

**ADJOURNED MEETING OF THE COUNTY BOARD
JULY 21, 2009**

The Board of County Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. Tuesday, July 21, 2009. Members present: Shoff, Mathiason, Nelson, Tuttle, and Belshan.

Commissioner Mathiason offered the following motion;

MOVED, approving the minutes from the July 7, 2009 regular board meeting.

Motion seconded by Commissioner Tuttle.

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

Commissioners reported on meetings attended.

Public comments; there were none.

Commissioner Mathiason offered the following resolution;

**RESOLUTION 09-144
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. 15.

Resolution 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 09-145
RESOLUTION AUTHORIZING THE SALE OF TAX-FORFEITED LAND**

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

WEHREAS, 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 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 09-146
RESOLUTION AUTHORIZING THE MINNESOTA DEPARTMENT OF TRANSPORTATION
AUTHORITY TO WORK IN RIGHT-OF-WAY**

BE IT RESOLVED, that the Freeborn County Board of Commissioners acting as the Freeborn County Ditch Authority hereby grants unto the Minnesota Department of Transportation the authority to work within the right-of-way of County Ditch No. 11 to complete the replacement of the existing 10x8 foot box culvert (Bridge #3843) and an existing 42 inch RCP with a proposed 12x8 foot box culvert (Bridge #24X01), as part of the SP 2401-38 Trunk Highway #13 improvement project.

Resolution seconded by Nelson.

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

Wayne Sorensen, Planning and Zoning Officer addressed issues in regards to the Conditional Use Permit request by Curt Gniffke. The Chair opened the meeting for general comments from the public;

Lynn Huston addressed the Board on behalf of the Moscow Township board, stating that they were against the conditional use permit being issued.

Barry Hoffman is a potatoe farmer in the Hollandale area and would be against the conditional use permit being issued, because it could put him out of business.

Barb Dickman has been around the spreading of the product in the past and would be against the issuing of the conditional use permit.

Lace Kohn is a nurse and said that they couldn't kill the pathogens, they would only be able to stunt the growth for a period of time, and she would be against the issuing of the conditional use permit.

Justin Kohn lives a mile away and hasn't heard of any side effects this will have on the wooded area, wildlife or the waters in surrounding area, he would be against the condition use being issued.

Commissioner Tuttle offered the following resolution;

RESOLUTION 09-147

RESOLVED, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 23, a Conditional Use Permit is hereby granted to Curt Gniffke for land application of Industrial Waste on agricultural land and short and long term storage of Industrial Waste, on the following described property:

S ½ of the NW ¼ and E ½ of SW ¼ of Section 8;
NW ¼ of Section 17; and
E ½ of Section 22 of Moscow Township, Freeborn County, Minnesota

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

1. Minnesota Pollution Control Agency National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) permit No. MN0050911 shall be adopted as part of this permit. All rules and conditions shall be adopted.
2. Applicant shall obtain and supply to Freeborn County written permission from each landowner to accept this waste and record this Conditional Use Permit onto their parcel.
3. There shall be no storage past 25 days.
4. All product shall be incorporated within 72 hours or before any rainfall.
5. No application allowed on the Gniffke North 80 acres (S1/2 of NW ¼ Section 8 of Moscow Township)
6. As per Ordinance 16, Septic Compliance Inspections shall be done on all habitable residences on parcels identified in this resolution before any product is brought into the county.
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.

Resolution seconded by Commissioner Mathiason.

After discussion, a vote was taken and the Chair declared the resolution failed for unanimously no vote.

Commissioner Belshan offered the following resolution;

RESOLUTION 09-148

WHEREAS, The Freeborn County Environmental Services Department is charged with the responsibility of permitting of solid waste facilities, and

WHEREAS, Poole's Bicycle, Electric and Recycling has applied for a solid waste recycling permit

NOW THEREFORE, BE IT RESOLVED, this 21st day of July 2009 the Freeborn County Board of Commissioners grants approval for a recycling permit to be issued to Poole's Bicycle, Electric and Recycling, located at 721 W. Clark Street, Albert Lea, MN 56007.

Resolution seconded by Commissioner Nelson.

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

Commissioner Belshan offered the following resolution;

RESOLUTION 09-149

RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO PETERSON EXCAVATING

RESOLVED, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, the Conditional Use Permit dated April 15, 2008 to Peterson Excavating is hereby revoked and a Conditional Use Permit is hereby granted to "I-90 Recycling" for the construction of a 3rd 60' x 200' twine dumping and storage building, and the following activities on the following described property:

24302 755 AV, Albert Lea, Minnesota
Parcels #'s 13.021.0082 and 13.021.0083

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

1. Obtain and maintain all State of Minnesota Pollution Control Agency and Freeborn County Solid Waste and Land Use Permits.
2. Parking, loading, and unloading facilities shall be provided within the existing facility, and no parking, loading or unloading shall be allowed on the County or Township Roadways.
3. All recycling activities shall be carried on within a building. The following activities are approved. Business Use Only. No General Public Deliveries.
 - A. Sorting and bailing plastic twine.
 - B. Collecting and bailing cardboard.
 - C. Construction of one 60' X 200' foot building for these activities.
 - D. The 36' x 36' office addition.
 - E. Construction of a second 60' X 200' building for these activities.
 - F. Receiving pallets and similar wood for processing into fuel pellets.
 - G. Construction of a third 60' X 200' building for these activities.All conditions of this permit are to be met before building permit is issued for this building. Exception being that trammel and twine can remain outdoors until building is complete.
- H. 14' x 40' addition for trammel by July 6, 2010.

4. Site shall be kept in a neat and orderly manner. Owner/operator shall insure all loads are covered and agree to keep applicable right of way clean of debris/spillage.
5. Sorting and Storing of all materials shall be contained inside buildings before any pellet processing is allowed to commence.
6. Owner/Operator shall adhere to all provisions of the Minnesota State Building Code.
7. Dust control as needed determined by Environmental Services Department and complaints received up to three times a year.
8. Time limit on the Conditional Use Permit expires April 19, 2031. At that time it could be removed or allowed to expire. Expiration would mean recycling buildings and dock facilities would need to be removed within 120 days of expiration.
9. Maintain and upgrade septic system as deemed necessary by Minnesota Rules and County Ordinance.
10. Maintain original expiration date of April 19, 2031, for the facility to operate as is.
11. Acquire State NPDES/SDS Industrial Storm Water Permit.
12. Trammel inside as permit requires. Complete by July 6, 2010.
13. Receive written approval from MPCA on the composting taking place on site or discontinue immediately.
14. Limit number of semi trailers on site to 10 (ten).
15. Hours of outdoor operation shall be 7:00 AM. to 7:00 PM.
16. Voluntarily stop receiving product if these conditions are not met by Dec. 1, 2010.
17. This facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
18. This 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 provision of this permit.
19. A three row windbreak of fast growing trees acceptable to Environmental Services Department shall be installed south of complex before 2009 season ends.

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 09-150
RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO BARB TENNIS

RESOLVED, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 6, Section 3, subd. 15, and Article 23, a Conditional Use Permit is hereby granted to Barb Tennis for the construction of a 14' x 24 cabin, on the following described property located within:

Section 34 Riceland Township-103 Range-022
Revised description No. 2615 10.46 acres
Parcel # 12.034.0060

Rural address # 22502 820 AV

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

1. The building may not be extended or expanded without receiving approval of the Freeborn County Board of Commissioners.
2. The placement of this building shall be in accordance with the site plan on file in the Environmental Services Office.
3. Septic waste shall be handled in a manner approved by the Environmental Services Department.
4. Site shall be kept in a neat and orderly manner.
5. Existing buildings are existing non-conforming structures.
6. 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 Belshan.

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

Michelle Severtson and Holly Krier, Freeborn County United Way representatives presented the Board with an award and requested permission to participate in this year's activities for the United Way.

Commissioner Tuttle offered the following motion;

MOVED, that Freeborn County participate in the United Way fund drive and authorizes them to receive donations on behalf of the Lunch on the Lawn activities on August 11, 2009 from 11:00 a.m. till 1:30 p.m.

Motion seconded by Commissioner Belshan.

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

Commissioner Mathiason offered the following resolution;

RESOLUTION 09-151
RESOLUTION ACCEPTING THE PUBLIC HEATH PREPAREDNESS GRANT AGREEMENT WITH
THE MINNESOTA DEPARTMENT OF HEALTH

RESOLVED, accepting the Public Health Preparedness Grant Agreement with the Minnesota Department of Health for the amount of \$25,414.00 for the period of August 10, 2009 through August 9, 2010.

Resolution seconded by Commissioner Nelson.

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

Commissioner Tuttle offered the following resolution;

RESOLUTION 09-152
RESOLUTION AUTHORIZING THE OUT-OF-STATE TRAVEL FOR EMPLOYEES AND THE
ACCEPTANCE OF THE GRANT TO PAY FOR THE CONFERENCE

RESOLVED, authorizing the Out-of-State travel for employees to Colorado for the Responding to Crime Victims with Disabilities National Training Conference and accepting the grant approval of \$5000.00 to pay for the expenses for the conference.

Resolution seconded by Commissioner Nelson.

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

John Kluever, Administrator requested approval of the Proposed Budget Workshop for 2010 Budget. The board approved the dates presented with the change of August 11th, be an all day meeting with nothing on Friday August 14.

Commissioner Belshan addressed the following items;

The thistle patches are out of control, maybe the Environmental staff could spray the weeds in the fall and GPS locate the sites for further spraying.

Budget planning, would like to see an employee furlough be addressed and get number put together before the first budget meeting, if the employees would take 12 days a year.

Commissioner Nelson addressed the following items;

He thanked the committee in charge of the Sorensen half marathon that was over the weekend; it was well organized and had no complaints from neighbors.

He has received calls in regards to the letters sent out by the Assessor's office requesting access to their property for reappraisal of some property. Ryan said that they would reword the letters and resend them.

Commissioner Tuttle offered the following resolution;

**RESOLUTION 09-153
APPROVAL OF CLAIMS**

RESOLVED, that the following claims be allowed and paid on July 24, 2009.

<u>Fund</u>	<u>Name</u>	<u>Amount</u>
01	General Fund	\$ 322,456.19
03	County Road and Ditches	\$ 785,599.10
05	Human Services	\$ 96,523.31
31	Capitol Improvements Fund	\$ 14,408.66
34	Debt Ser-Turtle Creek Watershed	\$ 1,758.75
37	Jail GO Bond Debt Service	\$ 164,788.75
38	HRA-GO Bond Debt Service	\$ 129,130.00
39	HRA-Lease Rev Debt Service	\$ 203,381.25
40	County Ditches	\$ 7,162.84
41	Ditch Debt Service	\$ 43,746.90
70	Trust and Agency Fund	\$ 3,243.73
80	Tax Collection Fund	\$ 44,847.83
	TOTALS	\$ 1,817,047.31

GENERAL FUND

Albert Lea School District 24 1,474.67, Albert Lea Tribune 391.20, Alliant energy 853.15, Alliant Energy /IPL 7,638, Alltel 1,777.17, American Institutional Supply 962.72, Amsterdam Printing & Litho 340.68, Bear Graphics Inc 1,055.94, BP 327.21, Budget Blinds of Southern MN 627.02, City & County Employees Federal 17,390.81, Chris Larson Construction 3,085, City of Albert Lea 11,071.50, City of Albert Lea 12,863.93, Commissioner of Revenue 11,134.21, Distad Dennis 2,337.92, Distad Dennis 30,802.90, D&T Ventures LLC 1,449, Freeborn Co Attorneys Office 425.90, Freeborn Co Chemical Dependency 1,650, Harig Sheriff Mark 1,490.65, Jims ITS 1,530, Jones Haugh & Smith Inc 660, Litho Printing & Graphics 340.45, Mail Expeditors 1,205.38, Manpower Inc 498.42, MCCI MI 33 17,118.52, MCF-Red Wing 6,960, MN Child Support Payment Center 1,335.26, MN Dept of Labor & Ind 924.31, MN Dept of Revenue 1,606.32, MN Elevator Inc 487.81, MN Teamsters No 320 1,712, Motor Inn Company 490.41, NACO/Midwest Nationwide Retirement 8,874.92, Office Depot 706.18, Office of Enterprise Technology 990, OMNI Control Systems Inc 5,843.50, Paragon Printing and Mailing 3,104.40, Twin Oaks Veterinary Assn 2,051.85, Power 96 325, Public Emp Retirement Assn 42,889.87, Quill Corporation 888.88, Qwest 435, RS Eden 1,054.70, Schmidt Goodman Office Products 422.43, Waste Management of Southern MN 23,180, Waste Management of Southern MN 1,206.17, Waste Management of Southern MN 520.18, Weiss Ethan 459, Wells Fargo 6,901.73, Wells Fargo Bank 7,898.30, Wells Fargo Bank 28,779.60, Wells Fargo Bank 22,308.57, West Payment Center 916.09, Woitas Scott 527.18, Xerox Corp 459.01, Xerox Corp 513.77, Zack Jones and Magnus 2,152, Zenk Read Trygstad & Assoc 5,000, Ziegler Inc 3,013.95.

COUNTY ROAD AND BRIDGES

AAA Striping Service Co. 42,066, City & County Employees Federal 6,023.84, Commissioner of Revenue 2,381.02, Distad Dennis 654.34, Distad Dennis 6,529.82, Erickson Engineering 7,060, Fastenal Co 824.85, Freeborn Co Coop Oil 18,649.88, Freeborn Construction Inc 19,494.61, Freeborn Mower Cooperative SE 1,133, Karls Carquest Auto 1,282, MN Child Support Payment Center 1,049.78, Minnowa Construction Inc 256,785, MN Dept of Revenue 347, MN Dept of Revenue 1,251.03, MR Sign 750.47, Miller Susan 566.57, NACO/Midwest Nationwide Retirement 2,401, Public Emp Retirement Assn 7,313.08, South Minnesota Lubes 2,953.86, Syverson Auto Mall Dave 716.85, Ulland Bros Inc 2,935.82, Ulland Bros Inc 380,214.77, Wells Fargo 1,531.32, Wells Fargo Bank 1,613.44, Wells Fargo Bank 6,898.70, Wells Fargo Bank 4,908.98, , Western Safety Products Inc 326.64, Zep Manufacturing Co Inc 352.50, Ziegler Inc 4,118.44.

HUMAN SERVICES

AFSC & ME 1,311.84, Alltel 1,110.19, City & County Employees Federal 6,878.92, Commissioner of Revenue 5,288.32, Distad Dennis 1,764.90, Dennis Distad 17,930.49, MN Child Support Payment Center 485.92, NACO/Midwest Nationwide Retirement 6,215.81, Public Emp Retirement Assn 18,209.54, Wells Fargo 4,683.60, Wells Fargo Bank 3,803.48, Wells Fargo Bank 16,263.20, Wells Fargo Bank 10,788.08 Wells Fargo Business Direct 1,599.50 .

CAPITAL IMPROVEMENT FUND

Cornerstone Masonry 1,225, Mega Hertz 982.48, Nelson Odean 2,901.50, Rust John 725, Shi International Corp 2,474, Streichers 5,464.70, Wells Fargo Business Direct 553.30.

DEBT SER-TURTLE CREEK WATERSHED

US Bank 1,758.75.

JAIL GO BOND DEBT SERVICE

Wells Fargo Bank NA 164,788.75.

HRA-GO BOND DEBT SERVICE

Wells Fargo Bank NA 129,130.

HRA-LEASE REV DEBT SERVICE

Wells Fargo 203,381.25.

COUNTY DITCHES

Albert Lea Tribune 5,282.55, Freeborn Construction Inc 1,507.07.

DITCH DEBT SERVICE

Wells Fargo Bank NA 43,746.90.

TRUST AND AGENCY FUND

AAnerud Helen 397.20, Distad Dennis 438, Twin Oaks Veterinary Assoc 2,408.53.

TAX COLLECTION FUND

City of Albert Lea 44,388.68, Township of Pickerel Lake 459.15.

Number of Claims not exceeding \$300.00 – 110
Dollar amount of claims not exceeding \$300.00 - \$10,125.36

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. on August 4, 2009.

By: _____
Christopher Shoff
Chair of the County Board

Attest: _____
John Kluever
Administrator