

**ADJOURNED MEETING OF THE COUNTY BOARD**  
**January 15<sup>th</sup>, 2019**

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday January 15, 2019. Members present: Commissioners Shoff, Mathiason, Lee, Nelson and Belshan.

Commissioner Lee offered the following motion;

**MOVED**, approving the minutes from the January 8<sup>th</sup>, 2019 Board meeting.

Motion seconded by Commissioner Mathiason.

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

Commissioner Nelson offered the following motion;

**MOVED**, approving the agenda as presented with an addition under Report of County Administrator.

Motion seconded by Commissioner Mathiason.

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

The Commissioners provided Board Committee updates.

Commissioner Shoff asked if there was any public comment, there was none.

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-020**  
**Approving Various Drainage Repairs**

**RESOLVED**, authorizing the Drainage Inspector to engage the necessary labor to complete various repairs to CD 71, CD 17, CD 32, CD J22 and CD 54 work orders 19-005 – 19-009.

Resolution seconded by Commissioner Belshan.

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

Commissioner Nelson offered the following motion;

**MOVED**, approving the out of state travel for Information Technology to travel to San Diego, CA on July 7<sup>th</sup>-12<sup>th</sup>, 2019 for the Esri User Conference.

Motion seconded by Commissioner Mathiason.

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

Commissioner Mathiason offered the following resolution;

**RESOLUTION No. 19-021**  
**Resolution Approving Local Option Disaster Abatement and Credit – 73950 275<sup>th</sup> St.**

**WHEREAS**, the property at 73950 275<sup>th</sup> St., Clarks Grove suffered extensive property damage from a fire on April 29, 2018;

**WHEREAS**, Minnesota Statute 273.1233 and 273.1235 allow for property tax relief in the form of Local Option Disaster Abatement and Local Option Disaster Credit;

**WHEREAS**, the minimum requirements of the aforementioned statutes have been met;

**NOW, THEREFORE, BE IT RESOLVED** that the Freeborn County Board of Commissioners does hereby approve the Local Option Disaster Abatement for Property Taxes Payable in 2018 and Local Option Disaster Credit for Property Taxes Payable in 2019 for 73950 275<sup>th</sup> St., Clarks Grove; Parcel 13.005.0140.

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

Commissioner Lee offered the following motion;

**MOVED**, approving the out of state travel for Public Works Director to travel to the National Association of County Engineers Conference in Wichita, KS on April 14<sup>th</sup>-18<sup>th</sup>, 2019.

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

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 19-022**  
**Write off of an Uncollectable Debt**

**RESOLVED**, approving to write off an uncollectable account for a client that was on the Elderly Waiver program and passed away in September 2015. The amount owed was \$101.84. Every effort was made to collect the fees prior to the death. Following the death we sent it to revenue recapture. We were unable to collect the account.

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

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-023**  
**Write off of an Uncollectable Debt**

**RESOLVED**, approving to write off an uncollectable account for a client that was on the Elderly Waiver program and passed away in December 2015. The amount owed was \$109.00. Every effort was made to collect the fees prior to the death. Following the death we sent it to revenue recapture. We were unable to collect the account.

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

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 19-024**  
**Siting of a Grain Storage Support Structure**

**RESOLVED** that pursuant to the provisions of the County of Freeborn Zoning Ordinance Chapter 42 Article II Division 2, and Article VIII, a Conditional Use Permit be and is hereby granted to Robert Kokot to construct a new private-use grain and hay storage structure located off of a farmyard, on the following described property:

All that part of the S ½ SW ¼ Section 9-T101-R21W, Freeborn County, Minnesota; described as follows:

Commencing at the southwest corner of the SW ¼ of said Section 9; thence North 00°18' 43" seconds West a distance of 1310.83 feet, on the west line of said SW ¼, to the northwest corner of the S ½ SW ¼ of said Section 9;

Thence North 89°49'54" seconds East a distance of 2299.05 feet, to a point on the west right-of-way line of Interstate Highway No. 35;

Thence South 00°04'20" seconds East a distance of 1311.07 feet, on the west right-of-way line of Interstate Highway No. 35, to a point on the south line of said SW ¼

Thence South 89°50'17" seconds West a distance of 2293.56 feet, on the south line of said SW ¼, to the point of beginning;

This request is made in accordance with the Freeborn County Code of Ordinances; Chapter 42 Article II Division 2; Section 42-105(20) and Chapter 42 Article VIII Conditional Uses.

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

- (1) Site shall be constructed to the submitted site diagram and build designs.
- (2) Storage is designated for grain and associated storage support. The site shall remain agricultural in nature.
- (3) All provisions of the Freeborn County Code of Ordinances Chapter 42, Article II, Division 2; Section 42-107 shall apply and shall be followed.
- (4) The applicant shall acquire access permit and construction traffic agreement with the Freeborn County Highway Department before construction commences.
- (5) The structure shall be considered a discontinued use after one-year without occupancy unless a plan is developed and submitted to the Environmental Services Department outlining steps and scheduling for maintenance.
- (6) The premises and storage of equipment thereon shall be kept in an orderly and presentable manner.
- (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 Mathiason.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 19-025**  
**Site of a 150-Foot Radio Communications Tower**

**RESOLVED** that pursuant to the provisions of the County of Freeborn Zoning Ordinance Chapter 42 Article VII, and Article VIII, a Conditional Use Permit be and is hereby granted to Minn-Iowa Broadcasting dba KJLY to install a new telecommunications facility with tower, ground equipment, fencing, using existing driveway for access, on the following described property:

All that part of the NW ¼ NW ¼ Section 12, T102N, R21 West, Freeborn County, Minnesota described as follows:

Commencing at the NW Corner of the NW ¼ of said Section 12; thence South 00°26'33" East a distance of 380.31 feet, on an assumed bearing on the West line of said Northwest ¼, to the Northwest corner of a tract recorded in Book 160 Deeds, Page 127; thence North 89°33'27" East a distance of 330.00 feet, on the North of said tract, to the Northeast corner thereof; thence South 00°26'33" East a distance of 31.15 feet, on the East line of said tract, to the point of beginning;

Thence North 89°33'27" East a distance of 299.45 feet, to the West line of Freeborn Mower Addition, as the same as platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

Thence North 00°28'32" East a distance of 409.44 feet, on the West line of said Freeborn Mower Addition, to the Northwest corner of said Freeborn Mower Addition, as the same as platted and recorded in the office of the County Recorder of Freeborn County, Minnesota;

Thence South 89°44'28" West a distance of 629.22 feet, on an assumed bearing on the North line of said Northwest ¼, to the Northwest corner of said Northwest ¼.

This request is made in accordance with the Freeborn County Code of Ordinances; Chapter 42 Article VIII Conditional Uses, and Article VII Essential Services.

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

- (1) The facility shall be constructed and maintained in strict accordance with the Federal Aviation Administration and Federal Communications Commission Standards. No transmissions from this tower shall interfere with any existing electronic transmission in this area.
- (2) Site shall be as per site diagram attached.
- (3) All required permits shall be acquired and submitted to the Freeborn County Environmental Services Office.
- (4) Minn-Iowa Christian Broadcasting is required to address and work with adjacent landowners in regards to interference of previously available frequencies.
- (5) The premises and storage of equipment thereon shall be kept in an orderly and presentable manner.
- (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 Nelson.

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

Commissioner Mathiason offered the following resolution;

**RESOLUTION No. 19-026**  
**Confinement Barn Expansion**

**RESOLVED**, that pursuant to the provisions of the County of Freeborn Code of Ordinance, Chapter 4, Article II Division II, and Article VI a Conditional Use Permit is hereby granted to John Perschbacher for the construction of a 51' x 416' x 9' total confinement barn to house 2,600 swine 55 to 300 pounds, totaling 720 animal units, on the following described property:

All that part of the Southeast Quarter Northeast Quarter Section 12, Township 102 North, Range 23 West, Freeborn County Minnesota; described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 12; thence North 00 degrees 12 minutes 28 seconds West a distance of 555.02 feet, on the east line of said Northeast Quarter; thence South 89 degrees 17 minutes 06 seconds West a distance of 832.31 feet, parallel with the south line of said Northeast Quarter; thence South 00 degrees 25 minutes 07 seconds East a distance of 555.01 feet to a point on the south line of said Northeast Quarter; thence North 89 degrees 17 minutes 06 seconds East a distance of 830.27 feet, on the south line of said Northeast Quarter, to the point of beginning; Subject to a highway easement on the east side thereof.

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

1. Owner/operator shall schedule a pre-construction meeting with the Owner/operator, Engineer(s), Concrete Contractor(s), Perimeter Tile Installer(s) and the Environmental Services Department 3 days prior to the start of the construction.

2. Owner/operator shall register this facility with the Minnesota Pollution Control Agency (MPCA). This registration shall be updated every 4 years.
3. All manure generated at this facility shall be injected into agricultural ground at recommend agronomic rates. There are an adequate amount of acres available for manure application through Frontier Family Farms. Inclement weather shall be the only exception to this manure application method. All manure application setback distances shall be followed.
4. Owner/Operator shall notify Freeborn County Environmental Services Department prior to removing manure from a manure storage area.
5. This facility shall comply with the MPCA Rules 7020, and Article 6 and Article 17 of the Freeborn County Zoning Ordinance.
6. Feedlot owner shall cooperate with the affected road authority in regards to upkeep and maintenance of roads utilized by the facility.
7. Livestock Manure Treatment Remediation is not required for the first year following construction. Review will be conducted at the end of the each year by Freeborn County Environmental Services Department, for a total of five years, to determine the need for Livestock Manure Treatment Remediation. If after the fifth year there are no outstanding odor or emission issues pit additive will not be required for the remainder of the site's life.
10. The facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
11. 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 Nelson.

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

Commissioner Belshan offered the following motion;

**MOVED**, approving on setting a Workshop on January 29, 2019 in the Albert Lea room at 8:30 a.m.

Motion seconded by Commissioner Lee.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 19-027**  
**Extension Advisory Board Appointment**

**RESOLVED**, approving the resolution appointing Robin Schmidt to a 3 year term to the Freeborn County Extension Advisory Board beginning January 16<sup>th</sup>, 2019 thru January 1<sup>st</sup>, 2022.

Resolution seconded by Commissioner Mathiason.

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

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-028**  
**Extension Advisory Board Appointment**

**RESOLVED**, approving the resolution appointing Julie Bernau to a 3 year term to the Freeborn County Extension Advisory Board beginning January 16<sup>th</sup>, 2019 thru January 1<sup>st</sup>, 2022.

Resolution seconded by Commissioner Mathiason.

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

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 19-029**

**A RESOLUTION DIRECTING THE CORRECTION OF THE RECORD TRANSMITTED TO THE APPELLATE COURT IN CASE NO. A18-1853 REGARDING RESOLUTION 18-247 GRANTING A CONDITIONAL USE PERMIT TO UNITI TOWERS, LLC**

**WHEREAS**, the Freeborn County Board by vote on September 18, 2018 granted a conditional use permit to Uniti Towers, LLC in Resolution 18-247,

**WHEREAS**, the conditional use permit has been challenged before the Minnesota Court of Appeals in Case No. A18-1853,

**WHEREAS**, a transcript of the board's proceedings on September 18, 2018 was not prepared,

**WHEREAS**, the record transmitted to the Court of Appeals in the above mentioned case does not truly disclose what occurred at the Board proceeding in that the transmitted record did not contain a reference to this Board's receipt and consideration of the Freeborn County Planning Commission's Report relevant to the conditional use permit referred to above,

**WHEREAS**, the Board, pursuant to authority granted by Minn.R.Civ.App.Proc. 110.05 and 115.04, subd. 1, may direct that an omission or misstatement in the record transmitted to the Appellate Court be corrected.

**BE IT THEREFORE RESOLVED**, each member of the Freeborn County Board received and considered a copy of the Freeborn County Planning Commission's report dated September 10, 2018 (Case No. A18-1853, Exhibit G, p. 4-25) before voting on September 18, 2018.

**AND BE IT FURTHER RESOLVED**, that the Freeborn County Attorney is hereby directed to correct the omission in the record transmitted to the Court of Appeals in the above-named case by filing with the court this Board resolution together with a copy of the minutes of these proceedings as a supplement to that record.

Resolution seconded by Commissioner Mathiason.

Commissioner Lee asked the Board to recognize the fact the he was excused from the September 18<sup>th</sup>, 2018 Board meeting. Commissioner Lee did however acknowledge that he received and considered a copy of the Freeborn County Planning Commission's report dated September 10, 2018 prior to the September 18, 2018 Board meeting.

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

Commissioner Mathiason offered the following motion;

**MOVED**, approving to contact Exol and REG about informing the truck drivers about Jake breaking and being courteous of the neighbors around.

Motion seconded by Commissioner Nelson.

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

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-030**

**Approval of Claims**

**RESOLVED**, that the following claims be allowed and paid on or before January 18<sup>th</sup>, 2019.

| <u>FUND</u> | <u>NAME</u>          | <u>AMOUNT</u> |
|-------------|----------------------|---------------|
| 01          | General Fund         | \$241,893.81  |
| 03          | County Road & Bridge | \$ 46,734.69  |
| 05          | Human Services       | \$ 11,293.98  |
| 06          | Public Health        | \$ 5,682.57   |
| 31          | Capital Imp.         | \$ 52,052.21  |

|           |                          |                     |
|-----------|--------------------------|---------------------|
| <b>36</b> | Debt Srvc-Radio Bond     | \$ 400.00           |
| <b>40</b> | County Ditch             | \$ 21,916.78        |
| <b>70</b> | Trust & Agency           | \$ 42,084.27        |
| <b>73</b> | Payroll Clearing Fund    | \$ 6,982.64         |
| <b>74</b> | Turtle Creek Wtshd Dist. | \$ 46.00            |
| <b>77</b> | Recorder's Clearing      | \$ 1,961.00         |
| <b>80</b> | Tax Collection Fund      | \$ 142.00           |
|           | <b>FUND TOTALS</b>       | <b>\$428,985.41</b> |

Number of Claims not exceeding \$300 – 60

Dollar amount of claims not exceeding \$300 – \$6,864.07

Resolution seconded by Commissioner Mathiason.

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

Chair, Commissioner Shoff adjourned the meeting at 9:25 a.m. until Tuesday, February 5<sup>th</sup>, 2019 at 8:30 a.m.

By: \_\_\_\_\_  
Christopher N. Shoff  
Chair

Attest: \_\_\_\_\_  
Thomas Jensen  
Clerk/Administrator





