

ADJOURNED MEETING OF THE COUNTY BOARD

JUNE 2, 2009

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, June 2, 2009. Members present: Shoff, Mathiason, Nelson, Belshan and Tuttle.

Commissioner Mathiason offered the following motion:

MOVED, approving the minutes from the May 19, 2009 regular meeting.

Motion seconded by Commissioner Tuttle.

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

Reports of the Commissioners on meetings attended.

Public Comments; Brian Bashans addressed the about step increases.

Commissioner Belshan offered the following resolution;

**RESOLUTION 09-112
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 Ditch No. 79, Judicial Ditch No.5 and Judicial Ditch No. 9.

Resolution seconded by Commissioner Tuttle.

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

Commissioner Belshan offered the following motion;

MOVED, setting the date and time of a Public Hearing for a Partial Abandonment of property requested by Charles Borneman.

In the Matter of the Petition of
Charles D. Borneman for Abandonment
of Lateral E-1 to Freeborn County Ditch No. 55

**NOTICE OF HEARING
ON PARTIAL ABANDONMENT**

NOTICE IS HEREBY GIVEN, that a Petition has been filed with the County Commissioners of Freeborn County, Minnesota, praying for Abandonment of Lateral E-1 to Freeborn County Ditch No. 55.

The Petition is now pending.

The Engineer appointed by the Board of County Commissioners has filed its report in the office of Freeborn County Auditor-Treasurer in the Freeborn County Government Center in the City of Albert Lea, County of Freeborn, State of Minnesota.

Lateral E-1 of Freeborn County Ditch No. 55 is located in the SW 1/4 NE 1/4 Section 27-T101N-R21W, in Freeman Township.

The persons interested in the proceeding are all persons who own property affected by Lateral E-1 of Freeborn County Ditch No. 55.

THEREFORE, the Board of Commissioners of Freeborn County, Minnesota, on the 7th day of July, 2009, at 8:45 o'clock a.m., at the Commissioners Room in the Freeborn County Government Center, 411 South Broadway, in the City of Albert Lea, County of Freeborn, State of Minnesota, will consider the Petition and the Engineer's Report. All persons interested in the project are invited to appear and be heard by the Board of Commissioners at that time, for or against the proposed project, and with respect to any other matters in connection with it.

Motion seconded by Commissioner Mathiason.

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

Commissioner Mathiason offered the following motion;

MOVED, setting the date and time of a Public Hearing for a Partial Abandonment of property requested by Utabjaa Farms.

In the Matter of the Petition of
Utabjaa Farms for Abandonment of
Lateral F-1 to Branch F of Freeborn County Ditch No. 55

NOTICE OF HEARING ON PARTIAL ABANDONMENT

NOTICE IS HEREBY GIVEN, that a Petition has been filed with the County Commissioners of Freeborn County, Minnesota, praying for Abandonment of Lateral F-1 to Branch F of Freeborn County Ditch No. 55.

The Petition is now pending.

The Engineer appointed by the Board of County Commissioners has filed its report in the office of Freeborn County Auditor-Treasurer in the Freeborn County Government Center in the City of Albert Lea, County of Freeborn, State of Minnesota.

Lateral F-1 to Branch F of Freeborn County Ditch No. 55 is located in the SE 1/4 NW 1/4 Section 27-T101N-R21W, in Freeman Township.

The persons interested in the proceeding are all persons who own property affected by Lateral F-1 to Branch F of Freeborn County Ditch No. 55.

THEREFORE, the Board of Commissioners of Freeborn County, Minnesota, on the 7th day of July, 2009, at 8:45 o'clock a.m., at the Commissioners Room in the Freeborn County Government Center, 411 South Broadway, in the City of Albert Lea, County of Freeborn, State of Minnesota, will consider the Petition and the Engineer's Report. All persons interested in the project are invited to appear and be heard by the Board of Commissioners at that time, for or against the proposed project, and with respect to any other matters in connection with it.

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 09-113 WORKFORCE DEVELOPMENT AGREEMENT

RESOLVED, authorizing the Board Chair to sign the Youth Employment Worksite Agreement, which is sponsored by the Workforce Development, Inc.

Resolution seconded by Commissioner Tuttle.

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

Commissioner Tuttle offered the following resolution;

RESOLUTION 09-114
CONDITIONAL USE PERMIT FOR TERRY AND FRANK GJERSVIK

RESOLVED, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, the conditional use permit Resolution #08-026 is hereby revoked and a conditional use permit dated June 2, 2009 is hereby granted to Terry and Frank Gjersvik for a 48' diameter grain bin, a second 48' diameter grain bin, and a 12' x 16' electrical shed, on the following described property:

SW ¼ of the SE ¼ of Section 22 of Manchester Township Freeborn County Minnesota

This request is made in accordance with Freeborn County Land Use Ordinance 15, Article 6, Section 3, Subd. 22 and Article 23 "Conditional Uses".

BE IT FURTHER RESOLVED, that said Conditional Use Permit be subject to the conditions herein setforth:

- (1) The ventilation fans are to be squirrel cage style.
- (2) Site shall be constructed to the submitted site diagram.
- (3) The facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
- (4) 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 vote unanimously adopted.

Commissioner Belshan offered the following resolution;

RESOLUTION 09-115
RESOLUTION APPROVING THE JOINT POWERS AGREEMENT WITH MINNESOTA
DEPARTMENT OF CORRECTIONS FOR WORK RELEASE SERVICES FOR FISCAL YEAR 2010

RESOLVED, authorizing the Board Chair to sign and to enter into an agreement with the Minnesota Department of Corrections for Work Release Services for fiscal year 2010.

Resolution seconded by Commissioner Mathiason.

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

Administrator Kluever requested a date and time be set for the interviewing for the Shell Rock River Watershed District Board Manager. The meeting is set for Tuesday, June 9, 2009 at 8:30 a.m.

Commissioner Nelson offered the following resolution;

RESOLUTION 09-116
RESOLUTION AUTHORIZING THE FREEBORN COUNTY ATTORNEY TO TAKE CIVIL ACTION
AGAINST KENNETH TRIHUS AND MARJORIE TRIHUS

WHEREAS, pursuant to Ordinance 15 – the Freeborn County Zoning Ordinance, and Article 26, Section 3 – entitled Violation and Penalties and Civil Relief, Freeborn County may, if it deems appropriate, choose to initiate a civil action to correct a violation of the Freeborn County Zoning Ordinance, and further the County may seek and

may recover any and all costs or expensed incurred for corrective action to enforce the Ordinance through a civil action and may certify any and all costs or expenses incurred to the County Auditor as Special Assessment against the real property; and

WHEREAS, Kenneth A. Trihus and Marjorie R. Trihus, 31585 – 895th Avenue, Blooming Prairie, Minnesota 55917, own real property in Section 26, Township 104 North, Range 20 West of the 5th P.M. (Geneva Township), Freeborn County, Minnesota, legally described as: (See Exhibit A); and

WHREAS, Kenneth A. Trihus and Marjorie R. Trihus are using the above-described property as an animal feed lot and as of the date of this Resolution have cattle or their real property constituting more than 40 animal units; and

WHEREAS, the maximum animal units permitted on this real property is 10 animal units; and

WHEREAS, Kenneth A. Trihus and Marjorie R. Trihus have been advised in writing of the requirements of the Freeborn county Zoning Ordinance, Ordinance No. 15, on April 25, 2008 and May 20, 2008 and during the year following have, though repeatedly encouraged by County officials, have failed to comply with the Freeborn County Zoning Ordinance; and

WHEREAS, as defined by Freeborn County Ordinance No. 15, Article 21, Section 2, the use of the real property by Kenneth A. Trihus and Marjorie R. Trihus constitutes a feedlot; and

WHEREAS, the real property above described is 770 feet from a neighbor's residence and 5175 feet from the City of Hollandale city limits and is not eligible to be a feedlot site as defined by the Freeborn County Zoning Ordinance.

NOW, THEREFORE, the Freeborn County Board of Commissioners hereby authorizes the Freeborn County Attorney's Office to initiate and prosecute a civil action to abate and permanently enjoin the use of the above-described real property as an animal feedlot, and to bring the use of the real property into compliance with the Freeborn County Zoning Ordinance.

FURTHER, all costs and expenses incurred by and on behalf of Freeborn County pursuant to the prosecution of a civil action and bringing use of the real property into compliance with the Freeborn County Zoning Ordinance shall be certified to the Freeborn County Auditor as a special assessment against the above-described real property.

Resolution seconded by Commissioner Belshan.

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

Commissioner Belshan offered the following resolution;

RESOLUTION 09-117

RESOLUTION AUTHORIZING THE ENVIRONMENTAL STAFF TO DRAFT A LETTER TO THE DEPARTMENT OF NATURAL RESOURCES IN REGARDS TO THE BEAR LAKE DAM

RESOLVED, that the Freeborn County Environmental staff draft a letter to the Department of Natural Resource in regards to the letter request response by June 12, 2009 on the drawdown on Bear Lake Dam, and giving authorization to the Board Chair and the County Attorney to sign the letter being sent.

Resolution seconded by Commissioner Tuttle.

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

Commissioner Belshan addressed the safety issue in regards to rumble strips having been removed during the overlaying of some of the County roads.

Commissioner Shoff updated the board on the request from last meeting for information on the FEMA funding, he stated that it will not be affected.

Commissioner Tuttle offered the following resolution;

**RESOLUTION 09-118
APPROVAL OF CLAIMS**

RESOLVED, that the following claims be allowed and paid on June 5, 2009.

<u>Fund</u>	<u>Name</u>	<u>Amount</u>
01	General Fund	\$ 138,372.02
03	County Road and Ditches	\$ 245,315.30
05	Human Services	\$ 189.49
31	Capitol Improvements Fund	\$ 26,712.95
40	County Ditches	\$ 254,998.38
70	Trust and Agency Fund	\$ 8,594.03
73	Payroll Clearing Fund	\$ 8,852.85
77	Recorders-Clearing	\$ 2555.00
80	Tax Collection Fund	\$ 2,227,532.04
84	Revolving Loan Fund Economic Development	<u>\$ 9,781.14</u>
	TOTALS	\$ 2,922,903.20

GENERAL FUND

A Viands LLC 13,430.25, Alcopro Inc 329, Alliant Energy 18,098.23, American Institutional Supply 5,200.61, American Solutions for business 704.52, Anoka County JC Corrections 2,517.20, Arrow Printing Inc 1,183.37, Barna Guzy Steffen Ltd 480, Blue Cross & Blue Shield of MN 6,802, Christian and Peterson PA 2,090, City of Albert Lea 16,760.46, Express Services Inc 1,204.66, Fleet Services Division 9,032.31, Four Seasons Travel Inc 784.60, Fredrickson Donald F 400, Freeborn Co Snomobile Trail 897, Goldman Sturtz & Halvorsen CH 1,170, Green Lights Recycling Inc 336.84, Harig Sheriff Misc Fund Mark 677.99, Health Professionals Ltd 9,190.33, Henkel Timothy J 1,000, Holiday Inn Hotel & Suites 353.68, Jones Haugh & Smith Inc 1,210, Jims ITS 1,540, Manpower Inc 1,423.96, MCF-Red Wing 7,200, Medicare Blue Rx 6,251, MN Dept of Employ and Eco Dev 4,536, MN Dept of Revenue 1,096, MN Sheriffs Assoc 560, MN State Board of Assessors 325, MN Supreme Court 651, Motor Inn Company 775.10, Northland Chemical Corp 530.15, OfficeMax Inc 1,069.29, Olmsted County Sheriffs Office 700, Personnel Evaluation Inc 640, Phelan PA Francis J 1,140, Psychology Svc Southern MN 437.50, Ratwik Roszak & Maloney PA 520.47, Regents of the UofM 627.02, RS Eden 879.70, Schmidt Goodman Office Product 381.51, Scotts Office Products 559.77, Shald Hudelson Brenda 494.63, Stanley Convergent Security S 963, Synergy Graphics Inc 329.43, TDS Metrocom 1,742.58, Tri State Business Machines Inc 747.10, Turnkey Corrections 371.94, Ultimate Automotive Inc 680.80, Wal Mart Business 475.54, Weiss Ethan 535.50, West Payment Center 466.73, Xerox Corp 421.53,

COUNTY ROAD AND DITCHES

ACS Enterprise Solutions Inc 4,422.20, Advanced Drainage Systems 650.02, Albert Lea Seed House Inc 979.80, Blue Cross & Blue Shield of MN 2,506, Erickson Engineering 3,371.43, Innovative Office Solutions L 317.47, Interstate Motor Trucks Inc 726.35, Jones Haugh & Smith Inc 850, Medicare Blue Rx 2,303, Metal Culverts Inc 1,460.42, MN Dept of Revenue 453, Minnowa Construction Inc 219,284.98, South Central Roofing Co 1,482.81, Southern MN Construction Co 1,936.93, Sundblad Construction Inc 1,727, Ziegler Inc 576.05.

CAPITAL IMPROVEMENT FUND

Bob Barker Company Inc 1,844.36, Freeborn Co Highway Department 16,673.50, Norix Group Inc 1,271.94, Northland Business Systems 1,714.83, Streichers 4,035.09.

COUNTY DITCHES

Albert Lea Tribune 1,417.50, Anderson Etal Jesse 7,140, Anderson Rodney 7,962, Ashleson Louise 1,281, Bergdale Winfred E and Jullee 2,164, Boettcher Dennis Keith 12,895, Boettcher Willard R and Louis 4,327, Brune Loren W and Lori L 4,712, Brune Luvern and Kelli 7,683, Casebolt Trust Gary and Betty 9527, Catholic Church Society 1,298, Central Turf Farms 7,683, Dakin Etal Shirley 738, Eastvold Arlys Jean 9,823, Ellingson Lils 13,051, Erickson Glenn 10,859, Friedrichsen Fred 876, Grace Lutheran Church 12,895, Grove Harold 969, Hagen Bradley L 8,437, Hagen Charles 8,913, Hagen Phyllis D 2,293, Hammond Dean & Lois 13,067, Hareid Sandra J 5,122,

Hobbiebrunken Melvin 2,164, Koch and Carla Koch 5,211, Koch Robert 1,384, Loomis Etal Lawrence J 6,361, Meneffe Gregg 10,948, Murphy Farms Lp Bernard 4,543, Northern Natural Gas Co 1,385, Olson Excavating 6,068.30, Otterson Dean L & Jolene A 1,601, Riskedahl Neumann 7,053, Theuer Michael J 10,862, Thostenson Russell 11,553, Virchow Duane Glen 10,976, Wangen Matthew D and Sharon 17,363, Wayne Thomas A and Kari J 1,471, Wolff Family Trust 784,

TRUST AND AGENCY FUND

Blue Cross & Blue Shield of MN 716, Commissioner of Transportation 563.03, Medicare Blue Rx 658, MN Dept of Finance 6,657.

PAYROLL CLEARING FUND

Aflac 4,066.92, CAN Group Long Term Care 378.88, Delta Dental Plan of MN 1,339.35, MN Life 3,067.70.

RECORDERS-CLEARING

Mn Dept of Finance 2,555.

TAX COLLECTION FUND

Albert Lea Area Schools 1,718,897.46, School District 2134 41,318.41, School District 2168 73,827.73, School District 242 121,830.59, School District 2886 124,777.74, School District 492 66,453.48, School District 497 14,321.38, School District 756 65,973.25.

REVOLVING LOAN FUND ECONOMIC DEVELOPMENT

MN Dept of Employment & Eco D 9,781.14.

Number of claims not exceeding \$300.00 – 82

Dollar amount of claims not exceeding \$300.00 - \$9366.83

Resolution seconded by Commissioner Nelson.

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 16. 2009.

By: _____
Christopher Shoff
Chair of the County Board

Attest: _____
John Kluever
Administrator