

ADJOURNED MEETING OF THE COUNTY BOARD
January 19, 2021

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday January 19, 2021. Members present: Commissioners Edwin and Herman in person, with Commissioners Shoff, Belshan, and Forman via Zoom.

Commissioner Forman offered the following motion;

MOVED, approving the agenda as presented with the addition of two items under the County Administrator.

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

Commissioner Herman offered the following resolution;

RESOLUTION No. 21-018
Approval of the Freeborn County Board of Commissioners Consent Agenda as provided
in the Freeborn County Board Rule of Procedure 9(A)

WHEREAS, the Freeborn County Board is the governing body of Freeborn County, and;

WHEREAS, the Freeborn County Board has implemented a Consent agenda to perform the duties of the board in a more effective and efficient manner, and

WHEREAS, the following items have been placed for approval of the Freeborn County Board of Commissioners on the current Board meeting Consent Agenda as provided by the Board rules of procedure, being routine and of a regular action;

NOW, THEREFORE BE IT RESOLVED, to place the following are hereby approved for appropriate action:

- 1) Approval of the January 5, 2021 Freeborn County Board meeting minutes.
- 2) Approval of Drainage Repairs.

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

The Commissioners Herman, Edwin and Forman had no updates regarding Board Committees. Commissioners Belshan and Shoff provided Board Committee updates.

Commissioner Belshan offered the following resolution;

RESOLUTION No. 21-019
Approving 2021 Renewal of Legal Services Agreement with Rinke Noonan
to Provide Legal Counsel to the Freeborn County Drainage Authority

WHEREAS, Rinke Noonan Attorneys at Law provide legal counsel to Freeborn County (Drainage Authority) in its capacity as the public drainage authority under Minnesota Statutes, chapter 103E;

WHEREAS, Rinke Noonan has been engaged to represent the Drainage Authority on a monthly retainer and hourly services basis for the purpose of advising it on matters related to its duties, authorities and responsibilities as the public drainage authority for Freeborn County pursuant to Minnesota Statutes , chapter 103E;

WHEREAS, Rinke Noonan Attorneys at Law has provided terms of their public drainage authority representation for Freeborn County in the 2021 year;

BE IT RESOLVED, Freeborn County will continue its monthly retain and hourly services agreement set forth and described in the agreement dated January 4, 2021 presented to Freeborn County by Rinke Noonan Attorneys at Law.

Resolution seconded by Commissioner Herman.

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

Commissioner Forman offered the following resolution;

RESOLUTION No. 20-020
Approving Freeborn County Crop Damage Rate for 2021 – Not Planted
Freeborn County Drainage Ditches

WHEREAS, it is the policy of Freeborn County to set a rate of pay for crop damages that may occur due to repair, improvement, or construction projects involving county drainage ditches;

WHEREAS, in anticipation of an upcoming project the County may occasionally ask a landowner not to plant the area to be worked on. This gives the contractor more time to complete projects and may also result in better quotes;

BE IT RESOLVED, the rate of pay for not planted acres is \$400.00 per acre. This rate is based off from an average annual rental rate of approximately \$225;

- The first year the unplanted acres would have no yield
- The second year yield reduction would be approximately 50% because the soil has been disturbed
- The third year yield reduction would be approximately 25% because the soil has been disturbed
- The fourth year the yield should be back to normal

Resolution seconded by Commissioner Edwin.

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

Commissioner Belshan offered the following resolution;

RESOLUTION No. 20-021
Freeborn County Crop Damage Rate for 2021 – Standing Crop
Freeborn County Drainage Ditches

WHEREAS, it is the policy of Freeborn County to set a rate of pay for crop damages that may occur due to repair, improvement, or construction projects involving county drainage ditches;

WHEREAS, the yield is determined by using a three year average yield for Freeborn County from data received from the USDA (National Agricultural Statistics Services);

WHEREAS, the sale price is determined by using an average sale price for “new crop” corn and beans from three local elevators on January 6, 2021;

BE IT RESOLVED, the following rates will be in place for 2021;

Corn Damage Rate	190.9 bushels @ \$3.96 = \$756 per acre
Bean Damage Rate	52.6 bushels @ \$10.84 = \$570 per acre

Resolution seconded by Commissioner Herman.

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

Commissioner Herman offered the following resolution;

RESOLUTION No. 20-022
Approving Three Oak Vineyards & Winery, Bancroft Township Liquor License

BE IT RESOLVED, that Freeborn County grants liquor licenses to the following applicant:

Three Oak Vineyards & Winery Bancroft Township - On Sale – Wine License.

Resolution seconded by Commissioner Edwin.

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

Commissioner Belshan offered the following resolution;

RESOLUTION No. 21-023
Accepting a Donation to the Freeborn County CVCC from Anita Kes

WHEREAS, the Freeborn County Department of Human Services - Crime Victims Crisis Center serves those who have been victims of crime, domestic violence and sexual assault; and

WHEREAS, the Freeborn County Department of Human Services - Crime Victims Crisis Center plans events and campaigns bringing community awareness to the issues of crime, domestic violence and sexual assault; and

WHEREAS, Anita Kes has offered a donation to the Freeborn County Department of Human Services - Crime Victims Crisis Center in the amount of \$500.00 to be used for services provided by the CVCC; therefore

BE IT RESOLVED, that the Freeborn County Department of Human Services - Crime Victims Crisis Center accepts the donation in the amount of \$500.00 from Anita Kes to be used in 2021 for services provided by the CVCC.

Resolution seconded by Commissioner Forman.

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

Commissioner Herman offered the following resolution;

RESOLUTION No. 21-024
Approving the Purchase of Service Agreement between
Freeborn County Human Services and Brian Vold

WHEREAS, psychiatric services in rural Minnesota are becoming increasingly difficult to access; and

WHEREAS, the Freeborn County Human Services is part of the 10-county South Central Community-Based Initiative (SCCBI) to provide services to persons with mental illness; and

WHEREAS, the SCCBI purchases mental health services including psychiatric services from the Freeborn County Mental Health Center for residents of counties comprising the SCCBI; and

WHEREAS, Brian Vold has provided quality psychiatric services for the Freeborn County Mental Health Center, increasing accessibility for local residents; and

WHEREAS, the Freeborn County Mental Health Center and Brian Vold are credentialed to bill insurance for psychiatric services; therefore

BE IT RESOLVED, that the 2021 Purchase of Service Agreement between Freeborn County Human Services and Brian Vold for provision of the psychiatric services to residents of Freeborn County and of counties comprising the SCCBI.

Resolution seconded by Commissioner Forman.

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

At approximately 8:53 a.m. the Board Chair called for the opening of the Final Hearing for County Ditch #15. See agenda below:

BEFORE THE FREEBORN COUNTY BOARD OF COMMISSIONERS
ACTING AS DRAINAGE AUTHORITY FOR FREEBORN
COUNTY DITCH #15

AGENDA
Final Hearing
January 19, 2021, 8:45 a.m.
Commissioners' Room, Freeborn County Government Center

- I. Opening of Public Hearing – *Board Chairperson*
- II. Purpose of Hearing – *Kurt Deter*
- III. Record of Notice Requirements – *Pat Martinson, Freeborn County Auditor-Treasurer*
- IV. Engineer's Final Report – *Steve Penkava*
- V. DNR Advisory Report, if any
- VI. Public Comment and Questions Regarding Engineer's Report
- VII. Viewers' Report - *Viewers*
- VIII. Public Comment and Questions Regarding Viewers' Report
- IX. Attorney Comments
- X. Possible Action by Drainage Authority:
 - 1) Continue hearing if additional information is required.
 - 2) Establishment of Improvement if:
 - a. The Final Engineer's Report and Viewers' Report have been made and other proceedings have been completed under Minnesota Statutes 103E.
 - b. The reports made or amended are complete and correct.
 - c. The damages and benefits have been properly determined.
 - d. The estimated benefits are greater than the total estimated cost, including damages.
 - e. The proposed drainage project will be of public utility and benefit and will promote the public health.
 - f. The proposed drainage project is practicable.
 - g. That the repair portion allocated by the engineer as repairs is assessed against all property benefitted by the entire drainage system and the balance of the cost of the Improvement is assessed against the property benefitted by the Improvement.

Commissioner Forman offered the following resolution;

Resolution 21-025
Approving the Redetermination of Benefits
Pursuant to Minnesota Statutes 103E.351

BEFORE THE FREEBORN COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR FREEBORN COUNTY DITCH #15

Findings of Fact and Order Approving the
Redetermination of Benefits, Pursuant to
Minnesota Statutes 103E.351

WHEREAS, the Freeborn County Board of Commissioners, acting as Drainage Authority for Freeborn County Ditch #15, ordered the Redetermination of Benefits of Freeborn County Ditch #15; and

WHEREAS, viewers were appointed to prepare a Redetermination of Benefits Report; and

WHEREAS, a Viewer's Report was filed with the Freeborn County Auditor-Treasurer; and

WHEREAS, a public hearing was held on January 19, 2021, in the Freeborn County Commissioner's Room and also virtually; and

WHEREAS, Mark Behrends, one of the duly appointed viewers, gave the Viewer's Report for the Redetermination of Benefits for Freeborn County Ditch #15; and

WHEREAS, the hearing was open for public comment and there was no public comment concerning the Redetermination of Benefits.

NOW, THEREFORE, based on all the evidence presented, the Freeborn County Board of Commissioners, acting as Drainage Authority for Freeborn County Ditch #15, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Viewer's Report has been made and other proceedings have been completed under Minnesota Statutes 103E.
2. The Viewers' Report, attached as **Exhibit A**, is complete and correct.
3. The damages and benefits have been properly determined.

ORDER

NOW, THEREFORE, it is hereby ordered that the Redetermination of Benefits' Report, attached as Exhibit A, is hereby approved and this Redetermination of Benefits' Report shall be used in place of the original benefits and damages in all subsequent proceedings related to Freeborn County Ditch #15.

Dated this 21st day of January, 2021. FREEBORN COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY FOR FREEBORN COUNTY DITCH #15 By: Christopher Shoff, Its Chairperson

Resolution seconded by Commissioner Herman.
After discussion, a vote was taken and the Chair declared the resolution approved.

Commissioner Belshan offered the following resolution;

**Resolution No. 21-026
Continuing Public Hearing**

**BEFORE THE FREEBORN COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR FREEBORN COUNTY DITCH #15**

**Order Continuing Final Hearing on the
Improvement to Freeborn County Ditch #15**

WHEREAS, a Final Hearing was held on January 19, 2021, at 8:45 a.m., to consider the proposed Improvement to Freeborn County Ditch #15; and

WHEREAS, landowners, represented by Attorney Matt Benda, requested a short continuance in order to look at some possible options to address some concerns raised at the hearing.

ORDER

NOW, THEREFORE, it is hereby ordered that the Final Hearing on the proposed Improvement to Freeborn County Ditch #15 is continued until February 16, 2021, at 1:00 p.m., in the Freeborn County Commissioner's Room and virtually in order for the engineer, viewers, and affected landowners to discuss possible amendments to the Engineer's Report. That the viewers are directed to work with the engineer, such that if any changes are proposed and they impact the Viewers' Report, that the Viewers' Report be amended to reflect those impacts.

Dated this 21st day of January, 2021. FREEBORN COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY FOR FREEBORN COUNTY DITCH #15 By: Christopher Shoff, Its Chairman

Resolution seconded by Commissioner Edwin.
After discussion, a vote was taken and the Chair declared the resolution approved.

At approximately 10:15 a.m. the Board Chair declared that the Final Hearing on CD 15 be continued.

Commissioner Shoff asked if there was any other public items to be addressed and there was none.

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 21-027
Board Appointments to Various Committees and Organizations**

WHEREAS, each year the Freeborn County Board of Commissioners must decide which of its members represents them on its various committees and to those organizations which require or desire their participation, and;

WHEREAS, the Rules of Procedure of the Freeborn County Board of Commissioners establishes several standing committees as well as the process for the establishment of temporary committee assignments;

NOW, THEREFORE, BE IT RESOLVED, that the following members of the Board of Commissioners are, hereby, assigned to the described committee until such assignment is changed by a subsequent action of this Board of Commissioners; to the:

Courthouse and Other County Property Committee
Commissioners Forman & Shoff

Freeborn County Special Board of Equalization
Commissioners Belshan and Herman

Wage & Benefit Committee

Chairman and Vice Chair

Extension Advisory Committee
Commissioners Belshan

Freeborn/Mower Solid Waste Joint Powers Authority
Commissioner Herman & Forman

One Watershed One Plan – Cedar River Watershed
Commissioner Belshan

One Watershed One Plan – Le Sueur Watershed
Commissioner Herman

Investment Committee
Commissioner Shoff

Freeborn Co. Solid Waste Advisory Committee
Commissioners Herman & Forman

Freeborn County Housing and Redevelopment Authority
All County Commissioners

Minnesota Community Health Services Advisory Board
Commissioner Edwin, Public Health Director -alternate

Freeborn County Planning Advisory Commission
Commissioner Forman, Commissioner Herman -alternate

Southern Minnesota EMS Joint Powers Board
Commissioners Belshan & Edwin

Workforce Development, Inc Joint Powers Board
Commissioners Belshan & Herman

Greater Blue Earth River Basin Alliance Joint Powers Board
Commissioner Edwin

Save Our Hospital (SOH)
Commissioner Herman and Edwin

MCIT Delegate
Commissioner Edwin, Commissioner Belshan – alternate

Shell Rock River Watershed 1WIP
Commissioner Herman, Commissioner Edwin- alternate

Albert Lea/Freeborn County Joint Emergency Planning Advisory Committee
Commissioners Edwin & Herman

Greater Jobs Inc./ ALEDA
Commissioner Herman

SEMREX JPA
Commissioners Herman & Forman

Multi County Solid Waste Advisory Committee
Commissioners Herman & Forman

CVCC/DIATP
Commissioners Belshan

Mental Health Advisory Committee
Commissioners Shoff

SEMCAC
Commissioner Edwin

Highway Department Advisory Committee
Commissioners Shoff and Edwin with Belshan-alternate

Shell Rock River Watershed Common Cause Committee
Commissioners Forman & Herman-alternate

Albert Lea Housing and Redevelopment Authority Ex Officio Member
Vice Chairman Freeborn County Board of Commissioners, Commissioner Shoff-alternate

Resource Sharing Committee with City of Albert Lea
Commissioners Belshan & Herman

Economic Development Committee
Commissioner Belshan & Shoff

South East Minnesota Emergency Communications Board
Commissioner Herman, Commissioner Edwin- alternate

Rural Minnesota Energy Board
Commissioner Edwin, Shoff – alternate

State Line Lake Advisory Committee
District #1 Commissioner, Herman – alternate

Freeborn County Fair Board
Commissioner Belshan

AMC Policy Committees
Transportation – Shoff
Health & Human Services – Forman
Environment & Natural Resources – Belshan
General Government – Edwin
Public Safety - Herman

Judicial Ditch #2 – Commissioner Belshan

Judicial Ditch #5 – Commissioner Belshan

Judicial Ditch #6 – Commissioner Edwin

Judicial Ditch #8 – Commissioner Edwin

Judicial Ditch #12 – Commissioner Belshan

Judicial Ditch #14 – Commissioner Edwin

Judicial Ditch #17 – Commissioner Belshan

Judicial Ditch #23 – Commissioner Belshan

Judicial Ditch #26 – Commissioner Belshan

Judicial Ditch #301 – Commissioner Edwin

Resolution seconded by Commissioner Forman.

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

Commissioner Forman offered the following resolution;

RESOLUTION No. 21-028
Minnesota Housing – Minnesota City Participation Program
Joint Powers Agreement

The Albert Lea Housing and Redevelopment Authority (HRA) enters into this Joint Powers Agreement with Freeborn County to administer the Minnesota Housing Minnesota City Participation Program (MCP) for Freeborn County for the 2021 MCP year.

The Albert Lea Housing & Redevelopment Authority agrees to coordinate program requests for 2021 under the Minnesota Cities Participation Program for 2021 under the Minnesota Cities Participation Program for Freeborn County.

In order for loans to meet the program requirements, the following criteria must be met:

- The borrower is a first-time homebuyer loan using the Start Up program.
- The borrower's income is below 80% of the area median income.
- The property is located in Freeborn County.

The Albert Lea Housing & Redevelopment Authority will forward program reports on loan activity to the county administrator.

The Albert Lea Housing & Redevelopment Authority will promote the program throughout the community using marketing information provided by Minnesota Housing.

Resolution seconded by Commissioner Edwin.

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

Commissioner Edwin offered the following motion;

MOVED, approving the appointment of Commissioner John Forman to serve as the designated Freeborn County Board member on the Freeborn County COVID/Cares Act round 2 funding decision making committee which includes a member from the City Council and a member from the Economic Development Board.

Motion was seconded by Commissioner Herman.

After discussion, a vote was taken with Commissioners Edwin, Forman, Herman and Belshan voting yea and Commissioner Shoff abstaining. The Chair declared the motion approved.

Commissioner Belshan offered the following motion;

MOVED, approving to set a Workshop on February 9th, 2021 at 8:30 a.m. in the Administration Conference Room and via Zoom as permitted.

Motion was seconded by Commissioner Herman.

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

Commissioner Forman offered the following

RESOLUTION No. 21-029
Approval of Claims

RESOLVED, that the following claims be allowed and paid on or before January 22, 2021.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 565,773.51
03	County Road & Bridge	\$ 148,698.79

05	Human Services	\$ 112,906.20
06	Public Health	\$ 111,677.87
31	Capital Improvement	\$ 42,129.66
40	County Ditch	\$ 28,118.71
70	Trust & Agency	\$ 144,393.71
73	Payroll Clearing Fund	\$ 7,086.29
74	Turtle Creek Watershed	\$ 138.00
77	Recorder's Clearing	\$ 1,465.00
80	Tax Collection Fund	\$ 550.00
85	Septic Loan Fund	\$ 46.00
	FUND TOTALS	\$1,162,983.74

Number of Claims not exceeding \$300 – 72

Dollar amount of claims not exceeding \$300 – \$8,005.38

Resolution seconded by Commissioner Belshan.

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

Chair, Commissioner Shoff adjourned the meeting at 10:24 a.m. until 8:30 a.m. on Tuesday, February 2nd, 2021.

By: _____

Christopher N. Shoff
Chair

Attest: _____

Thomas Jensen
Clerk/Administrator