

**ADJOURNED MEETING OF THE COUNTY BOARD**  
**February 18<sup>th</sup>, 2020**

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday February 4<sup>th</sup>, 2020. Members present: Commissioners Mathiason, Nelson, Shoff, Lee and Belshan.

Commissioner Lee offered the following motion;

**MOVED**, approving the minutes from the February 4<sup>th</sup>, 2020 Board meeting and January 28<sup>th</sup>, 2020 Workshop.

Motion seconded by Commissioner Nelson.

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

Commissioner Shoff offered the following motion;

**MOVED**, approving the agenda as presented.

Motion seconded by Commissioner Nelson.

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

The Commissioners provided Board Committee updates.

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

Commissioner Lee offered the following resolution;

**RESOLUTION No. 20 – 053**  
**Approving Various Drainage Repairs**

**RESOLVED**, authorizing the Drainage Inspector to engage the necessary labor to complete various repairs to CD 34, CD 54 and CD 55 with work orders 19-009, 20-007, and 20-008.

Resolution seconded by Commissioner Nelson.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 20-054**  
**Out of State Travel**

**RESOLVED**, approving out of state travel for 3 Veteran's Court Team members to the National Association of Drug Court Professionals (NADCP) on May 26<sup>th</sup>, 2020 – May 31<sup>st</sup>, 2020.

Resolution seconded by Commissioner Nelson.

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

Commissioner Shoff offered the following resolution;

**RESOLUTION No. 20-055**  
**Adopt and Implement the Cedar - Wapsipinicon**

**WHEREAS**, the Freeborn County (county) has been notified by the Minnesota Board of Water and Soil Resources that the Cedar - Wapsipinicon Comprehensive Watershed Management Plan has been approved according to Minnesota Statutes §103B.801 and Board Resolution #19-71:

**NOW; THEREFORE, BE IT RESOLVED**, the county hereby adopts and will begin implementation of the approved Comprehensive Watershed Management Plan for the area of the county identified within the Plan.

**BE IT FURTHER RESOLVED** after the adoption of the Plan, the county shall amend existing water and related land resources plans and official controls as necessary to conform them to the Comprehensive Watershed Management Plan.

**BE IT FURTHER RESOLVED** after the adoption of the Comprehensive Watershed Management Plan or amendments to the plan, Freeborn County shall notify local units of government within the Cedar River Watershed. The local units of government are required to submit existing water and related land resources plans and official controls within 90 days to the county for review as per Minnesota Statutes, Section 103B.321.

**BE IT FURTHER RESOLVED** that within 180 days, the county shall review the submitted plans and official controls and identify any inconsistencies between the local plans and official controls and the Comprehensive Watershed Management Plan. The county shall specify applicable and necessary measures to bring the local plans and official controls into conformance with the Comprehensive Watershed Management Plan.

**BE IT FURTHER RESOLVED** if a local unit of government disagrees with any changes to its plan, the local unit has 60 days after receiving the county's recommendations to appeal the recommendations to the Board of Water and Soil Resources.

**BE IT FURTHER RESOLVED** after receiving the recommendations of the county, or a resolution of an appeal, a local unit of government has 180 days to initiate revisions to its plan or official controls. The new or revised plans and official controls must be submitted to the county for review and recommendations.

Resolution seconded by Commissioner Lee.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 20-056**

**Accept Grant Funds**

**WHEREAS**, the freeborn county sheriff's office applied for a \$5,000.00 emergency services grant through enbridge alliance management, L.P.

**WHEREAS**, the freeborn county sheriff's office was issued a check for the grant, on 6 Feb 2020 from enbridge alliance management, L.C. in the amount of \$5,000.00 to be used towards pipeline related events.

**BE IT THEREFORE RESOLVED**, that Freeborn County, by and through its Board of Commissioners, accepts the \$5,000.00 grant check from Enbridge Alliance Management, L.C and deposits all funds into the sheriff's office 201 6355 line item.

Resolution seconded by Commissioner Lee.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 20-057**

**Out of State Travel**

**RESOLVED**, approving out of state travel for the Emergency Manager and Deputy Alan Anderson to attend Court Safety and Security Conference in Appleton, WI on March 3-5, 2020.

Resolution seconded by Commissioner Lee.

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

At approximately 8:45 am. The Chair called for the Preliminary Hearing on Improvement and Initiation of Redetermination of benefits for Freeborn County Ditch #15. See below for the Agenda.

**BEFORE THE FREEBORN COUNTY BOARD OF COMMISSIONERS  
ACTING AS DRAINAGE AUTHORITY FOR FREEBORN COUNTY DITCH #15  
AGENDA  
Preliminary Hearing on Improvement and Initiation of Redetermination of Benefits**

**February 18, 2020, 8:45 a.m.**

**Commissioners' Room, Freeborn County Courthouse**

- I. Opening of Public Hearing – *Board Chairperson*
- II. Purpose of Hearing and Adequacy of Petition Determination – *Kurt Deter*
- III. Record of Notice Requirements – *Pat Martinson, Freeborn County Auditor-Treasurer*
- IV. Engineer's Preliminary Report – *Steve Penkava*
- V. DNR Advisory Report
- VI. Public Comment and Questions Regarding Preliminary Engineer's Report
- VII. Possible Action by Drainage Authority:  
Approval of Preliminary Engineer's Report if:
  - 1. The proposed drainage project outlined in the petition or modified and recommended by the engineer is feasible.
  - 2. There is a necessity for the proposed drainage project.
  - 3. The proposed drainage project will be of public utility and promote the public health, after considering the environment and land use criteria in Section 103E.015, Subd. 1.
  - 4. The outlet is adequate.
- VIII. Initiation of Redetermination of Benefits
  - 1. Determination under Minnesota Statutes 103E.351 that existing Benefits and Damages Report do not reflect reasonable day land values and/or the benefitted and/or damaged area may have changed.
- IX. Appointment of viewers to do a Redetermination of Benefits Report and an Improvement Viewers' Report.

Chair asked if there was anyone from the DNR, there was none present. Kurt Deter stated that for record the report was sent to the DNR and they have not received an advisory report and that they may receive one at the final hearing but probably unlikely if they didn't receive one at the Preliminary Hearing.

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 20-058  
Preliminary Engineer's Report**

**RESOLVED**, approving the Preliminary Engineer's Report given by Steve Penkava.

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

Commissioner Shoff offered the following resolution;

**RESOLUTION No. 20-059  
Initiation of Redetermination of Benefits**

**RESOLVED**, approving the Initiation of Redetermination of Benefit.

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

Commissioner Lee offered the following motion;

**MOVED**, approving the appointments of the viewers, Mark Behrends, Kendall Langseth, Robert Hanson and Joe Muschler.

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

Adjourn the Preliminary Hearing at 9:06 a.m.

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 20-060**  
**Resolution Appointing a Special Board of Equalization**

**WHEREAS**, Minnesota Statute 274.13, Subdivision 2, allows the county board to appoint a special board of equalization, and to delegate to it the powers and duties in Minnesota Statute 274.13,

Subdivision 1;

**WHEREAS**, the Freeborn County board resolves to appoint a special board of equalization and delegate to it the powers and duties in Minnesota Statute 274.13, Subdivision 1, beginning with the 2020 assessment year;

**WHEREAS**, the special board of equalization shall be comprised of five members, serving a two year term;

**WHEREAS**, the members(excluding any current County Commissioners) of the special board of equalization shall be compensated at \$100 for each convened or reconvened meeting;

**WHEREAS**, at least one member of the special board of equalization must be an appraiser, real estate broker, or other person familiar with property valuations in the county;

**WHEREAS**, the special board is subject to the quorum requirements for county boards and the training requirements for county boards in section 274.135, subdivision 2;

**WHEREAS**, the meeting of the special board of equalization for the 2020 assessment year will be convened on Monday, June 15, 2020 at 7:00 p.m.;

**NOW, THEREFORE, BE IT RESOLVED**, that the Freeborn County Board of Commissioners does hereby appoint a special board of equalization comprised of the following five members:

John Butler  
Dan Belshan  
Mike Lee  
Daphney Maras  
Dawn Swalve

Resolution seconded by Commissioner Lee.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 20-061**  
**Placing Jennifer Marth on Regular Full-Time Status**

**RESOLVED**, approving the resolution placing Jennifer Marth, Public Health Long Term Care Social Worker, on regular full-time status.

Resolution seconded by Commissioner Nelson.

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

Commissioner Lee offered the following resolution;

**RESOLUTION No. 20-062**  
**IMS Contract**  
**Resolution to approve the Purchase of Service**  
**Agreement between the Freeborn County Department**  
**of Human Services and Independent Management**  
**Services (IMS).**

**WHEREAS**, Minnesota Statute mandates provision of services to children and adults meeting specific disability and/or vulnerability criteria in order to ensure health, safety and wellbeing; and

**WHEREAS**, the Freeborn County Department of Human Services is committed to providing quality services to meet the needs of the population of individuals with disabilities; and

**WHEREAS**, the Freeborn County Department of Human Services ensures person centered and client directed semi-independent living services in order to maintain quality of life for individuals with disabilities in their homes or in the least restrictive setting possible; and

**WHEREAS**, Independent Management Services (IMS) is an approved vendor, according to Minnesota Statutes, of case management services to individuals with disabilities; and

**WHEREAS**, the Freeborn County Department of Human Services wishes to purchase specific services from Independent Management Services (IMS); therefore

**BE IT RESOLVED**, that the 2020-2021 Purchase of Service Agreement between the Freeborn County Dept. of Human Services and Independent Management Services (IMS), is approved for provision of the semi-independent living services to residents of Freeborn County.

Resolution seconded by Commissioner Shoff.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 20-063**  
**Ditch Viewer Contract**

**RESOLVED**, approving the contract with David Claussen for the remainder of 2020 at the rate of \$2917.00 per month for services. It is exact same contract as Cody Fox.

Resolution seconded by Commissioner Lee.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 20-064**  
**Approving Freeborn County Parking Policy**

**WHEREAS**, Freeborn County manages and controls parking on and around Freeborn County facilities in a manner that provides ease of access for visitors and accommodates the needs and concerns of the public;

**WHEREAS**, Minnesota Statute 373.26 provides that the county board may regulate, by resolution, the parking of motor vehicles, either privately or publicly owned, including the authority to make charges for parking privileges, upon any parking lot or facility owned or operated by the county;

**WHEREAS**, The Freeborn County Board of Commissioners finds the need for such enforcement of restrictions placed upon parking furthers the county's interest in maintaining accessibility to the government properties to members of the public and allows effective access to emergency response vehicles;

**THEREFORE:**

**BE IT RESOLVED**, Pursuant to authority conferred upon the Board by Minnesota Statute 373.26, the Freeborn County Board of Commissioners hereby approves the Freeborn County Parking Policy, a true and correct copy of which is attached hereto.

Resolution seconded by Commissioner Lee.

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

Commissioner Shoff offered the following resolution;

**RESOLUTION No. 20-065**  
**Freeborn County Parking Policy Enforcement with**  
**One Stall Dedicated to Elected Officials.**

**WHEREAS**, Freeborn County manages and controls parking on and around Freeborn County facilities in a manner that provides ease of access for visitors and accommodates the needs and concerns of the public;

**WHEREAS**, Minnesota Statute 373.26 provides that the county board may regulate, by resolution, the parking of motor vehicles, either privately or publicly owned, including the authority to make charges for parking privileges, upon any parking lot or facility owned or operated by the county;

**WHEREAS**, Regulations promulgated under M.S. 373.26 shall be enforced by the sheriff;

**WHEREAS**, A motor vehicle parked upon a parking lot or facility owned and operated by the county not in conformity with the resolution of the county board regulating its operation and use may be deemed a public nuisance, and the board may provide for the abatement of the nuisance by resolution;

**WHEREAS**, Pursuant to M.S. 168B.04, units of government and peace officers may take into custody and impound any unauthorized vehicle under section M.S. 168B.035;

**WHEREAS**, The Freeborn County Board of Commissioners finds the need for such enforcement of restrictions placed upon parking furthers the county's interest in maintaining accessibility to the government properties to members of the public and allows effective access to emergency response vehicles;

**THEREFORE:**

**BE IT RESOLVED**, Pursuant to Minnesota Statute 373.26 and Freeborn County Parking Policy authorized under Resolution No. 20-064, a motor vehicle parked in a manner not in conformity with the Freeborn County Parking Policy is hereby deemed a public nuisance, and the board hereby provides for the abatement of the nuisance by taking into custody and impounding any such unauthorized vehicle.

**BE IT FURTHER RESOLVED**, The Freeborn County Administrator is directed to enforce this resolution by reporting violations of the Freeborn County Parking Policy to the Freeborn County Sheriff who is directed to provide for the immediate taking into custody and impounding of unauthorized vehicles thus reported to him.

Resolution seconded by Commissioner Nelson.

After discussion, a vote was taken with Commissioners Nelson and Shoff voting yay and Commissioners Lee, Belshan and Mathiason voting nay, the Chair declared the resolution failed.

Commissioner Shoff offered the following resolution;

**RESOLUTION No. 20-066**  
**Freeborn County Parking Policy Enforcement**

**WHEREAS**, Freeborn County manages and controls parking on and around Freeborn County facilities in a manner that provides ease of access for visitors and accommodates the needs and concerns of the public;

**WHEREAS**, Minnesota Statute 373.26 provides that the county board may regulate, by resolution, the parking of motor vehicles, either privately or publicly owned, including the authority to make charges for parking privileges, upon any parking lot or facility owned or operated by the county;

**WHEREAS**, Regulations promulgated under M.S. 373.26 shall be enforced by the sheriff;

**WHEREAS,** A motor vehicle parked upon a parking lot or facility owned and operated by the county not in conformity with the resolution of the county board regulating its operation and use may be deemed a public nuisance, and the board may provide for the abatement of the nuisance by resolution;

**WHEREAS,** Pursuant to M.S. 168B.04, units of government and peace officers may take into custody and impound any unauthorized vehicle under section M.S. 168B.035;

**WHEREAS,** The Freeborn County Board of Commissioners finds the need for such enforcement of restrictions placed upon parking furthers the county’s interest in maintaining accessibility to the government properties to members of the public and allows effective access to emergency response vehicles;

**THEREFORE:**

**BE IT RESOLVED,** Pursuant to Minnesota Statute 373.26 and Freeborn County Parking Policy authorized under Resolution No. 20-064, a motor vehicle parked in a manner not in conformity with the Freeborn County Parking Policy is hereby deemed a public nuisance, and the board hereby provides for the abatement of the nuisance by taking into custody and impounding any such unauthorized vehicle.

**BE IT FURTHER RESOLVED,** The Freeborn County Administrator is directed to enforce this resolution by reporting violations of the Freeborn County Parking Policy to the Freeborn County Sheriff who is directed to provide for the immediate taking into custody and impounding of unauthorized vehicles thus reported to him.

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

At approximately 9:37 a.m. the Board entered into closed session pursuant to Minnesota Statute 13D.05 Subd. 2(b).

At approximately 10:15 a.m. the Board reconvened the meeting and the Board Chair stated that the Board had been in closed session pursuant to Minnesota Statute 13D.05 Subd. 2(b) to evaluate the performance of an individual who is subject to its authority – specifically Elijah Malimanek.

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 20-067  
Terminate Elijah Malimanek**

**RESOLVED,** approving the resolution to terminate Elijah Malimanek, Detention Deputy for the Sheriff’s Office, effective immediately.

Resolution seconded by Commissioner Shoff.  
After discussion a vote was taken with Commissioners Nelson, Shoff, Lee and Mathiason voting yay and Commissioner Belshan voting nay, the Chair declared the resolution adopted.

Commissioner Nelson offered the following

**RESOLUTION No. 20 – 068  
Approval of Claims**

**RESOLVED,** that the following claims be allowed and paid on or before February 21<sup>st</sup>, 2020.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$
03	County Road & Bridge	\$
05	Human Services	\$
06	Public Health	\$
31	Capital Improvement	\$
40	County Ditch	\$
70	Trust & Agency	\$
73	Payroll Clearing Fund	\$
74	Turtle Creek Watershed District	\$

77	Recorder's Clearing	\$
80	Tax Collection Fund	\$
	<b>FUND TOTALS</b>	<b>\$</b>

Number of Claims not exceeding \$300 –  
Dollar amount of claims not exceeding \$300 – \$  
Resolution seconded by Commissioner Lee.  
After discussion, a vote was taken and the Chair declared the resolution adopted.

Chair, Commissioner Shoff adjourned the meeting at 10:28 a.m. until 8:30 a.m. on Tuesday, March 3<sup>rd</sup>, 2020.

By: \_\_\_\_\_  
Glen Mathiason  
Chair

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