

ADJOURNED MEETING OF THE COUNTY BOARD
September 2, 2008

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m., on Tuesday, September 2, 2008. Members present: Belshan, Nelson, Mathiason and Shoff. Members excused: Behrends.

Commissioner Shoff offered the following motion:

MOVED, to approve the August 19, 2008 Board Meeting and August 19th & 20th Workshop Minutes. Motion seconded by Commissioner Belshan. 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 – right-of-way view blocked by growth in ditch, memorials not being removed, barricades older not up to date.

Commissioner Belshan offered the following resolution:

RESOLUTION 08-145
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 #8, County Ditch #49, JD#20.

Resolution seconded by Commissioner Nelson.

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

A Public Hearing was held at 8:45 a.m. to take comments on County Ditch No. 30 for Redetermination of Benefits. The Chair opened the public hearing and announced the Rules of Order. Hearing no comments from those in attendance the chair closed the public hearing.

Commissioner Nelson offered the following motion:

MOVED, to approve **ORDER REDETERMINING BENEFITS AND DAMAGES**

The above matter came on for hearing by the Board of Commissioners of Freeborn County, Minnesota, on September 2, 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. J-30.

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

The Board of Commissioners of Freeborn County, Minnesota, having heard the report of the Viewers, all persons interested, both for and against the redetermination of benefits and damages of Freeborn County Ditch No. J-30, and all evidence produced by them, and considered it, together with the report of the Engineer, finds the following facts:

I.

Notice of the hearing was given to the Commissioner of Natural Resources and all persons, corporations and public bodies affected by the proposed system as required by law and 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 of the State of Minnesota.

II.

The report of the Viewers, including amendments, has been made and filed in the office of the Freeborn County Auditor and the report is complete, just and correct, and all proceedings have been conducted in accordance with the law.

III.

Estimated benefits to be derived from the Redetermination of Benefits and Damages of Freeborn County Ditch No. J-30, Freeborn County, Minnesota, are greater than total estimated costs, including damages; damages and benefits have been determined as required by law; the drainage system will be of public utility and benefit, and promote the public health, and is practicable. The outlet is adequate.

IV.

Environmental and land use criteria set forth in M.S. §103E.015, Subd. 1, was considered. A permit from the State of Minnesota, Department of Natural Resources, Division of Waters, Soils and Minerals is not required; no protected waters or wetlands 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 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.

Original benefits or damages determined in drainage proceeding for construction of Freeborn County Ditch No. J-30, 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. The report of the Viewers is adopted and confirmed and benefits and damages and benefited and damaged areas, as redetermined, are allowed and confirmed.
2. Damages shall be paid as provided by law; tracts of land benefited and damaged, names of owners of such lands, and the amount of benefits and damages are as set forth in the Viewers' Report, which is made a part hereof as if fully set forth herein.
3. Costs of the redetermination of benefits and damages and all other expenses are allowed and confirmed and shall be paid as provided by law.
4. Liens to be assessed for benefits against the tracts of land as shown in the Viewers' Report shall be payable pursuant to statute.
5. The redetermined benefits and damages and benefited and damaged areas shall be used in place of the original benefits and damages and benefited and damaged areas in all subsequent proceedings relating to Freeborn County Ditch No. J-30.
6. Further proceedings shall be had pursuant to statute.

Motion was seconded by Commissioner Shoff.

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

Commissioner Belshan offered the following resolution:

RESOLUTION 08-146

Resolved, to approve an order in the Matter of the Redetermination of Benefits of Freeborn County Ditch No. J-30, Freeborn County, Minnesota.

ORDER REDETERMINING BENEFITS AND DAMAGES

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The Board of Commissioners of Freeborn County, Minnesota, having heard the report of the Viewers, all persons interested, both for and against the redetermination of benefits and damages of Freeborn County Ditch No. J-30, and all evidence produced by them, and considered it, together with the report of the Engineer, finds the following facts:

I.

Notice of the hearing was given to the Commissioner of Natural Resources and all persons, corporations and public bodies affected by the proposed system as required by law and 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 of the State of Minnesota.

II.

The report of the Viewers, including amendments, has been made and filed in the office of the Freeborn County Auditor and the report is complete, just and correct, and all proceedings have been conducted in accordance with the law.

III.

Estimated benefits to be derived from the Redetermination of Benefits and Damages of Freeborn County Ditch No. J-30, Freeborn County, Minnesota, are greater than total estimated costs, including damages; damages and benefits have been determined as required by law; the drainage system will be of public utility and benefit, and promote the public health, and is practicable. The outlet is adequate.

IV.

Environmental and land use criteria set forth in M.S. §103E.015, Subd. 1, was considered. A permit from the State of Minnesota, Department of Natural Resources, Division of Waters, Soils and Minerals is not required; no protected waters or wetlands 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 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.

Original benefits or damages determined in drainage proceeding for construction of Freeborn County Ditch No. J-30, 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. The report of the Viewers is adopted and confirmed and benefits and damages and benefited and damaged areas, as redetermined, are allowed and confirmed.
2. Damages shall be paid as provided by law; tracts of land benefited and damaged, names of owners of such lands, and the amount of benefits and damages are as set forth in the Viewers' Report, which is made a part hereof as if fully set forth herein.
3. Costs of the redetermination of benefits and damages and all other expenses are allowed and confirmed and shall be paid as provided by law.
4. Liens to be assessed for benefits against the tracts of land as shown in the Viewers' Report shall be payable pursuant to statute.
5. The redetermined benefits and damages and benefited and damaged areas shall be used in place of the original benefits and damages and benefited and damaged areas in all subsequent proceedings relating to Freeborn County Ditch No. J-30.
6. Further proceedings shall be had pursuant to statute.

Resolution was seconded by Commissioner Nelson.

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

Phil Tennis and Sue Miller discussed the issue on County Ditch #26, which is flooding the property owner adjacent to the ditch. Sue will bring a plan and timeline to have a fix for this issue within the next month.

Commissioner Nelson offered the following resolution:

RESOLUTION 08-147

Resolved, that the Freeborn County Board of Commissioners does, hereby, certify to the Freeborn County Auditor-Treasurer that it proposes the following tax levy which, if adopted pursuant to Minnesota Law, will be ordered on all taxable property in Freeborn County, payable in 2009, to wit:

	<u>2009 Levy</u>
for General Revenue Fund	\$8,235,458
for Soil & Water Conservation Dist.	147,500
for Southeastern Minn. Init. Fund (SEMIF)	5,000
for So. Minn. Tourism Assoc. (SMTA)	1,600
for Historical Society Museum	34,000
for Agriculture Society (County Fair)	20,000
for Downtown Redevelopment	15,000
for Greater Jobs	15,000
for Housing Redevelopment	10,000
for Match for Water Plan	<u>8,500</u>
Total General Fund	\$8,492,058
for Human Services Fund	\$4,610,652
for Road and Bridge Fund	\$2,722,222

for Capital Improvement Fund	656,600
for Courthouse Bond Debt	*** 2,170,000
for County Library Fund	262,000
for Armory Debt Service Fund	<u>35,000</u>
TOTAL TAX LEVY	\$18,948,532
Less State Aid	1,923,913
TOTAL LOCAL TAX LEVY	<u><u>\$17,024,619</u></u>

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

Commissioner Belshan offered the following resolution:

**RESOLUTION 08-148
 RESOLUTION SETTING PROPOSED 2009 BUDGET**

Resolved that the budget number be \$1,000,000 less than the 2009 budget presented.

Commissioner Mathiason declared the resolution failed for a lack of a second.

Commissioner Shoff offered the following motion:

MOVED, table the budget resolution and to set a Special Meeting for September 10, 2008 at 2 p.m. to discuss the budget numbers.

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

Commissioner Shoff suggested having a special presentation for the Herfendahl mural that is displayed outside of the law enforcement center on September 11, 2008. Commissioner Mathiason appointed Commissioner Shoff in charge of the presentation to be held on September 11, 2008 at 8:30 a.m.

Commissioner Shoff addressed the issue discussed at the forum in regards to the televised meetings.
 Commissioner Belshan offered the following motion:

MOVED, to proceed with a committee to discuss options available to start televising the Board meetings, with Commissioners Shoff and Belshan being part of the committee.

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

Commissioner Mathiason announced that the board would be recessing into a Closed Meeting.

Closed Meeting - The County Board intends to recess upon the approval of claims to enter into a closed session pursuant to Minnesota State Statute 13D.05, Subd. 3(c)(3) to consider the development of offers for the purchase of real property near and adjacent to the Albert Lea Lake Dam and CSAH 19

Commissioner Mathiason reconvened the closed meeting with Administrator John Kluever making the following statement: After discussions in regards to the development of offers for the purchase of real property near and adjacent to the Albert Lea Dam and CSAH 19, the board is moving forward with the options and will have a plan ready to present at the October 7, 2008 board meeting.

Commissioner Nelson offered the following resolution:

**RESOLUTION 08-149
APPROVAL OF CLAIMS**

RESOLVED, that the following claims be allowed and paid on September 5, 2008.

Fund	Amount	Name
01	\$ 91,725.62	General Fund
03	\$ 37,183.96	County Road and Bridge
31	\$ 29,175.03	Capital Improvements Fund
40	\$ 16,877.95	County Ditches
85	<u>\$ 17,000.00</u>	Septic Loan Fund
	\$191,962.56	Total

GENERAL FUND

A Viands LLC 14,454.50, Albert Lea Medical Center 776.30, American Institutional Supply 712.03, Bauer Built Tire Center 719.74, Bound Tree Medical LLC 326.66, Cabelas 1,573.33, Clareys Safety Equipment Inc 1,276.24, Cole Papers Inc 1,091.35, Computer Integration Technology 801.41, Country In and Suites St Cloud 504, Dell Marketing LP 2,623.65, Election Systems & Software 593.78, Excal Visual 495, Express Computer Products 2050, Express Services Inc 1870.30, Farm & Home Publishers LTD 464.40, Full Alarm Fire Equipment 737.15, Glaxosmithkline Pharmaceutical 300.56, Inn on Lake Superior 1,762.80, Larson Contracting Inc 21,541, Mail Expeditors 1,182.33, Manpower Inc 587.88, Marston Consulting Group LLC 1,200, MCF – Red Wing 7,130, Motor Inn Company 1,438.31, Northland Chemical Corp 669.32, Printing Services 610.62, Professional Service & Supply 937.11, Quill Corp 715.46, RS Eden 478.75, Schilling Supply Co. 435.65, School District 241 2,237.19, SEMCAC 880, State Chemical MFG Co Inc 671.53, Steam Brothers 1,350, Synergy Graphics Inc 7,532.59, Trimin 1,975.35, Ultimate Automotive Inc 1,006.80, Walsh Marine 795.

COUNTY ROAD & BRIDGE

Com Tec Land Mobile Radio 19,716.79, Commissioner of Transportation 1,466.79, Hanson Tire Service 1,316.11, Metal Culverts Inc 4,470.48, Rochester Sand and Gravel 2,033.10, Share Corporation 427.34, Southern Minn Construction Co. 2,233.59, Stepp Manufacturing Co Inc 868.64, Ziegler Inc 3,979.25.

CAPITAL IMPROVEMENTS

Albert Lea Tree Service Plus 532.50, Businessware Solutions 12,224.07, Commercial Furniture Services 1,120, Floorcrafters Carpet Warehouse 6,500.61, Gov Logic Corp 5,205, Keeps Inc 738.37, Uniforms Unlimited Inc 2,584.59.

COUNTY DITCHES

Freeborn Construction Inc 15,816.58, Wangen Excavating LLC 760.

SEPTIC LOAN FUND

Bernard & Carolyn Nolan 12,000, Randy & Kathleen Wrolson 5,000.

Number of claims not exceeding \$300.00 – 54

Dollar amount of claims not exceeding \$300.00 – \$6,460.63

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 2:00 p.m., September 10, 2008.

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