and is practicable. The outlet is adequate.

IV.

That the drainage system will be of public utility and benefit, and will promote the public health, and is practicable. The environmental and land use criteria set forth in M.S. §103E.015, Subd. 1, was considered. That a permit from the State of Minnesota, Department of Natural Resources, Division of Waters, Soils and Minerals is not required pursuant to M.S. §103G.245, Subd. 2; there are no protected waters or wetlands that are affected by the proposed project; proper consideration has been given to conservation of soil, water, forests, wild animals and related natural resources and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit or welfare.

V.

The Viewers appointed to assess benefits and damages have assessed damages for acreage required for planting a strip of grass 16½ feet in width on each side of the top edge of the channel of the ditch pursuant to M.S. §103E.021.

VI.

The original benefits or damages determined in the drainage proceeding for construction of Freeborn County Ditch No. 31, Freeborn County, Minnesota, do not reflect reasonable present day land values and the benefited or damaged areas have changed.

**NOW, THEREFORE,** it is ordered and adjudged:

1. That the report of the Viewers appointed by the Board of Commissioners of Freeborn County, Minnesota, and which is on file in this matter, be and the same hereby is in all things adopted and confirmed and that the benefits and damages and benefited and damaged areas as redetermined, be and hereby are in all things allowed and confirmed.

2. That damages be paid in the manner provided by law; that the tracts of land benefited and damaged, and the names of the owners of said lands and the amount of benefits and damages are as set forth in the Viewers' Report, which Viewers' Report is made a part hereof just as fully set forth herein.

3. That the costs of the redetermination of benefits and damages and all other expenses thereof are in all things allowed and confirmed and shall be paid in the manner provided by law.

4. That the liens to be assessed for benefits against the tracts of land as shown in the Viewers' Report shall be payable pursuant to statute.

5. That the redetermination of benefits and damages and benefited and damaged areas be used in place of the original benefits and damages and benefited and damaged areas in all subsequent proceedings relating to the Freeborn County Ditch No. 31 drainage system.

6. That further proceedings shall be had pursuant to statute.

Resolution seconded by Commissioner Shoff.

Chairman, Commissioner Mathiason asked for any public comments. There were none.

After discussion a vote was taken and the resolution was unanimously adopted.

Freeborn County Extension office gave the board an update on the 4H program in Freeborn County.

Commissioner Belshan offered the following resolution:

**RESOLUTION 08-028  
AUTHORIZING FINAL PAYMENT OF SP 24-646-10**

**IT IS RESOLVED** that the County of Freeborn is the road authority for CSAH 46 and,

**BE IT RESOLVED**, that the work by PCI, 14123 – 42<sup>nd</sup> St NE, St. Michael, MN 55376-0416, SP 24-646-10 has been completed in a satisfactory manner. Change Order #1 in the amount of \$210.00; Change Order #2 in the amount of \$82,915.65; Change Order #3 in the amount of \$94,147.67; Change Order #4 in the amount of \$9,325.00; Work Order #1 and Work Order #2 no dollar change is approved.

**IT IS FURTHER RESOLVED** that the County Auditor-Treasurer is hereby authorized to make final payment in the amount of \$159,007.25.

Resolution seconded by Commissioner Shoff.

Chairman, Commissioner Mathiason asked for any public comments. There were none.

After discussion a vote was taken and the resolution was unanimously adopted.

Commissioner Behrends offered the following resolution:

**RESOLUTION 08-029  
APPLICATION OF SNOWMOBILE TRAIL GRANT**

**WHEREAS**, the State of Minnesota, Department of Natural Resources has funding assistance available for acquisition, development and maintenance of trails through its Trail Assistance Program.

**WHEREAS**, Freeborn County provides for the maintenance of 227.5 miles of snowmobile trails.

**NOW, THEREFORE, BE IT RESOLVED** that the Freeborn County Board of Commissioners hereby approves application for a Grant-in Aid for the 2008-2009 season for the Freeborn County Trail No. 1 and authorizes the necessary signatures to the Minnesota Department of Natural Resources Trail Assistance Program application for Freeborn County Trail No. 1.

Resolution seconded by Commissioner Belshan.

Chairman, Commissioner Mathiason asked for any public comments. There were none.

After discussion a vote was taken and the resolution was unanimously adopted.

Commissioner Shoff offered the following resolution:

**RESOLUTION 08-030**  
**SUPPORT OF COMPREHENSIVE TRANSPORTATION FUNDING**

**WHEREAS**, all Minnesota communities benefit from a sound, efficient and adequately funded transportation system that offers diverse modes of travel; and

**WHEREAS**, the integrity of Minnesota's transportation infrastructure is dependent upon long-term planning and ongoing maintenance, both of which require dedicated and sustainable revenue sources; and

**WHEREAS**, Minnesota leaders have not increased dedicated funding levels for roads, bridges and transit systems to keep pace with growing costs and changing needs; and

**WHEREAS**, transportation analysts in consultation with the Minnesota Department of Transportation (MnDOT) estimate Minnesota will have to invest an additional \$1.5 billion per year in transportation infrastructure for the next ten years in order to meet identified needs on Minnesota's state highways and bridges, county roads, city streets, metro and rural transit systems and local bridges; and

**WHEREAS**, Minnesota's transportation system is failing to meet the capacity needs necessary to sustain population growth and promote economic development; and

**WHEREAS**, congestion, inefficient transportation systems and lack of transportation choices lead to greater dependence on foreign oil, increased environmental degradation, and economic disadvantages for Minnesota's businesses and residents; and

**WHEREAS**, many rural roads are not built to modern safety standards and are not meeting the needs of industries that depend on the ability to transport heavy loads; and

**WHEREAS**, local cost participation requirements for trunk highways are contributing to strains on county budgets; and

**WHEREAS**, transportation infrastructure maintenance and improvement costs significantly contribute to rising property taxes; and

**WHEREAS**, insufficient state funding has delayed regionally significant road construction and reconstruction projects across Minnesota; and

**WHEREAS**, current funding for roads, bridges and transit systems across all government levels in Minnesota is inadequate, and this under-investment diminishes quality of life for Minnesota residents and hinders Minnesota's progress as a national business, economic and civic leader.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF FREEBORN COUNTY** requests that the Minnesota Legislature pass a comprehensive and balanced transportation funding package that permanently increases dedicated funding for transportation; and

**BE IT FURTHER RESOLVED** BY THE COUNTY BOARD OF FREEBORN COUNTY requests that Governor Tim Pawlenty allow a comprehensive and balanced transportation funding package that permanently increases dedicated funding for transportation that is passed by the Legislature to become law; and

**BE IT FURTHER RESOLVED** BY THE COUNTY BOARD OF FREEBORN COUNTY that a comprehensive and balanced transportation funding package be based upon multiple revenue sources, which may include but not limited to the following:

- An increase in the gas tax;
- Indexing of the gas tax to the Consumer Price Index
- Increases in vehicle registration taxes (a.k.a. license tab fees);
- Trunk highway bonding
- General obligation bonding for local roads and bridges
- ½ percent increase in the state sales tax for the metropolitan area
- ½ percent local option sales tax for transportation in Greater Minnesota
- A county option wheelage tax
- A change in the county state aid highway formula for new revenue to the Highway User Tax Distribution Fund based 60% on need and 40 % on motor vehicle registration

**BE IT FURTHER RESOLVED** BY THE COUNTY BOARD OF FREEBORN COUNTY that this BOARD defines a comprehensive and balanced transportation funding package as an initiative that permanently increases dedicated funding for state and local road and transit systems.

Resolution seconded by Commissioner Behrends.

Chairman, Commissioner Mathiason asked for any public comments. There were none. After discussion a vote was taken and the resolution was unanimously adopted.

Commissioner Nelson offered the following motion:

**MOVED**, to appoint Commissioner Shoff to the Chemical Dependency Center Executive Board.

Motion seconded by Commissioner Belshan.

After discussion, a vote was taken and the Chair declared the motion approved.

Commissioner Behrends offered the following resolution:

#### **RESOLUTION 08-031**

**RESOLVED**, to accept the Joint Powers Agreement with Southeast Minnesota Regional Radio Board.

Resolution seconded by Commissioner Nelson.

Chairman, Commissioner Mathiason asked for any public comments. There were none. After discussion a vote was taken and the resolution was unanimously adopted.

Commissioner Belshan asked Administrator Kluever to update the board at the next meeting of the status of the leak in the courthouse.

Commissioner Shoff offered the following resolution:

#### **RESOLUTION 08-032 APPROVAL OF CLAIMS**

**RESOLVED**, that the following claims be allowed and paid on February 22<sup>nd</sup>, 2008.

Fund	Amount	Name
01	\$ 88,216.85	County General Fund
03	\$219,773.60	County Road and Bridge
31	\$ 50,606.74	Capital Improvement Fund
40	\$ 20,171.89	County Ditches
84	\$ 3,260.38	Revolving Loan Fund Economic Development
		<u>\$382,029.46 Total</u>

**County General Fund**

Albert Lea Electric 447.13; Albert Lea Medical Center 7007.53; Albert Lea Tribune 1822.25; American Solutions for business 4585.00; Anoka County Juvenile Center 4495.00; Astrup Drug 3833.33; Bauer Built Tire Center 1145.64; City of Albert Lea 10961.09; Cole Papers 1606.16; Crescent Electric Supply 738.76; D&T Ventures 1380.00; Dalco 549.59; EMEDCO 301.42; Executeam 415.80; Express Personnel Services 2050.13; Freeborn County Coop Oil 336.43; Freeborn County Public Health 304.50; Goldman, Sturtz & Halvorsen 360.00; Mark Harig Sheriff Misc Fund 333.36; HIMEC 494.00; David Hoffman 600.00; Holiday Inn 603.49; Holiday Inn Hotel 467.88; Kraus Companies 598.74; Manpower 899.22; Marriott International 891.64; Marston Consulting Group 17722.03; MCCCMI 2821.47; MCF-RED Wing 1495.00; Michael McGee MN 400.00; MN elevator 453.29; Northland Business Systems 1848.73; Postercheckout 470.26; Quill Corp. 999.68; Ramsey County 1200.00; Regions Hospital 304.00; Schmidt Goodman Office Products 333.86 Scott Office Products 1533.34; Shell Rock River Watershed 785.77; Southside Custom 753.16; Summit Fire Protection 467.50; Twin City Filter Serv. 663.12; Ultimate Automotive 956.37; Waste Management 1146.16.

**County Road & Bridge**

CH2M Hill Regional Accounting 13927.50; Craguns Pine Beach Lodge 399.00; Erickson Engineering 5970.00; Freeborn Co Coop Oil 27390.60; Hanson Tire Service 5159.15; IFACS 456.61; Jones Haugh & Smith 2652.50; Karls Carquest Auto 1521.63; Progressive Contractor 159007.25; Raleigh Ace Hardware 474.78; VASCO 550.85.

**Capital Improvement Fund**

COM Tec Land Mobile Radio 26394.62; Computer Integration Tech. 18,890.45; Ferrellgas LP 2074.08; Kiker Brothers 1082.15; Kirk Pysar 1000.00; TIOGA 740.44.

**County Ditches**

Albert Lea Tribune 1011.15; Freeborn Construction 7320.21; Jones Haugh & Smith 9647.86; Wesley Tennis 1839.20.

**Revolving Loan Fund Economic Development**

MN Dept. of Employment 3260.38.

Number of claims not exceeding \$300.00 – 100

Dollar amount of claims not exceeding \$300.00 - \$9,677.22

Resolution seconded by Commissioner Nelson.

After discussion, a vote was taken the resolution was adopted.

Chairman, Commissioner Mathiason adjourned the meeting until 8:30 a.m., March 4<sup>th</sup>, 2008.

BY: \_\_\_\_\_

Glen Mathiason  
Chairman of the County Board

ATTEST: \_\_\_\_\_

John Kluever  
Administrator/Clerk