

**ADJOURNED MEETING OF THE COUNTY BOARD
MAY 19, 2009**

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, May 19, 2009. Members present: Mathiason, Shoff, Nelson, Tuttle and Belshan.

Commissioner Tuttle offered the following motion:

MOVED, approve the minutes from the May 5, 2009 regular meeting.

Motion seconded by Commissioner Mathiason.

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

Presentation of the 2009 Freeborn County Scholarship Awards were handed out to 5 recipients:

Jessica Nelson from Glenville-Emmons High School, Jessica Malepsy from Albert Lea High School, Kelli Hanson from Albert Lea High School, Randene Davis from Glenville-Emmons High School, and Jonathan Back from Alden High School.

Reports of the Commissioners on meetings attended.

Public Comments; Katie Troe addressed the Commissioner's in regards to the Planning Commissioner issues and response to the public's comments.

Commissioner Belshan offered the following resolution;

**RESOLUTION 09-101
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 # 16.

Resolution seconded by Commissioner Tuttle.

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 the Final Hearing for Redetermination of Benefits for Ditch No. 46. The Chair opened the public hearing and announced the Rules of Order. The Chair then asked for public comment. There was none. The Chair closed the Public Hearing at 8:47 a.m.

Commissioner Belshan offered the following motion;

MOVED, to approve the Redetermination of Benefits for County Ditch No. 46.

Motion seconded by Commissioner Mathiason.

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

Commissioner Nelson offered the following resolution;

**RESOLUTION 09-102
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, Freeborn County, Minnesota.

ORDER REDETERMINING BENEFITS AND DAMAGES

The above matter came on for hearing by the Board of Commissioners of Freeborn County, Minnesota, on May 19, 2009, 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. 46.

Jones, Haugh & Smith, Inc., Engineer appointed by the Board of Commissioners of Freeborn County, Minnesota, to assist the Viewers was present. Robert M. Hansen, Chris Christianson, Wesley J. Tennis and Mark Behrends, 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. 46, 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. 46, 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. 46, 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. 46.

6. Further proceedings shall be had pursuant to statute.

Resolution seconded by Commissioner Tuttle.

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

Commissioner Belshan offered the following resolution;

RESOLUTION 09-103
RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ULLAND BROTHERS INC.

RESOLVED, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 15, Subd. 3, a Conditional Use Permit is hereby granted to Ulland Bros. Inc. for mineral extraction within 100' of a property line, crush within 1,000 feet of a residence on a neighboring property and temporarily store and crush recycled materials (concrete, bituminous pavement, demolition material – these materials are added to the sand and gravel on-site as supplementary aggregate) on site, on the following described property:

NW ¼ of the NE ¼ Section 21 of Bancroft Township, Freeborn County, Minnesota

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

- (1) Raw materials such as concrete and bituminous materials shall not be allowed to accumulate for longer than 24 months without processing.
- (2) Final reclamation shall be to agricultural use with no slope greater than 4: 1.
- (3) Final reclamation shall be completed within 24 months of final use of pit.
- (4) Mining area and reclamation plan in accordance with the submitted "Besco Pit-Mining and Erosion Control Plan.
- (5) Applicant shall be responsible for maintaining and following provisions of the applicable blanket NPDES permit.
- (6) The facility may 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 this permit.

Resolution seconded by Commissioner Mathiason.

After discussion, a vote was taken and the Chair declared the resolution adopted. The vote was as follows; Aye-Commissioners Mathiason, Belshan, Tuttle and Shoff, Commissioner Nelson abstained.

Commissioner Mathiason offered the following resolution;

RESOLUTION 09-104

RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ULLAND BROTHERS INC.

RESOLVED, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 15, Subd. 3, a Conditional Use Permit is hereby granted to Ulland Bros. Inc. for mineral extraction within 100' of a property line, on the following described property:

SE ¼ of the SE ¼ Section 16 of Bancroft Township, Freeborn County, Minnesota

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

- (1) Final reclamation shall be to agricultural use with no slope greater than 4: 1.
- (2) Final reclamation shall be completed within 24 months of final use of pit.
- (3) Mining area and reclamation plan in accordance with the submitted "Arnold Pit-Mining and Erosion Control Plan.
- (4) Applicant shall be responsible for maintaining and following provisions of the applicable blanket NPDES permit.
- (5) The facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
- (5) The permit may be revoked by the Freeborn County Board of Commissioners at a public hearing to be held after 30 days notice is given for failure to comply with the provisions of this permit.

Resolution seconded by Commissioner Tuttle.

After discussion, a vote was taken and the Chair declared the resolution adopted. The vote being; Aye – Mathiason, Tuttle, Belshan and Shoff, Commissioner Nelson abstained.

Commissioner Mathiason offered the following resolution;

RESOLUTION 09-105

Resolved, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 15, Subd. 3, a Conditional Use Permit is hereby granted to Ulland Bros. for temporary construction staging area, material stockpile storage and ready-mix plant site for concrete pavement, on the following described property:

W ½ of the SW ¼ of Section 34 of Manchester Township, Freeborn County, MN

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

- (1) This permit shall be valid until November 1, 2009.
- (2) Site shall be in accordance with the submitted "I-90 @ Co 46 Concrete Plant – Site Preparation and Erosion Control Plan".
- (3) Berming of topsoil shall be directly between bulk of the site and the residence to the south.
- (4) Dust control shall be utilized at the direction of the Environmental Services Department to minimize effects on neighboring properties.
- (5) Pour Operation shall be daylight hours only. Raw product trucking shall be 6:00 am to 6:00 pm.

- (6) Site shall be restored back to Agricultural use within 12 months.
- (7) The facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
- (8) The permit may be revoked by the Freeborn County Board of Commissioners at a public hearing to be held after 30 days notice is given for failure to comply with the provisions of this permit.

Resolution seconded by Commissioner Tuttle.

After discussion, a vote was taken and the Chair declared the resolution adopted. The vote being: Aye-Commissioners Tuttle, Mathiason, Shoff and Belshan, Commissioner Nelson abstained.

Commissioner Tuttle offered the following resolution;

**RESOLUTION 09-106
RESOLUTION AUTHORIZING THE AGREEMENT WITH THE REGIONAL RADIO BOARD**

RESOLVED, authorizing Freeborn County to enter into an agreement with South East Regional Radio Board and the State of Minnesota through its Commissioner of Transportation for the Operation of Subscriber Radios on the Allied Radio Matrix for Emergency Response (ARMER) System.

Resolution seconded by Commissioner Belshan.

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

Commissioner Tuttle offered the following resolution;

**RESOLUTION 09-107
RESOLUTION ACCEPTING THE PROPOSAL FROM MOTOROLA FOR THE PROFESSIONAL SERVICES FOR THE FREEBORN COUNTY ARMER PLAN**

RESOLVED, accepting the proposal from Motorola for the Professional Services for the Freeborn County ARMER Plan for \$31,725.00.

Resolution seconded by Commissioner Belshan.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION 09-108
RESOLUTION APPROVING THE FREEBORN COUNTY SHERIFF'S OFFICE CHAPLAINCY HANDBOOK**

RESOLVED, approving the Freeborn County Sheriff's Office Chaplaincy Handbook and appointing James Brickson of the Salvation Army as Freeborn County Sheriff's Chaplain.

Resolution seconded by Commissioner Mathiason.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION 09-109
RESOLUTION ACCEPTING JACLYN BEATY TO REGULAR STATUS**

RESOLVED, accepting Jaclyn Beaty to a regular full-time employee status.

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

Commissioner Mathiason offered the following resolution;

**RESOLUTION 09-110
RESOLUTION APPROVING THE HIRING OF A SUMMER INTERN FOR THE INFORMATION
SERVICES DEPARTMENT**

RESOLVED, approving the hiring of a summer intern for the Information Services Department for a total of 200 hours.

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

Commissioner Belshan – asked for an update from County Engineer in regards to the Christ property.
Commissioner Mathiason – mentioned to County Engineer that there were concerns voiced in regards to the ramp being closed by Alden for emergency personnel. Thanked John Kluever, Administrator for contacting Diamond Joe’s and getting the scholarship started. Concerns voiced at the County Fire Chief’s meeting in regards to the funding by FEMA, maybe Commissioner Shoff could talk to Congressman Walz about it.
Commissioner Shoff – He would send a letter to the Congressmans staff and ask for more information in regards to the issue.

Commissioner Belshan offered the following resolution;

**RESOLUTION 09-111
APPROVAL OF CLAIMS**

RESOLVED, that the following claims be allowed and paid on May 22, 2009.

<u>Fund</u>	<u>Name</u>	<u>Amount</u>
01	General Fund	\$ 283,479.33
03	County Road and Bridge	\$ 68,762.94
05	Human Services	\$ 94,412.25
31	Capital Improvements Fund	\$ 12,845.36
40	County Ditches	\$ 54,744.58
70	Trust and Agency Fund	\$ 59,553.84
73	Tax Collection Fund	\$ 42,120.18
	TOTAL	\$615,868.48

GENERAL FUND

Addictions and Stress Clinic 500, Ahern Lois 389.27, Albert Lea Tribune 912.90, Alliant Energy IPL7,638, Alliant Energy 752.36, Alltel 2,038.71, American Solutions for Business 4,927.45, Book World 1145 1,563.31, BP 428.90, Brown County Evaluation Center 3,172, Businessware Solutions 9,009.90, City of Albert Lea 837.57, City & County Employees Feder 18,155.28, Cole Papers Inc 569.72, Com Tec Land Mobile Radio 1,161.35, Commissioner of Revenue 10,771.78, Distad Dennis 2,930.65, Distad Dennis 29,289.94, D&T Ventures LLC 2,031.75, Eckre Teresa 600, Freeborn Co Chemical Dependency 2,650, Freeborn Co Shopper 943, Goldman Sturtz & Halvorsen 1,470, Heathsmart Benefit solutions 441, Hullopeter Michael 600, Huston Stephanie 600, IBM Corporation 394.08, Jim & Dudes Plg & Htg Inc 876.20, Jim ITS 1,530, Johnson Kari 600, Kylo Jamie 1,215.34, MCCC MI33 1,352.45, MN Child Support Payment Center 1,705.35, MN Elevator Inc 487.81, NACO Midwest Nationwide Retirement 20,036.92, Northland Inn 824.26, Paragon Printing and Mailing 3,125.82, Peterson Savelkoul & Benda 1,988.32, Public Emp Retirement Assn 41,451.97, Quill Corporation 477.79, Retail Acquisition & Development 461.94, Rockow Law Office 683.46, SEMCAC 1,125, Shoff Christopher 390.37, Teichroew Jayson 600, Wacholz Ronald 750, Waste Management of Southern MN 23,180, Waste Management of Southern MN 1,181.62, Wells Fargo 6,667.79, Wells Fargo Bank 7,570.72, Wells Fargo Bank 27,468.06, Wells Fargo Bank 21,576.69, West Payment Center 466.73, Xerox Corporation 872.86, Zack Jones and Magnus 735.50,

COUNTY ROAD AND BRIDGE

Advanced Drainage Systems 432.28, Arrowwood Resort & Conference 323.57, B&H Petroleum Equipment 1675.67, Bauer Built Tire Center Inc 7,420.09, City Auto Glass 517.06, City & County Employees Feder 5,963.46, Commissioner of Revenue 2,095.08, Diamond Mowers Inc 2,423.19, Distad Dennis 738.04, Distad Dennis 6,293.07, Freeborn Mower Cooperative SE 1,185, Hanson Tire Service Inc 6,944.51, Minncor 4,419.75, MN Child Support Payment Center 1,049.78, MN Dept of Revenue 359, Naco Midwest Nationwide Retirement 2,253, Public Emp Retirement Assn 6,932.54, Raleighs Ace Hardware 307.57, Ruffridge Johnson Equip Con Inc 909.69, Superior Lamp Inc 576.48, Wells Fargo 1,477.15, Wells Fargo Bank 1,461.66, Wells Fargo Bank 6,249.92, Wells Fargo Bank 4,287.03.

HUMAN SERVICES

AFSC & ME 1,311.84, Alltel 1,096.02, City & County Employees Feder 6,747.56, Commissioner of revenue 5,274.15, Distad Dennis 1,855.23, Distad Dennis 17,661.93, MN Child Support Payment Center 485.92, NACO Midwest Nationwide Retire 6,240.81, Public Emp Retirement Assn 18,025.75, Wells Fargo 4,559.78, Wells Fargo Bank 3,769.64, Wells Fargo Bank 16,118.50, Wells Fargo Bank 10,789.60.

CAPITAL IMPROVEMENTS FUND

Com Tec Land Mobile Radio 10,749.26, Earl Todd 595.42, IBM Corp 1,606.77,

COUNTY DITCHES

Ag Power Enterprises 553.03, Albert Lea Tribune 504, Freeborn Construction Inc 3,077, Freeborn Construction Inc 45,898.90, G and T Excavating 387.50, Jones Haugh & Smith Inc 2,050, Jones Haugh & Smith Inc 1,317, Wacholz Wayne 311.80.

TRUST AND AGENCY FUND

Distad Dennis 1,713.78, MN Dept of Revenue 31,848.27, MN Dept of Revenue 23,563.79, Trails Travel Center 2,428.

TAX COLLECTION FUND

Township of Albert Lea 24,234.52, Township of Bancroft 10,134.43, Township of Freeman 3,233.69, Township of Geneva 444.89, Township of Hayward 1,711.53, Township of Mansfield 1,955.89,

Number of claims not exceeding \$300.00 – 126
Dollar amount of claims not exceeding \$300.00 – \$13,435.80

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

Chair, Commissioner Shoff adjourned the meeting until 8:30 a.m., June 2, 2009.

By: _____
Christopher Shoff
Chair of the County Board

ATTEST: _____
John Kluever
Administrator