

**ADJOURNED MEETING OF THE COUNTY BOARD
APRIL 20, 2010**

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m., on Tuesday April 20, 2010. Members present: Commissioners Belshan, Tuttle, Mathiason, Nelson and Shoff.

Commissioner Tuttle offered the following motion;

MOVED, approving the minutes from the April 6, 2010 Regular Board meeting and the April 13, 2010 Workshop.

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

Commissioners reported on meetings attended.

During the public forum, Ted Francois with Alliant Energy discussed the progress of construction for the Bent Tree Wind Farm.

Commissioner Mathiason offered the following resolution;

**RESOLUTION 10-082
REPAIR OF 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, 16, 54 and 71.

Resolution seconded by Commissioner Tuttle.
After discussion, a vote was taken and the Chair declared the resolution unanimously adopted with Commissioner Belshan abstaining from the vote on County Ditch No. 71 and Commissioner Mathiason abstaining from the vote on County Ditch No. 54.

Commissioner Nelson offered the following resolution;

**RESOLUTION 10-083
AUTHORIZING LIQUOR LICENSES**

RESOLVED, that Freeborn County grants liquor licenses to the following applicants:

Freeborn Lake Golf Course in Carlston Township - On Sale - 3.2 Beer License - Wine
Clarks Grove Golf Course in Bancroft Township - On Sale - 3.2 Beer License
Harmony Park in Geneva Township - On Sale - 3.2 Beer License – 2 a.m. Closing
Holiday Park Golf Course Hayward Township – On Sale 3.2 - Beer License

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

Commissioner Belshan discussed a tax statement issue with the Auditor/Treasurer and the Auditor/Treasurer indicated that he would bring this issue up for clarification at the Township meeting on April 21, 2010.

Commissioner Belshan offered the following resolution;

RESOLUTION 10-084

RESOLVED, that the County Board does hereby accept the resignation of Jeffery Kaiser as Watershed Technician effective April 23, 2010.

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 10-085
LOT CONSOLIDATION AGREEMENT**

This agreement is made and entered into this 20th day of April 2010, by and between the County of Freeborn, State of Minnesota, hereinafter referred to as “Freeborn”; and Scott Jackson and Jeannie Jackson, husband and wife, hereinafter referred to as “Jackson”.

RECITALS:

WHEREAS, Jackson is the owner of Lot 2, Block 1, Lot 3, Block 1, and Lot 5, Block 1, of the Sipple Subdivision, in Manchester Township, Freeborn County, Minnesota; and

WHEREAS, said property is, at the present time, zoned residential; and

WHEREAS, said substandard lots in this zone are limited to 10% structure lot coverage; and

WHEREAS, Jackson wishes to build an additional structure; and

WHEREAS, the County of Freeborn will not issue a building permit in such a situation; and

WHEREAS, at the present time the Freeborn County, Minnesota zoning ordinance does not have a provision for combining lots of record.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. Jackson agrees that Lot 2, Lot 3 and Lot 5, Block 1, Sipple Subdivision, shall be considered as one lot, none of which shall be sold without selling the other to the same party.
2. This agreement shall be binding upon the parties, their heirs, successors, and assigns and shall run with the land.

Resolution seconded by Commissioner Nelson.

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

Commissioner Mathiason offered the following resolution;

**RESOLUTION 10-086
Award of 2010 Bituminous Reconditioning Projects**

WHEREAS, the Freeborn County Highway Department has the responsibility of maintaining the county road system;

WHEREAS, the Freeborn County Highway Department has prepared plans and specifications for the improvements of the following roadway;

CSAH 19, between TH 65 and CSAH 26

CSAH 35, between I-35 and CSAH 26

NOW THEREFOER BE IT RESOLVED, to accept the low bid from Ulland Brothers, Inc. of Albert Lea, MN in the amount of \$2,042,033.85 for projects SAP 024-619-012 and SAP 024-635-022.

Resolution seconded by Commissioner Mathiason.

After discussion, a vote was taken and the Chair declared the resolution unanimously adopted with Commissioner Nelson abstaining from the vote.

Commissioner Tuttle offered the following resolution;

RESOLUTION 10-087
Award of 2010 Seal Coat Contract
CP 10-M-01

WHEREAS, the Freeborn County Highway Department has the responsibility of maintaining the county transportation system;

WHEREAS, the Freeborn County Highway Department has prepared plans and specifications for the seal coating of a portion of CSAH 14.

NOW THEREFORE BE IT RESOLVED, to accept the low bid from Morris Sealcoat from Morris, MN in the amount of \$265,087.60 for project CP 10-M-01.

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 10-088
Award of 2010 Seasonal Bids

WHEREAS, the Freeborn County Highway Department has the responsibility of maintaining the county road system;

WHEREAS, the Freeborn County Highway Department has prepared specifications for the seasonal bid requirements;

NOW THEREFORE BE IT RESOLVED, to accept that the following price lists be placed on file for consideration during the specified time period:

Metal Culverts - Metal Culverts, and Johnston Fargo Culverts, Inc.

Reinforced Concrete Pipe Culverts & Concrete Bridge Materials – Hancock Concrete Products and Cretex Concrete Products.

Corrugated Polyethylene Pipe Culvert & Perforated P. E. Pipe Drain – No Quotes Received.

Plant Mixed Bituminous Materials - Ulland Brothers, Inc. and Crane Creek Asphalt, Inc.

Fine Aggregate - Ulland Brothers, Inc. and Sorensen Brothers, Inc.

Equipment Rental - Sorensen Brothers, Inc., Freeborn Construction, Jensen Excavating and Trucking, Larry Yost and Ulland Brothers, Inc.

Gravel and Crushed Quarry Rock - Ulland Brothers, Inc., Gary Seedorf, Sorenson Brothers, Inc. and Freeborn Construction.

Resolution seconded by Commissioner Mathiason.

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

Commissioner Mathiason offered the following resolution;

RESOLUTION 10-089
Award of 2010 Pavement Striping Contract

WHEREAS, the Freeborn County Highway Department has the responsibility of maintaining the county road system;

WHEREAS, the Freeborn County Highway Department has prepared specifications for the seasonal material requirements;

NOW THEREFORE BE IT RESOLVED, to accept the low bid from AAA Striping Service, Inc., from St. Michael, MN in the amount of \$107,480.00 for Pavement Striping.

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 10-090
Authorizing Final Payment of SAP 024-598-012

IT IS RESOLVED that the Freeborn County Highway Department has the responsibility of maintaining the county road system.

BE IT RESOLVED that the work by Sorensen Brothers, Inc. of Albert Lea, MN 56007, SAP 024-598-012 has been completed in a satisfactory manner.

IT IS FURTHER RESOLVED that the Freeborn County Auditor-Treasurer is hereby authorized to make final payment in the amount of \$4,711.71.

Resolution seconded by Commissioner Belshan.

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

Commissioner Belshan offered the motion;

MOVED, that David Peterson, Project Manager for Peterson Excavating by allowed temporary use of land owned by Freeborn County currently known as the "Good Samaritan Pit" on CSAH 14. This temporary use will allow for the removal of Class 5 gravel in a safe manner as Mr. Peterson will remove brush, place a weigh scale and construct a widened access to this area. A condition of this motion is that trucks would be required to exit the site with right turns out onto CSAH 14 to haul add rock and return trips from CSAH 22 to CSAH 14 to the 755th street entrance to minimize left turn conflicts.

Motion seconded by Commissioner Nelson.

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

Commissioner Tuttle offered the following resolution;

RESOLUTION 10-091

APPROVE REQUEST FOR TEMPORARY FULL TIME POSITIONS

RESOLVED, that the County Board hereby authorize the hiring of Engineering Technician I and Office Support Worker in a temporary full time positions within the County Highway Department from May – November of 2010.

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

Commissioner Tuttle offered the following resolution;

**RESOLUTION 10-092
RESOLUTION AMENDING THE SENTENCE TO SERVE PROGRAM**

WHEREAS, Freeborn County is financially responsible for all costs related to contracts approved by the Freeborn County Board of Commissioners, and

WHEREAS, Freeborn County continues to value and exhibit a documented need of a Sentence to Serve program for non-dangerous offenders Court ordered to perform Community work service, and

WHEREAS, Freeborn County has had an on-going contractual relationship with the State of Minnesota for providing the service of a Sentence to Service Crew leader for Freeborn County, and

WHEREAS, Freeborn County wishes to continue to contract with the State of Minnesota for the service of Sentence to Service Crew Leader as stated, therefore

BE IT RESOLVED, that the Freeborn County Board of Commissioners will approve an amended Income Contract between the State of Minnesota and Freeborn County for the services of Sentence to Service for the terms of fiscal year 2011 which changes the funding formula to 75% County funded and 25% State funded (calendar year terms effective July 1, 2010 to June 30, 2011).

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

Commissioner Mathiason offered the following resolution;

**RESOLUTION 10 – 093
AUTHORIZING OUT-OF-STATE TRAVEL**

RESOLVED, that the County Board does hereby authorize the out-of-state travel request from the Information Services Department for the purpose of attending and receiving training from Motorola regarding the ARMER System Expansion project.

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

Commissioner Nelson offered the following resolution;

**RESOLUTION 10-094
RESOLUTION SETTING VALUATION OF LAND CONTAINING WIND ENERGY CONVERSION SYSTEMS**

WHEREAS, Minnesota Statute 272.02, Subdivision 22, exempts all real and personal property of a wind energy conversion system as defined in section 272.029, Subdivision 2, from property tax, except that the land on

which the property is located remains taxable, and shall be classified based on the most probable use of the property if it were not improved with a wind energy conversion system; and

WHEREAS, said Minnesota Statue allows, if approved by the County, to value land on which a wind energy conversion system is located in the same manner as similar land that is not improved with a wind energy conversion system;

NOW, THEREFORE BE IT RESOLVED, pursuant to Minnesota Statute 272.02, Subdivision 22, the Freeborn County Board of Commissioners does hereby authorize the County Assessor to value land on which a wind energy conversion system is located in the same manner as similar land that has not been improved with a wind energy conversion system.

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 10-095
SUPPORT OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT) INVESTMENT AND IMPROVEMENT OF TRUNK HIGHWAY (TH) 65 AND 69 IN FREEBORN COUNTY

WHEREAS, TH 65 and TH 69 have portions lying partially within the boundaries of Freeborn County; and

WHEREAS, TH 65 and TH 69 are under the road authority of the MNDOT; and

WHEREAS, the surface condition of said segments of TH 65 and TH 69 are classified as “POOR” by the MNDOT and continue to rapidly deteriorate jeopardizing safe travel of the public; and

WHEREAS, there is no work planned by the MNDOT for either TH 65 or TH 69 in the adopted 2009 – 2013 Statewide Transportation Improvement Program; and

NOW THEREFORE BE IT RESOLVED, that the Freeborn County Board of Commissioners requests the MNDOT consideration to program significant construction investment in the both TH 65 and TH 69 in Freeborn County within the 2011 – 2013 construction seasons.

NOW THEREFORE BE IT RESOLVED, that this resolution will be made available to both Thomas K. Sorel, MNDOT Commissioner of Transportation and Nelrae Succio, MNDOT District Engineer.

Resolution seconded by Commissioner Tuttle.

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

Administrator Kluever requested that the Board set a Special Meeting date and time to discuss the current status of the South County Health Alliance. The Special Board meeting was set for April 29, 2010 at 8:30 a.m. in the Freeborn County Board Room.

Commissioner Belshan offered the following motion;

MOVED, that Administrator Kluever gather information regarding the State Health Improvement Program Coordinator position so that the Board can consider if this position should be opened up to the public and take applications or if it should be filled internally with existing staff or a combination of both.

Motion seconded by Commissioner Tuttle.

After discussion, Commissioner Belshan offered an amendment to this motion that if needed, a rating classification would be completed on this position prior to opening it back up to the public.

Motion seconded by Commissioner Tuttle to amend the previous motion.

After discussion, a vote was taken on the amendment to the previous motion with Commissioners Belshan, Tuttle, Nelson and Shoff voting aye and Commissioner Mathiason voting nay, the Chair declared the motion approved.

After discussion, a vote was taken on the first motion to have Administrator Kluever gather information about this position with Commissioners Belshan, Tuttle, Nelson and Shoff voting aye and Commissioner Mathiason voting nay, the Chair declared motion approved.

Commissioner Belshan offered the following motion;

MOVED, that Administrator Kluever ask the County Attorney to review our current relationship with Express Personnel Services and if that relationship allows for continued payment for their services, if Board approval is needed prior to developing a relationship with Express Personnel Services, and if the individual from Express Personnel Services and conducting county related business should be considered a county employee.

Motion seconded by Commissioner Tuttle.

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

Commissioner Tuttle offered the following resolution;

**RESOLUTION 10-096
 APPROVAL OF CLAIMS**

RESOLVED, that the following claims be allowed and paid on or before April 23, 2010.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 333,959.66
03	County Road & Bridge	\$ 159,511.01
05	Human Services	\$ 96,578.19
31	Capital Improvement Fund	\$ 13,460.22
40	County Ditches	\$ 54,286.08
70	Trust & Agency Fund	\$ 1,519.93
84	Revolving Loan Fund Ec Dev	\$ 3,260.38
	TOTAL	\$ 662,575.47

GENERAL FUND

A Viands LLC 18,181, Albert Lea Tribune 5,362.05, Alliant Energy/IPL 7,638, Alliant Energy 726.14, American Institutional Supply 1,387.70, AP Technology 645, Bayview Freeborn Funeral Home 2,559.12, City of Albert Lea 12,244.58, City of Albert Lea 929.55, Chamber of Commerce 346.30, City & County Employees Feder 17,072.60, City of Albert Lea 685.53, Cole Papers Inc 798.40, Commissioner of Revenue 11,223.44, D & T Ventures LLC 1,449, Distad Dennis 2,692.24, Distad Dennis 27,975.22, Erickson Jeshue 3040, Express Services Inc 4,308.04, Faribault County Sheriff's Office 800, Fleet Services Division 10,019.55, Freeborn Co Ag Society 375, Freeborn Co Shopper 464, Goldman Sturtz & Halvorsen Ch 1,470, Health Professionals Ltd 6,025.54, Jones Haugh & Smith Inc 850, Kylo Jamie 1,104.88, Manpower Inc 778.20, MCCC MI 33 4,398.10, MN Child Support Payment Center 1,541.84, MN Counties Intergovernmental 2,000, MN Dept of Revenue 3,640, MN Elevator Inc 507.08, MN NCPERS Life Insurance 473, MN State Board of Assessors 418, NACO/Midwest Nationwide Retir 8,795.39, Nelson Odean 2,525.75, Office of Enterprise Technology 990, Officemax Incorporated 334.28, Paragon Printing and Mailing 3,156.02, Peterson Savelkoul & Benda 603.75, Professional Service & Supply 1,536.76, Public Emp Retirement Assn 42,803.09, Royal Tire Inc 397.96, S & T Office Products Inc 378.70, Shopko 332.16, Southside Custom 1,979.81, State of MN Office of the Auditor 6,068.75, Steel County Detention Center 7,552.62, Teigen Paper and Supply Inc 416.62, Three Eagles Communications 500, Waste Management of Southern MN 23,180, Waste Management of Southern MN 1,426.34, Wedgwood Cove Golf Club 631.38, West Payment Center 1,413.12, Wells Federal Bank 7,765.78, Wells Federal Bank 7,480.14, Wells Federal Bank 27,876.76, Wells Federal Bank 23,883.46, Xerox Corporation 487.14, Xerox Corporation 445.06,

COUNTY ROAD & BRIDGE

Ace Industrial Supply 423.15, Albert Lea Steel 381.66, Albert Lea Tribune 358.80, Barga Incorporated 49,140, City & County Employees Feder 6,170.15, Commissioner of Revenue 2,142.62, Crysteel Truck Equipment 794.40, Distad Dennis 671.84, Distad Dennis 7,007.03, Freeborn Mower Cooperative SE 1,496, Kris Engineering Inc 3,516.19, Lawson Products Inc 1,028.53, MN Child Support Payment Center 1,049.78, MN Dept of Revenue 1,141, M R Sign 4,012.41, Metal Culverts Inc 665.28, NACO/Midwest Nationwide Retir 2,401, North American Salt Co 45,635.33, Public Emp Retirement Assn 7,148.20, Raleighs Ace Hardware 441.99, Reed Business Information 474.78, Sorensen Bros Inc 4,711.71, Superior Lamp Inc 579.86, University of MN 420, Vasco Inc 951.69, Waste Management of Southern MN 566.60, Wells Federal Bank 1,470.76, Wells Federal Bank 1,700.09, Wells Federal Bank 6,288.82, Wells Federal Bank 4,643.49.

HUMAN SERVICES

AFSC & ME 1,308.24, City & County Employees Feder 6,984.97, Commissioner of Revenue 5,251.10, Distad Dennis 1,746.38, Distad Dennis 19,699.12, MN Child Support Payment Center 485.92, NACO/Midwest Nationwide Retir 5,915.81, Public Emp Retirement Assn 18,027.98, Wells Federal Bank 3,703.26, Wells Federal Bank 5,586.26, Wells Federal Bank 15,834.52, Wells Federal Bank 11,545.61,

CAPITAL IMPROVEMENT FUND

Cornerstone Masonry 1,062, Freeborn Co Ag Society 7,026.87, Scotts Office Products 2,879.21, Uniforms Unlimited Inc 2,240.96.

COUNTY DITCHES

Christian and Peterson PA 5,376, Freeborn Construction Inc 29,145.60, Jones Haugh & Smith Inc 5,320, Kirsch Tim 800, Mid America Business Systems 4,138.31, Rinke Noonan Law Firm 5,066.70, Stensrud Joel 3,715.55.

TRUST & AGENCY FUND

Johnson Donald P 549.93, Pestorius Amy 970.

REVOLVING LOAN FUND ECONOMIC DEVELOPMENT

Mn Dept of Employment & Eco Development 3,260.38.

Number of claims not exceeding \$300.00 –113
Dollar amount of claims not exceeding \$300.00 - \$ 8,408.19

Resolution seconded by Commissioner Mathiason.
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. April 29, 2010.

By: _____
Christopher Shoff
Chair of the County Board

Attest: _____
John Kluever
Administrator