

**ADJOURNED MEETING OF THE COUNTY BOARD
JULY 1, 2008**

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m., on Tuesday, July 1, 2008. Members present: Belshan, Nelson, Behrends, Mathiason and Shoff.

Commissioner Nelson offered the following motion:

MOVED, to approve the June 17, 2008 Board Meeting Minutes.
Motion seconded by Commissioner Behrends.
After discussion, a vote was taken and the Chair declared the motion approved.

Commissioners reported on meetings attended.

Jon Ford, Housing and Redevelopment Authority presented the Board with a check and updated them on projects that the organization is working on to help Freeborn County and the City of Albert Lea.

A Public Hearing was held at 8:45 a.m. to take comments on Ditch J-6 Repair and Improvement and the Recording of the J-6 Right-of-Way. The Chair opened the public hearing and announced the Rules of Order. Mark Anderson, attorney for the petitioners for the repair addressed the Board and gave an overview of the benefits that the new ditch would have versus the expense. Individuals who addressed the Board in favor of the repairs and improvements were: Jim Knutson, Bruce Armstrong, Ray Krueger and Commissioner Mathiason read a letter from Dann Phillips.

Dennis Distad addressed the board in regards to the recording of the J-6 ditch and having record of the location on landowner's property deeds. John Kohl explained that the county already follows the guidelines required and the county is not acquiring any property just recording where the ditch runs through the different properties. After hearing all comments, the Chair closed the public hearing.

During the public forum individuals discussed the following topics:

- Ralph Delgado - trees in the right-of-way
- Roger Bok - County 34 road closed, flashing lights, driveways without 6/1 slope
- Larry Anderson - in favor of the high speed rail line

Commissioner Nelson offered the following resolution:

**RESOLUTION 08-106
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 required repairs on the following County Ditches; J-23, 65, 17, 75, J-20 and 71.

Resolution seconded by Commissioner Shoff.

After discussion, a vote was taken and the Chair declared the resolution was adopted with Commissioner Belshan abstaining from County Ditches 71 & 75.

Commissioner Behrends offered the following motion.

MOVED, in the matter of the Repair and Improvement of a Separable part of Freeborn County Ditch No. J-6.

The above entitled matter came on for hearing by the Board of Commissioners of Freeborn County, Minnesota, on the 1st day of July, 2008, at 8:45 a.m., upon the Petition above described and upon the reports of the Engineer and Viewers appointed herein. The petitioners appeared by Mark A. Anderson of the law firm of Christian & Peterson, P.A.; the firm of Jones, Haugh & Smith, Inc., Engineer appointed by the Board of Commissioners of Freeborn County, Minnesota, to survey the ditch, was present; the appointed viewers, Thomas L. Dahl, Robert M. Hansen, Wesley J. Tennis, and Chris Christianson were present at the hearing.

The Board of Commissioners of Freeborn County, Minnesota, having heard the Petition, all the persons and parties interested both for and against the improvement of County Ditch No. J-6, Freeborn County, Minnesota, and all the evidence produced by them, and having considered the same together with the report of the Viewers and amendments, if any, and report of the Engineer, find the following facts:

I.

The notice of 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. There was no report of the Commissioner of Natural Resources.

II.

Reports of the Engineer and Viewers, including amendments, if any, have been made and filed in the office of the Freeborn County Auditor and that the reports, as made or amended, are 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 relating thereto.

III.

The estimated benefits to be derived from the improvement of County Ditch No. J-6, Freeborn County, Minnesota, are greater than the total estimated costs, including damages, and that the damages and benefits have been duly determined as required by law and that the improvement to the drainage system will be of public utility and benefit and promote the public health, and is practicable. The outlet is adequate.

IV.

The proposed improvement to 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. I, 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.

NOW, THEREFORE, it is ordered and adjudged:

1. The Repair and Improvement of County Ditch No. J-6, Freeborn County, Minnesota, be and hereby is established as specified in the Engineer's Final Report dated March 6, 2008, which is on file in the office of the Freeborn County Auditor.
2. 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 is in all things adopted and confirmed and that the damages therein specifically arising from the construction of the improvement be and hereby are in all things allowed and confirmed.
3. That damages be paid in the manner provided by law; that the tracts of land benefited and damaged by the construction of the Repair and Improvement 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 if fully set forth herein.
4. The cost of the Repair and Improvement and all other expenses of the proceedings are in all things allowed and confirmed and shall be paid in the manner provided by law.
5. The liens to be assessed for benefits against the tracts of land as shown in the Viewers' Report shall be payable pursuant to statute.
6. That the improvement so established as specified in the Engineer's Final Report dated March 6, 2008, be constructed according to law and that all construction shall be done subject to such engineering change orders as may be made from time to time.

Motion seconded by Commissioner Nelson.
After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Commissioner Belshan offered the following resolution.

**RESOLUTION 08-107
RESOLUTION TO ORDER THE ESTABLISHING REPAIR AND IMPROVEMENT ON
COUNTY DITCH NO. J-6**

The above entitled matter came on for hearing by the Board of Commissioners of Freeborn County, Minnesota, on the 1st day of July, 2008, at 8:45 a.m., upon the

Petition above described and upon the reports of the Engineer and Viewers appointed herein. The petitioners appeared by Mark A. Anderson of the law firm of Christian & Peterson, P.A.; the firm of Jones, Haugh & Smith, Inc., Engineer appointed by the Board of Commissioners of Freeborn County, Minnesota, to survey the ditch, was present; the appointed viewers, Thomas L. Dahl, Robert M. Hansen, Wesley J. Tennis, and Chris Christianson were present at the hearing.

The Board of Commissioners of Freeborn County, Minnesota, having heard the Petition, all the persons and parties interested, both for and against the improvement of County Ditch No. J-6, Freeborn County, Minnesota, and all the evidence produced by them, and having considered the same together with the report of the Viewers and amendments, if any, and report of the Engineer, find the following facts:

I.

The notice of 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. There was no report of the Commissioner of Natural Resources.

II.

Reports of the Engineer and Viewers, including amendments, if any, have been made and filed in the office of the Freeborn County Auditor and that the reports, as made or amended, are 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 relating thereto.

III.

The estimated benefits to be derived from the improvement of County Ditch No. J-6, Freeborn County, Minnesota, are greater than the total estimated costs, including damages, and that the damages and benefits have been duly determined as required by law and that the improvement to the drainage system will be of public utility and benefit and promote the public health, and is practicable. The outlet is adequate.

IV.

The proposed improvement to 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.

NOW, THEREFORE, it is ordered and adjudged:

1. The Repair and Improvement of County Ditch No. J-6, Freeborn County, Minnesota, be and hereby is established as specified in the Engineer's Final Report dated March 6, 2008, which is on file in the office of the Freeborn County Auditor.

2. 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 is in all things adopted and confirmed and that the damages therein specifically arising from the construction of the improvement be and hereby are in all things allowed and confirmed.

3. That damages be paid in the manner provided by law; that the tracts of land benefited and damaged by the construction of the Repair and Improvement 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 if fully set forth herein.

4. The cost of the Repair and Improvement and all other expenses of the proceedings are in all things allowed and confirmed and shall be paid in the manner provided by law.

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

6. That the improvement so established as specified in the Engineer's Final Report dated March 6, 2008, be constructed according to law and that all construction shall be done subject to such engineering change orders as may be made from time to time.

Resolution seconded by Commissioner Shoff.

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

Commissioner Behrends offered the following resolution.

RESOLUTION 08-108
DRAINAGE AUTHORITY'S ADOPTING MAP AND LEGAL DESCRIPTION OF
FREEBORN COUNTY DITCH J-6 AND AUTHORIZING THE AUDITOR-TREASURER
TO RECORD NOTICE OF THE DRAINAGE SYSTEM ON ALL PROPERTIES OVER
OR THROUGH WHICH THE DRAINAGE SYSTEM PASSES.

WHEREAS, the Freeborn County Board of Commissioners, Drainage Authority for Freeborn County Ditch J-6, adopted a Notice of Intent to Record Drainage System on May 20, 2008; and

WHEREAS, the Drainage Authority, by and through its Auditor-Treasurer, Engineer, Drainage Inspector and Attorney, held a duly noticed informational meeting regarding the proposed recording on June 24, 2008; and

WHEREAS, the Freeborn County Board of Commissioners, Drainage Authority for Freeborn County Ditch J-6, held a public hearing on July 1, 2008, to consider the recording of its interest in Ditch J-6; and

WHEREAS, notice was given to the owners of property benefited and/or damaged by the Drainage System by mail on May 29, 2008, and by publication in the Albert Lea Tribune on June 13, 20 and 27, 2008; and

WHEREAS, Freeborn County Ditch J-6 is a Public Drainage System consisting of subsurface drain tile, open ditches or both; and

WHEREAS, Ditch J-6 was originally established by orders of the District Court as Judicial Ditch 6 and County Ditch 29, according to laws in effect at the time of establishment of said systems; and

WHEREAS, by order of the Drainage Authority dated March 20, 2007, Judicial Ditch 6 and County Ditch 29 were consolidated by the Drainage Authority according to proceedings under the State's Drainage Code and are now referred to collectively as Ditch J-6; and

WHEREAS, the orders establishing Ditch J-6 created permanent right-of-way easements within which the drainage systems would be located, including area to allow for future maintenance and repair of the drainage systems; and

WHEREAS, the drainage system records reflect that damages were paid for the acquisition of right-of-way, for Ditch J-6; and

WHEREAS, by order of the Drainage Authority dated March 20, 2007, the Drainage Authority acquired an additional area, one-rod (16½ feet) in width, adjacent to all open ditch portions of Judicial Ditch 6 for the establishment and maintenance of permanent, perennially vegetated buffers according to proceedings under the State's Drainage Code; and

WHEREAS, the orders establishing Ditch J-6 were never recorded in the office of the County Recorder of Freeborn County; and

WHEREAS, since establishment, Freeborn County has regularly inspected and maintained Ditch J-6 in a manner consistent with the State's Drainage Code; and

WHEREAS, Freeborn County has placed assessments upon the properties benefited by the construction, maintenance and improvement of Ditch J-6, and the owners of those properties, or their predecessors, have paid those assessments in order to maintain their rights in the systems; and

WHEREAS, by order of the Drainage Authority dated March 20, 2007, the Drainage Authority adopted redetermined benefits and damages according to proceedings under the State's Drainage Code; and

WHEREAS, as the Drainage Authority, Freeborn County has, at all times, exercised jurisdiction over Ditch J-6 in the manner provided for in the State's Drainage Code; and

WHEREAS, the County has regularly accessed Ditch J-6 for inspection, maintenance and improvement by entering and crossing properties within which the Drainage Systems are located; and

WHEREAS, the County has performed physical inspection, maintenance, and improvement within the right of way of the Drainage Systems established and acquired in the proceedings which established the systems; and

WHEREAS, since establishment, Ditch J-6 has continued to provide beneficial drainage to properties assessed for benefits for establishment, inspection, maintenance and improvement of the Drainage System; and

WHEREAS, Freeborn County, as Drainage Authority, has maintained continuous possession of Ditch J-6 by regularly exercising its statutory obligations over the Drainage System; and

WHEREAS, the Drainage Authority has determined it to be in the best interests of the properties and the owners of property benefited by Ditch J-6 to determine and record the right of way occupied by Ditch J-6 as well as other rights of the Drainage Authority associated with the exercise of its obligations over Ditch J-6 imposed by and provided for in the State's Drainage Code; and

WHEREAS, the center lines for the easements for Ditch J-6, depicted on the attached Exhibit "A" are hereby determined to be the duly established center lines of right-of-way easements. The legal description of said center lines are generally described in Exhibit "B"; and

WHEREAS, the Drainage Authority may, after due notice, change the description provided herein in case of error or if more precise information becomes available;

THEREFORE, BE IT RESOLVED, the Freeborn County Board of Commissioners, Drainage Authority for Freeborn County Ditch J-6, hereby: recognizes the following interest in Ditch J-6:

A right-of-way easement for Ditch J-6 to include the area physically occupied by the open ditch or tile drainage system, a one-rod (16 ½ foot) perennially vegetated buffer strip adjacent to open ditch, and an area of reasonable set-back to protect and provide for maintenance of the drainage system as required by Minnesota Statutes Chapter 103E, together with rights of entry to parcels containing the drainage system for inspection and maintenance purposes, as well as any and all secondary easements recognized by law and necessary to exercise statutory obligations related to the ditch.

adopts the map (Exhibit A) and legal description (Exhibit B) as the official description of the course and right-of-way for Ditch J-6;

directs the County Auditor-Treasurer to record the map and legal description with the County Recorder;

directs the County Auditor-Treasurer to record, upon each parcel over or across which the drainage system passes, a notice of the interest of the Drainage Authority in the system – by referencing the recorded map and legal description;

directs the County Auditor-Treasurer to provide notice to the owners of property benefited by the Drainage System of the action of the Drainage Authority, including notice of the owners' right to appeal;

acknowledges that where the physical location of Ditch J-6 differs from the map or legal description as adopted herein, the physical location shall govern; and

reserves the right, after due notice to change the description provided herein in case of error or if more precise information becomes available, by filing a supplemental resolution.

Resolution seconded by Commissioner Belshan.

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

Commissioner Shoff offered the following resolution:

**RESOLUTION 08-109
CLASSIFICATION OF NON-CONSERVATION LAND AND REQUIRE THE
WITHHOLDING OF TAX-FORFEITED LAND FOR SALE**

WHEREAS, The County Board of Commissioners of the County of Freeborn, State of Minnesota, desire to offer for sale certain parcels of land that have been forfeited to the State of Minnesota for non-payment of taxes and

WHEREAS, said parcels of land have been viewed by the designees of the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED, That the Freeborn County Board of Commissioners hereby certify that all parcels of land on the attached list have been viewed and comply with the Provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd 8, and 282.018 and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED, That the Freeborn County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

Resolution was seconded by Commissioner Nelson.

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

Commissioner Behrends offered the following motion.

MOVED, in the matter of the Redetermination of Benefits of Joint County Ditch No. J-23.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.31I. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Commissioner Shoff seconded the motion

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

Commissioner Belshan offered the following resolution;

**RESOLUTION 08-110
REDETERMINATION OF BENEFITS OF JOINT COUNTY DITCH NO. J-23.**

RESOLVED, to approve an order in the Matter of the Redetermination of Benefits of Joint County Ditch No. J-23.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to

M.S. §103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Resolution was seconded by Commissioner Shoff.

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

Commissioner Belshan offered the following motion.

MOVED, in the matter of the Redetermination of Benefits of County Ditch No. 46

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Motion was seconded by Commissioner Nelson.

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

Commissioner Nelson offered the following resolution:

RESOLUTION 08-111 REDETERMINATION OF BENEFITS OF COUNTY DITCH NO. 46

RESOLVED, to approve an order in the Matter of the Redetermination of Benefits of county Ditch No. 46.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.31I. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Resolution was seconded by Commissioner Belshan.

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

Commissioner Shoff offered the following motion.

MOVED, in the matter of the Redetermination of Benefits of County Ditch No. 48,

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.31I. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;

4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Motion was seconded by Commissioner Behrends.

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

Commissioner Belshan offered the following resolution.

**RESOLUTION 08-112
REDETERMINATION OF BENEFITS OF COUNTY DITCH NO.48.**

RESOLVED, to approve an order in the Matter of the Redetermination of Benefits of County Ditch No. 48.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Resolution was seconded by Commissioner Shoff.

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

Commissioner Belshan offered the following motion.

MOVED, in the matter of the Redetermination of Benefits of County Ditch No. 64

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect

reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Motion was seconded by Commissioner Shoff.

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

Commissioner Nelson offered the following resolution.

**RESOLUTION 08-113
REDETERMINATION OF BENEFITS OF COUNTY DITCH NO. 64.**

RESOLVED, to approve an order in the Matter of the Redetermination of Benefits of County Ditch No. 64.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Resolution was seconded by Commissioner Behrends.
After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Commissioner Shoff offered the following motion.

MOVED, in the matter of the Redetermination of Benefits of County Ditch No. 72.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Motion was seconded by Commissioner Belshan.
After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Commissioner Nelson offered the following resolution.

RESOLUTION 08-114
REDETERMINATION OF BENEFITS OF COUNTY DITCH NO. 72

RESOLVED, to approve an order in the Matter of the Redetermination of Benefits of County Ditch No. 72.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Resolution was seconded by Commissioner Shoff.
After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Commissioner Belshan offered the following motion.

MOVED, in the Matter of the Redetermination of Benefits of County Ditch No. 76.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Motion was seconded by Commissioner Nelson.
After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Commissioner Nelson offered the following resolution.

**RESOLUTION 08-115
REDETERMINATION OF BENEFITS OF COUNTY DITCH NO. 76**

RESOLVED, to approve an order in the Matter of the Redetermination of Benefits of County Ditch No. 76.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.311. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Resolution was seconded by Commissioner Behrends.
After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Commissioner Behrends offered the following motion;

MOVED, in the matter of the Redetermination of Benefits of Joint County Ditch No. 23

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.311. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Motion was seconded by Commissioner Nelson.

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

Commissioner Nelson offered the following resolution.

**RESOLUTION 08-116
REDETERMINATION OF BENEFITS OF JOINT COUNTY DITCH NO. 23**

RESOLVED, to approve an order in the Matter of the Redetermination of Benefits of Joint County Ditch No. 23.

ORDER APPOINTING ENGINEER

WHEREAS, the Freeborn County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Jones, Haugh & Smith, Inc., an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the office of the Freeborn County Auditor-Treasurer for the purpose of assisting the Viewers in their duties pursuant to M.S. §103E.31l. Such duties shall include, but not be limited to, preparation of maps and data as follows:

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

Resolution was seconded by Commissioner Shoff.

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

Dennis Distad, Auditor-Treasurer informed the Board that the filing for the three (3) open Commissioner seats opened on July 1, 2008 and will close on July 15, 2008.

Dick Hoffman, Environmental Services requested a workshop for discussion on the Sewer Loan Program for July 15, 2008.

Commissioner Shoff offered the following motion.

MOVED, the Board will hold a workshop on July 15, after the meeting at the Department of Human Services.

Motion was seconded by Commissioner Belshan.
After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Sue Miller, County Engineer, was called upon by Commissioner Mathiason to clarify the issue in regards right-of-way on County Road 30 in Hollandale. She informed the Board that the county has an easement for 100' in a section of that road, but where area in question there is a 66' road and right-of-way. If Mr. Delgado wishes to come down to the Highway Department and sign an easement for the other 17' feet of his property, she would take care of the issue of the trees.

John Kluever, County Administrator requested the Board to review and set the dates and times for the 2009 Budget Calendar and to set the dates for the workshops for the 2009 Budgets.

Commissioner Belshan offered the following motion.

MOVED, to approve the 2009 Budget Calendar with August 12th, 13th and 19th being the scheduled dates for departmental reviews.

Motion was seconded by Commissioner Nelson.
After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Commissioner Shoff offered the following motion.

MOVED, to approve the budget workshops needed as scheduled on the 2009 Budget Calendar.

Motion was seconded by Commissioner Behrends.
After discussion, a vote was taken and the Chair declared the motion unanimously approved.

Commissioner Shoff offered the following resolution.

**RESOLUTION 08-117
SUPPORTING HIGH SPEED PASSENGER RAIL**

WHEREAS, to ensure the safety, quality, reliability, efficiency and mobility of our country's vital transportation network;

WHEREAS, a balanced, integrated and diverse transportation system is needed by Senior Citizens, Veterans and all of the American people;

WHEREAS, an efficient transportation system is needed to reduce traffic congestion leading into and out of the Twin Cities metropolitan area;

WHEREAS, other major transportation modes have dedicated sources of funding;

WHEREAS, passenger rail is a critical component of a modern, multi-modal transportation system, and should have financial support, unified policy development and oversight similar to that afforded to our air, highway and mass transit modes;

WHEREAS, development of high speed rail corridors increase safety through improved signaling, grade crossings and trains; and

WHEREAS, development of a high speed rail corridor along established major transportation routes will enhance the efficiency of the overall corridor;

RESOLVED, that the Freeborn County Board of Commissioners support the development of a High Speed Passenger Rail System along the Interstate 35 corridor between Albert Lea and Minneapolis/St. Paul, Minnesota.

RESOLVED, that this resolution be sent to the United States Senate and Congressional Delegations of Minnesota and the Minnesota Counties of Steele, Rice, Scott, Dakota, Ramsey and Hennepin.

Resolution was seconded by Commissioner Nelson.
After discussion, a vote was taken and the Chair declared the resolution unanimously adopted.

Commissioner Nelson offered the following resolution.

**RESOLUTION 08-118
APPROVAL OF CLAIMS**

RESOLVED, that the following claims be allowed and paid on July 3, 2008.

Fund	Amount	Name
01	\$93,493.72	General Fund
03	\$48,119.23	County Road and Bridge
31	\$ 87.39	Capital Improvements Fund
40	<u>\$ 8,503.58</u>	County Ditches
	\$150,203.92	Total

GENERAL FUND

Albert Lea Medical Center 3,247.20, American Solutions for Business 6,377.80, Anoka County Corrections 14,172.37, Astrup Drug Inc 7,542.57, Church Offset Printing 543.91, Cole Papers Inc 371.07, Dalco Inc 396.74, Dell Marketing 1,677.91, Fair Hills Inc 1,456.00 Glaxosmithkline Pharmaceutical 300.56, Mark Harig 404.01, Litho Printing & Graphics 457.18, Mail Expeditors 1,183.03, MCCC MI 33 1,845.70, MII Select Account

483.12, MN Elevator Inc 453.29, Radisson Suite Hotel 704.06, Regina Medical Center 16,900.50, Romtec Inc 960.85, RS Eden 1,126.50, Schilling Supply Co 472.24, Schmidt Goodman Office Products 906.95, Kenneth Schroeder 400.00, Sheriffs Youth Program Von Wald 1,661.80, Waseca Police Dept 420.00, Waste Management 25,734.12.

COUNTY ROAD & BRIDGE

Albert Lea Seed House Inc 1861.62, Chosen Valley Testing 7330.00, Freeborn County Coop Oil 29,876.02, Freeborn Construction Inc 1,332.50, Locators & Supplies Inc 2,655.70, Loverink Drainage 625.47, Metal Culverts Inc 359.27, Raleighs Ace Hardware 576.62 , SRF Consulting Group Inc 2,048.78, Truck Bodies & Equipment Intl 361.52, Ziegler Inc 458.01.

COUNTY DITCHES

Christian and Peterson PA 5,740.00, Rinke Noonan Law Firm 2,306.50.

Number of claims not exceeding \$300.00 – 41

Dollar amount of claims not exceeding \$300.00 – \$4,472.43

Resolution seconded by Commissioner Shoff.

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

Chairman, Commissioner Mathiason adjourned the meeting until 8:30 a.m., July 15, 2008.

BY: _____

Glen Mathiason
Chairman of the County Board

ATTEST: _____

John Kluever
Administrator