

ADJOURNED MEETING OF THE COUNTY BOARD
August 19, 2008

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

Commissioner Nelson offered the following motion:

MOVED, to approve the August 5, 2008 Board Meeting and August 12th & 13th Workshop Minutes.
Motion seconded by Commissioner Behrends.
After discussion, a vote was taken and the Chair declared the motion approved.

Commissioners reported on meetings attended.

During the public forum individuals discussed the following topics:

Roger Bok – questioned the bid for County Road 34, memorials should be removed, practices of County Attorney, lights on early hours and evenings at courthouse, fence by new dam on Geneva Lake.

Paul Sween – addressed the Board in regards to the access & dust agreements that Adam’s Farm has entered into which is the reason given for denying the Conditional Use Permit at a prior Board meeting. If the Board chooses not to consider their permit application they would like a letter articulating the denial for the permit, since Adams’s Farm has met the previously stated concerns.

Susie Peterson & Holly Larson – They thanked the Board for all the help the county provided during the April Sorenson Half Marathon Run. It was a success and they had very positive response to the event. Hopefully next year the bike trail will be done so they can hold a family run.

Commissioner Belshan offered the following resolution:

RESOLUTION 08-138
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 repairs on County Ditch #62, County Ditch #81, JD#22, County Ditch #75, County Ditch #32, JD#20, County Ditch #31, County Ditch #43, County Ditch #15 and County Ditch #39.

Resolution seconded by Commissioner Shoff.

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

Commissioner Nelson offered the following resolution:

RESOLUTION 08-139
PETITION TO ENLARGE AND TO REMOVE PARCELS FROM THE TURTLE CREEK WATERSHED DISTRICT

WHEREAS, the areas to be added to the Turtle Creek Watershed District identified as those certain parcels which are described fully in the attached “Exhibit A”, are contiguous t the existing Turtle Creek Watershed District;

The areas proposed to be added to the Turtle Creek Watershed District can be feasibly administered by the Managers of the Turtle Creek Watershed District.

Adding the proposed areas to the Turtle Creek Watershed District would serve to achieve the purposes of the Watershed Law. It is important that an entity with expertise in water management oversee the areas proposed to be added because none of them are currently under the control of any watershed district. Such unmonitored areas have an immediate impact on the Turtle Creek Watershed District because of their proximity to and effect on the surrounding land. Without the inclusion of the proposed areas, the Turtle Creek Watershed District cannot control the land use planning, flood control, and other conservation and water management projects within the entire

District. Without the ability to exercise control over those issues, the public health and welfare of the entire District is adversely affected.

The areas proposed to be added to the Turtle Creek Watershed District are identified by a map of the affected area attached hereto as "Exhibit B".

It is requested that this Petition be granted and that the areas proposed be added be, in fact, added to the Turtle Creek Watershed District.

REMOVAL OF PARCELS FROM THE TURTLE CREEK WATERSHED DISTRICT

The territory described, identified as those parcels which are sought to be removed from the Turtle Creek Watershed District described fully in the attached "Exhibit C" have not received nor will receive any benefits from the operation of the Turtle Creek Watershed District.

The Turtle Creek Watershed District can perform the functions for which it was established without the inclusion of the territory described.

The territory described is not, in fact, a part of the watershed.

It is requested that this Petition be granted and the described territory be removed from the Turtle Creek Watershed District.

WHEREFORE, your Petitioners request that the Board of Water and Soil Resources: Set a date and time to hold the hearing and proceed, as necessary, and as authorized by law on the requests contained herein to enlarge and to remove parcels from the Turtle Creek Watershed District as proposed.

Resolution 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, to accept and keep on file in the office of the Auditor-Treasurer the petition from Shirley Dakin in regards to a partial abandonment of County Ditch #55.

Motion was seconded by Shoff.

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

Commissioner Belshan offered the following motion:

MOVED, to accept the Order Appointing Engineer.

WHEREAS, Utabjaa Farms by Shirley Dakin has petitioned for the abandonment of a portion of Freeborn County Ditch No. 55 located in the SE ¼ NW ¼ Section 27-T101N-R21W.

NOW, THEREFORE, it is hereby ordered that Jones Haugh and Smith, Inc., and engineering firm, is appointed as a competent and experienced civil engineer to investigate the effects of the proposed abandonment and file a report of findings in the office of the Freeborn County Auditor-Treasurer.

Motion was seconded by Commissioner Nelson.

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

Commissioner Shoff offered the following resolution:

**RESOLUTION 08-140
RESOLUTION APPOINTING AN ENGINEER**

RESOLVED, to approve an order in the matter of Partial Abandonment on County Ditch No. 55 in Section 27 of Freeborn Township, Freeborn Co.

WHEREAS, Utabjaa Farms by Shirley Dakin has petitioned for the abandonment of a portion of Freeborn County Ditch No. 55 located in the SE ¼ NW ¼ Section 27-T101N-R21W.

NOW, THEREFORE, it is hereby ordered that Jones Haugh and Smith, Inc., and engineering firm, is appointed as a competent and experienced civil engineer to investigate the effects of the proposed abandonment and file a report of findings in the office of the Freeborn County Auditor-Treasurer.

Resolution seconded by Commissioner Behrends.

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

Commissioner Nelson offered the following motion:

MOVED, to accept and keep on file in the office of the Auditor-Treasurer the petition from Charles D. Borneman in regards to a partial abandonment of County Ditch #55.

Motion was seconded by Commissioner Belshan.

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

Commissioner Belshan offered the following motion:

MOVED, to accept the Order Appointing Engineer.

WHEREAS, Charles D. Borneman has petitioned for the abandonment of a portion of Freeborn County Ditch No. 55 located in the SW ¼ NE ¼ Section 27-T101N-R21W.

NOW, THEREFORE, it is hereby ordered that Jones Haugh and Smith, Inc., and engineering firm, is appointed as a competent and experienced civil engineer to investigate the effects of the proposed abandonment and file a report of findings in the office of the Freeborn County Auditor-Treasurer.

Motion was seconded by Commissioner Shoff.

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

Commissioner Behrends offered the following resolution.

**RESOLUTION 08-141
RESOLUTION APPOINTING AN ENGINEER**

RESOLVED, to approve an order in the matter of Partial Abandonment on County Ditch No. 55 in Section 27 of Freeborn Township, Freeborn Co.

WHEREAS, Charles D. Borneman has petitioned for the abandonment of a portion of Freeborn County Ditch No. 55 located in the SW ¼ NE ¼ Section 27-T101N-R21W.

NOW, THEREFORE, it is hereby ordered that Jones Haugh and Smith, Inc., and engineering firm, is appointed as a competent and experienced civil engineer to investigate the effects of the proposed abandonment and file a report of findings in the office of the Freeborn County Auditor-Treasurer.

Resolution seconded by Commissioner Belshan.

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

Commissioner Behrends offered the following resolution.

**RESOLUTION 08-142
RESOLUTION ACCEPTING THE CONDITIONAL USE PERMIT FOR JOHN PERSCHBACHER.**

Resolved, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 23 and Article 17, a Conditional Use Permit is hereby granted to John Perschbacher for the construction of two 51' x 328' total confinement barns each with a 51'2" x 328' x 8' poured reinforced concrete liquid storage pit to house a total of 4,000 swine between 55 and 300 pounds (1200 animal units), on the following described property:

SE ¼ of the SE ¼ Section 10 Alden Township, Freeborn County, Minnesota

Be it further resolved, that said Conditional Use Permit be subject to the conditions herein setforth:

1. Owner/operator shall schedule a pre-construction meeting with the Owner/operator, Engineer(s), Concrete Contractor(s), Perimeter Tile Installer(s) and the Environmental Services Department 3 days prior to start of the construction.
2. Owner/operator shall register this facility with the Minnesota Pollution Control Agency (MPCA). This registration shall be updated every 4 years. A Freeborn County Feedlot Permit shall also be obtained and maintained.
3. All manure generated at this facility shall be injected into agricultural ground at recommended agronomic rates. There are 813 acres available for manure application. All manure application setback distances shall be followed. Inclement weather shall be the only exception to this manure application method.
4. Owner/Operator shall notify Freeborn County Environmental Services Department prior to removing manure from a manure storage area.
5. This facility shall comply with the MPCA Rules 7020, and Article 6 and Article 17 of the Freeborn County Zoning Ordinance.
6. This facility shall not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
7. 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 the Permit.
8. The facility shall obtain and maintain an NPDES permit before construction.
9. Feedlot operator shall cooperate with the affected township in regards to upkeep and maintenance of roads utilized by the facility.

Resolution was seconded by Commissioner Nelson.

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

Commissioner Shoff offered the following resolution:

RESOLUTION 08-143

RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR JAGUAR COMMUNICATIONS.

Resolved, that pursuant to the provisions of the Freeborn County Zoning Ordinance No. 15, Article 23, a Conditional Use Permit be and is hereby granted to Jaguar Communications on the following described property: Commencing at the existing junction box located south of the Freeborn County Highway Office 3300 Bridge Ave. proceeding north along County Road 22, thence east on 245th St to County Road 45 (770 Av) proceeding north northeast to County Road 97 (780 Av) thence due north to the Steele/Freeborn County line.

Be it further resolved, that said Conditional Use Permit be subject to the conditions herein setforth:

1. Be it resolved, that Jaguar shall post a Performance Bond with the County, provided by a bonding company licensed to do business in Minnesota and acceptable to the County, to assure Jaguars compliance with all aspects of this permit. The form of the bond shall follow American Institute of Architect's (AIA) document A312, "Performance Bond" as modified by the attorney for the County, the Company and the bonding company. The amount of the bond shall be \$30,000.00 for a period of five years, starting on the date work commences in the County.

Resolved, that Jaguar shall obtain all necessary approval and permits from all affected road authorities.

Resolved, that Jaguar shall hold a preconstruction meeting before any construction is commenced, including all Jaguar subcontractors and all affected government entities.

Resolved, that Jaguar shall notify each individual landowner in writing of anticipated work schedule through their parcel. This schedule shall reflect the time construction is taking place within time frame of 48 hours.

Be it further resolved, that said Conditional Use Permit be subject to execution of Attachment “A” and all applicable conditions set forth in Article 18 of Freeborn County Zoning Ordinance No. 15.

Resolution was seconded by Commissioner Nelson.

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

Commissioner Shoff addressed the issue mentioned by Susie Peterson earlier in the meeting in regards to the bike trail. It isn't the county holding up the trail it is an issue with the DNR.

Commissioner Behrends addressed the issue in regards to Adam's Farms request for reconsideration of their conditional use permit. They have satisfied the issues in regards to the road and if the board still does not want to move forward with the permit they need to explain why not.

Commissioner Nelson offered the following motion;

MOVED, to reconsider the denial of the Conditional Use Permit for Adam's Farm.

Motion seconded by Commissioner Behrends.

After discussion, a vote was taken and the Chair declared the motion approved. The vote being as follows:

Commissioner Belshan and Shoff – nay, Commissioner Behrends, Nelson and Mathiason – aye.

Commissioner Nelson offered the following motion;

MOVED, to table the Conditional Use Permit until the September 16, 2008 Board Meeting.

Motion seconded by Commissioner Behrends.

After discussion, a vote was taken and the Chair declared the motion approved. The vote being as follows:

Commissioner Belshan, Behrends, Nelson and Mathiason – aye, Commissioner Shoff – nay.

Commissioner Belshan offered the following resolution:

**RESOLUTION 08-144
APPROVAL OF CLAIMS**

RESOLVED, that the following claims be allowed and paid on August 22, 2008.

Fund	Amount	Name
01	\$116,438.46	General Fund
03	\$ 156,552.20	County Road and Bridge
31	\$ 27,822.18	Capital Improvements Fund
40	\$ 92,145.82	County Ditches
	\$392,958.66	Total

GENERAL FUND

Albert Lea Medical Center 7,153.51, Albert Lea Newspapers 407.63, Albert Lea Tribune 2,259.80, Alliant Energy/IPL 6,944.00, Anoka County Corrections 20,715.37, Barna Guzy Steffen LTD 1,400, Bear Graphics Inc 415.89, Brown County Evaluation Center 770, Businessware Solutions 5,793.54, City of Albert Lea 11,509.85, Cole Papers Inc 1,680.76, D&T Ventures LLC 1,449, Express Services 880.92, Fredrickson Donald 400, Freeborn Co Coop Oil 351.31, Green Lights Recycling Inc 349.78, Gulf South Medical Supply Inc 503.14, Himec 5,530.75, Kelly Printing Supplies Inc 1,058.40, Litho Printing & Graphics 325.80, Manpower Inc 741.24, MCCC MI 33 2,821.47, MCF – Red Wing 9,705, Medical Products Laboratories 300.69, MN Elevator Inc 2,252.37, MN GIS LIS Consortium 455 OfficeMax Inc. 688.68, Quill Corp 495.62, Schilling Supply Co. 969.89, Schmidt Goodman Office Products 365.50, Scotts Office Products 419.95, Sheriffs Youth Prog Von Wald 8,142.82, Synergy Graphics Inc 9,522.88, Three Eagles Communications 714, Tierney Brothers Inc 2,073.29, West Payment Center 938, Xerox Corp 564.53.

COUNTY ROAD & BRIDGE

Advanced Drainage Systems 1,248.82, Albert Lea Seed House Inc 3,712.59, Barr Engineering Co 11,195, CH2M Hill Regional Accounting 6,330.17, Continental Research Corp 422.26, Craine Creek Asphalt 2,200.91, Freeborn Co Coop Oil 13,064.35, Freeborn Construction Inc 10,772.42, Jones Haugh & Smith Inc 4,775.40, Karls Carquest Auto 1,510.26, M R Sign 1,636.95, Metal Culverts Inc 870.67, Ruffridge Johnson Equip Co 673.12, Sorensen Bros Inc. 1,035, South Minnesota Lubes 1,639.53, Syverson Ford Inc/Dave 814.61, Ulland Bros Inc 86,637.75, Ziegler Inc 7,102.22.

CAPITAL IMPROVEMENTS

Cops Stuff 22,460.95, Freeborn Co Ag Society 5,316.33

COUNTY DITCHES

Chicos Michael 471.50, Christianson Chris 604.78, Freeborn Construction Inc 74,628.99, Johnson Daniel E 457.22, Jones Haugh & Smith Inc 1,200, Olson Excavating 13,906, Rinke Noonan Law Firm 586.50.

Number of claims not exceeding \$300.00 – 73

Dollar amount of claims not exceeding \$300.00 – \$6,613.98

Resolution seconded by Commissioner Nelson.

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., September 2, 2008.

BY: _____ ATTEST: _____
Glen Mathiason John Kluever
Chairman of the County Board Administrator