

**ADJOURNED MEETING OF THE COUNTY BOARD
MAY 6TH, 2008**

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m., on Tuesday, May 6th, 2008. Members present: Belshan, Nelson, Behrends, Mathiason, and Shoff.

Commissioner Belshan offered the following motion:

MOVED, to approve the April 15, 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.

During the public forum no public comment was offered.

Commissioner Nelson offered the following resolution:

**RESOLUTION 08-062
COUNTY DITCHES**

RESOLVED, that the County Board does hereby authorize and instruct the County Ditch Inspector to engage the necessary labor and equipment to make minor repairs on County Ditches # 43, #71, #75 and J-25.

Resolution seconded by Commissioner Behrends.

Chairman, Commissioner Mathiason asked for any public comment. There was none.

After discussion, a vote was taken and the Chair declared that the resolution was adopted with Commissioner Belshan abstaining on Ditches #71 and #75.

Commissioner Nelson offered the following motion:

MOVED, to place the topic of Recording Process for Ditch Rights of Way on the May 20th Agenda to be discussed at 10:30 a.m.

Motion seconded by Commissioner Behrends.

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

A Public Hearing was held at 8:45 to take comment on proposed amendments to Ordinance No. 15. The Chair opened the public hearing and announced the Rules of Order. Wayne Sorenson, Planning/Zoning Officer introduced the proposed amendments. The Chair then asked for public comment. After hearing no comment, the Chair closed the Public Hearing.

Commissioner Shoff offered the following resolution:

**RESOLUTION 08-063
APPROVAL OF AMENDMENTS TO ORDINANCE No.15.074**

RESOLVED, that the County Board does hereby authorize the following amendments to Ordinance No.15 known as the Freeborn County Zoning Ordinance:

ARTICLE 4 GENERAL REGULATIONS

Section 2. Building Regulations

Subd. 1. A zoning permit shall be required to be issued for any buildings and structures in unincorporated Freeborn County.

Exceptions:

Fences under 6' in height in the "A" Agricultural zone.

Any building or structure that requires a Minnesota State Building Code Permit.

Subd. 2. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to:

- A. Exceed the height or bulk herein established for the District in which the building is located;
- B. Intrude upon the area required for the front side and rear yards as herein established and such yard space shall not serve as required yard area for more than one (1) building.

ARTICLE 6 "A" AGRICULTURAL DISTRICT

Section 10. Density Regulations for Dwellings

Subd. 1 Permitted Lots

- D. No dwelling shall be sited within one-quarter (1/4) mile of an existing feedlot.
Exception: Principal owner of feedlot, owner's spouse, owner's immediate family member.

ARTICLE 17 FEEDLOT AND MANURE MANAGEMENT ORDINANCE

Section 5. Policies

Subd. 7 No expansion of an existing feedlot shall expand beyond one thousand (1,000) animal units or more within one-fourth (1/4) mile, one thousand three hundred twenty feet (1,320 feet) of any residential dwelling. The total shall not exceed one thousand (1,000) animal units. No new animal feedlots shall be allowed within one fourth (1/4) mile, one thousand three hundred twenty feet (1,320) of any dwelling on adjoining property. Exception: Principal Feedlot owners, spouses, or immediate family members dwelling. Freeborn County shall consider separate buildings within the ¼ mile setback as one feedlot.

ARTICLE 26 VIOLATIONS AND PENALTIES

Section 2. Penalties

Any person, firm or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, punished by a fine not to exceed the maximum amount set by current Minnesota State Statute and the cost of prosecution or, in default of the payment thereof, by imprisonment in the county jail for a period not to exceed the current maximum set by Minnesota State Statute or both, such fine and imprisonment at the discretion of the court.

Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Resolution seconded by Commissioner Nelson.

Chairman, Commissioner Mathiason asked for any public comment. There was none. After discussion a vote was taken and the Chair declared that the resolution was unanimously adopted.

Commissioner Behrends offered the following resolution:

**RESOLUTION 08-064
APPROVAL OF VARIOUS USER FEES**

RESOLVED, that the following resolution be and is hereby approved:

As following user fees have not been adjusted since January 1, 2001, the Freeborn County Board of Commissioners hereby sets the following fees:

Conditional Use Permit - \$400.00
Variance - \$400.00
Zoning Permit - \$50.00

Resolution seconded by Commissioner Shoff.

Chairman, Commissioner Mathiason asked for any public comment. There was none.

After discussion a vote was taken and the Chairman declared the resolution approved with Commissioners Shoff, Behrends and Nelson voting aye and Commissioners Belshan and Mathiason voting no.

Commissioner Shoff offered the following resolution:

**RESOLUTION 08-065
APPROVAL TO ADHERENCE TO STATE BUILDING CODE**

RESOLVED, that the following resolution be and is hereby approved:

As the adherence to the rules of the Minnesota State Building Code is required, the Freeborn County Board of Commissioners directs the Building Official to require the following:

Individual mechanical permits as required by code.
Engineering as required by code for pole structures.

Resolution seconded by Commissioner Behrends.

Chairman, Commissioner Mathiason asked for any public comment. There was none.

After discussion, a vote was taken and the Chair declared the resolution approved with Commissioners Shoff, Behrends and Mathiason voting aye and Commissioners Belshan and Nelson voting no.

Commissioner Belshan offered the following resolution:

**RESOLUTION 08-066
APPROVAL OF SQUARE FOOT VALUATIONS**

RESOLVED, that the following resolution be and is hereby approved:

As the square foot valuations used to set building permit values for fees has not been adjusted since 2001, the Freeborn County Board of Commissioners hereby directs the Building Official to set valuation tables at 80% of the State Tables. These valuation tables will be annually reviewed by the Freeborn County Board of Commissioners.

Resolution seconded by Commissioner Nelson.

Chairman, Commissioner Mathiason asked for any public comment. There was none.

After discussion, a vote was taken and the Chair declared the resolution was approved with Commissioners Belshan, Nelson and Mathiason voting aye and Commissioners Shoff and Behrends voting no.

Commissioner Belshan offered the following resolution:

**RESOLUTION 08-067
APPROVAL OF PERMIT RECORD RETENTION POLICY**

RESOLVED, that the following resolution setting a policy on record retention for building permits and submittals be and is hereby approved:

As an official policy on record retention is required, the Freeborn County Board of Commissioners hereby adopts the following policy:

Paper copies of building permits and submittals shall be kept for 3 years and electronically for 10 years.

Resolution seconded by Commissioner Shoff.

Chairman, Commissioner Mathiason asked for any public comment. There was none.

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

Randy Tuchtenhagen, Director of Environmental Services, provided an update to the status of the Recycling Contract. An open meeting was held on April 21st at which time interested parties were presented with the proposed Contract to take effect on December 1, 2008. Discussion was held and a consensus was reached regarding the terms and conditions of the proposed Contract. Mr. Tuchtenhagen asked if the Commissioners had any recommendations for changing the proposed Contract, and the Commissioners indicated that they did not. The Commissioners instructed Mr. Tuchtenhagen to proceed with the Contract as presented, advertise for quotes to provide the services outlined in the Contract to be submitted by all interested parties, and to bring those quotes back before the Commissioners on June 3, 2008 for their consideration.

Commissioner Shoff offered the following resolution:

**RESOLUTION 08-068
AUTHORIZING FINAL PAYMENT OF UPGRADE TO EXISTING
FUEL ISLAND, PUMPS AND PIPING (CP 07-M-02)**

RESOLVED, that the County Board of the County of Freeborn is the road authority,
and,

RESOLVED, that the work by B & H Petroleum Equipment Co., 19932 State Hwy 22, Mankato, MN, under Freeborn County's Contract to Upgrade Existing Fuel Island, Pumps and Piping Project Number CP 07-M-02, has been completed in a satisfactory manner.

BE IT FURTHER RESOLVED, that the County Auditor-Treasurer is hereby authorized to make final payment in the amount of \$5,541.94.

Resolution seconded by Commissioner Belshan.

Chairman, Commissioner Mathiason asked for any public comment. There was none.

After discussion, a vote was taken and the Chair declared that the resolution was unanimously adopted.

Merit Awards were presented to the Freeborn County Highway Department for the concrete pavement project on CSAH #46.

Sheriff Mark Harig discussed comments he has received over wake zone issues on Fountain Lake. He indicated that the County water patrol boat will be on the water effective May 15th and the issue will be monitored after that point.

Commissioner Belshan offered the following motion:

MOVED, to set a Workshop on May 20th at approximately 11:30 a.m. in room 128 of the Freeborn County Department of Human Services Building to discuss the Freeborn County Individual Sewage Treatment System Loan Program.

Motion seconded by Commissioner Shoff.

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

Commissioner Belshan offered the following resolution:

RESOLUTION 08-069
RATIFICATION OF MINNESOTA TEAMSTERS PUBLIC AND LAW
ENFORCEMENT EMPLOYEES' UNION, LOCAL NO. 320 2008 LABOR AGREEMENT

RESOLVED, that the County Board does hereby ratify the Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320 2008 Labor Agreement for the period January 1, 2008 through December 31, 2008, under the terms and conditions agreed to by both parties.

Resolution seconded by Commissioner Nelson.

Chairman, Commissioner Mathiason asked for any public comment. There was none.

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

Chairman, Commissioner Mathiason recessed the Board meeting at 9:45 a.m.

Chairman, Commissioner Mathiason declared that the Board of Commissioners of the County of Freeborn will enter into a closed session meeting pursuant to Minnesota State Statute 13D.05, Subd.3(a) to evaluate the management performance of the County Administrator.

Chairman, Commissioner Mathiason reconvened the Board meeting at 10:05 a.m.

Administrator Kluever stated that the Board did evaluate the management performance of the County Administrator, and that all management performance evaluation issues were discussed to the satisfaction of all parties.

Commissioner Belshan offered the following resolution:

**RESOLUTION 08-070
APPROVAL OF CLAIMS**

RESOLVED, that the following claims be allowed and paid on May 9, 2008.

Fund	Amount	Name
01	\$ 84,954.33	County General Fund
03	\$ 19,529.52	County Road and Bridge
31	\$ 11,189.21	Capital Improvements Fund
	<u>\$ 29,043.63</u>	County Ditches
	\$144,716.69	Total

County General Fund

Albert Lea Electric 743.86; Albert Lea Medical Center 463.00; Albert Lea Paint and Glass 334.41; Albert Lea Tribune 10,424.75; Allens Tow N Travel 383.41; American Institutional Supply 995.04; American Solutions For Business 808.32; Anoka County Juvenile Center 7,453.00; AP Technology 595.00; Barna Guzy Steffen Ltd 372.14; Bauer Built Tire Center 962.91; Bear Graphics Inc 1,025.04; Bound Tree Medical LLC 736.72; Brown County Evaluation Center 3,880.00; Bureau of Criminal Apprehension 350.00; City of Albert Lea 12,455.78; Cole Papers Inc 3,076.96; Com Tec Land Mobile Radio 3,379.17; Computer Integrated Technologies 2,130.48; Crescent Electric Supply Co 878.95; Dalco Inc 515.67; DHS DC 192 1,000.00; Dennis A. Distad 425.97; Express Personnel Servies 3,378.27; Donald F. Fredrickson 500.00; Group Support Services Inc 1,600.00; Hemocue Inc 894.60; HIMEC 1,249.89; Interstate Motor Trucks Inc. 433.77; Jackpot Junction Hotel 342.93; Kelly Printing Supplies Inc 352.80; George R. Lundstrom DDS 309.06; MAAO 575.00; Mail Expeditors 1,160.29; Mayo Continuing Nursing Educ 720.00; MFC-Red Wing 3,565.00; MN County Attorneys Assoc 500.00; MN Dept of Public Safety 380.00; MN Debt of Revenue 351.00; Motor Inn Co 724.62; National WIC Assoc 365.00; Northland Chemical Corp 441.34; OfficeMax Inc 1,044.77; Personnel Evaluation Inc 627.90; Professional Service & Supply 1,510.14; Quill Corp 1,149.52; Ramada Inn of Albert Lea 1,250.00; S&T Office Products Inc 522.14; Schmidt Goodman Office Prod 2,077.91; Kenneth Schroeder 400.00; Scotts Office Products 2,205.87; SEMCAC 720.00; Ultimate Automotive Inc 308.64; Visual Impact Signs Inc 1,500.00; West Payment Center 403.29

County Road & Bridge

Albert Lea Tribune 1,027.05; Barr Engineering Co 2,228.50; Brooks Safety Equipment 573.78; Erickson Engineering 2,000.00; Independent Salt Co Inc 2,663.10; Interstate Motor Trucks Inc 1,380.90; Leicia Geosystems Inc 918.00; Susan G Miller 393.71; Reed Business Information 351.00; Ruffridge Johnson Equip Co 2,130.88; Superior Lamp Inc 510.97; Team Laboratory Chemical Corp 5,351.63

Capital Improvement Fund

Freeborn Co Ag Society 10,231.26; Scotts Office Products 457.95; David Lee Snyder 500.00

County Ditches

Albert Lea Tribune 1,134.00; Chris Christianson 611.02; Thomas L Dahl 569.45; Freeborn Construction Inc 1,768.00; Robert M Hanson 383.80; Olson Excavating 22,784.87; Rognes Brothers Excavating 1,355.00; Joel Stensrud 437.49

Number of claims not exceeding \$300.00 – 88

Dollar amount of claims not exceeding \$300.00 - \$8,429.08

Resolution seconded by Commissioner Nelson.

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

Chairman, Commissioner Mathiason adjourned the meeting until 8:30 a.m., May 20, 2008.

BY: _____

Glen Mathiason
Chairman of the County Board

ATTEST: _____

John Kluever
Administrator/Clerk