

**ADJOURNED MEETING OF THE COUNTY BOARD**  
**March 19<sup>th</sup>, 2019**

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday March 19<sup>th</sup>, 2019. Members present: Commissioners Shoff, Mathiason, Lee, Nelson and Belshan.

Commissioner Lee offered the following motion;

**MOVED**, approving the minutes from the March 5<sup>th</sup>, 2019 Board meeting and March 12<sup>th</sup>, 2019 Workshop minutes.

Motion seconded by Commissioner Nelson.

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

Commissioner Mathiason 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 Shoff shared a video on opioids.

Commissioner Shoff asked if there was any public comment. Stephanie Richter, Carol Overland, Doreen Hansen and Tim Westrum spoke on their concerns on the Freeborn Wind Farm. Rod Zimmerman spoke on behalf of the DeHaan's cabin and zone change in Geneva Township. Lynn Wasmoen spoke on his concerns with County Road 49. Dennis Magnuson spoke on his concerns on a piece of property he owns. Mike Hansen spoke on behalf of the City of Hayward to request an agreement with Freeborn County for Hayward to use the County Attorney Office. Dan Litchfield, Amanuel Haile, Sean Lawler, Christy Brusven, and Trisha Duncan spoke on Freeborn Wind Farm.

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-056**  
**Approving Various Drainage Repairs**

**RESOLVED**, authorizing the Drainage Inspector to engage the necessary labor to complete various repairs to JCD J14 and CD 82 work orders 19-020 – 19-021.

Resolution seconded by Commissioner Belshan.

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

Commissioner Mathiason offered the following motion;

**MOVED**, approving the Out of State travel for Sue Yost to Atlanta, GA for Local Response to Emerging Public Health Threats April 15-17, 2019.

Motion seconded by Commissioner Nelson.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 19-057**  
**A Resolution Granting A Conditional Use Permit To Robert And Cheryl De Haan Pursuant To The Code Of Ordinances Of Freeborn County, Minnesota, Chapter 42**

**WHEREAS**, ROBERT AND CHERYL DE HAAN applied for a conditional use permit to the Zoning Administrator on 02/15/19 pursuant to the Code of Ordinances of Freeborn County, Minnesota, Chapter 42 (Zoning Ord.) for the siting of two cabins, located within the "A Agricultural District", on the following described property owned by Robert and Cheryl De Haan:

(SEE EXHIBIT "A")

**WHEREAS**, the County Planning Commission held a public hearing on the application on 03/11/19 in accordance with the Zoning Ord., Art. VIII, Sec. 42-612.

**WHEREAS**, the County Planning Commission made a decision on the application and forwarded its required findings of fact and recommendations to the Freeborn County Board of Commissioners in the attached report.

**BE IT THEREFORE RESOLVED**, the Freeborn County Board of Commissioners approves and adopts the findings of fact and recommendations of the County Planning Commission in the attached report,

**AND BE IT FURTHER RESOLVED**, the application for a conditional use permit by Robert and Cheryl De Haan is hereby granted, subject to the conditions and guarantees required below:

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

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

Commissioner Mathiason offered the following resolution;

**RESOLUTION No. 19-058**

**A Resolution Granting A Conditional Use Permit To Ulland Brothers, Inc Pursuant To The Code Of Ordinances Of Freeborn County, Minnesota, Chapter 42**

**WHEREAS**, ULLAND BROTHERS, INC applied for a conditional use permit to the Zoning Administrator on 02/20/19 pursuant to the Code of Ordinances of Freeborn County, Minnesota, Chapter 42 (Zoning Ord.) for crushing an existing, recycled-concrete pile as well as operating a ready-mix plant for the next five years, within the "A Agricultural District", on the following described property owned by I-90 Recycling, LLC;

**13.021.0051**

All that part of the Southwest Quarter Northeast Quarter and the Northwest Quarter Southeast Quarter of Section 21, Township 103 North, Range 21 West, which lies southerly and westerly of the centerline of County Ditch No. 65 (Bancroft Creek); the centerline of the said County Ditch No. 65 being more particularly described as follows: Starting at the southwest corner of the Northwest Quarter Southeast Quarter of Section 21, Township 103 North, Range 21 West; thence North 89 degrees 50 minutes 57 seconds East 745.16 feet, on an assumed bearing on the South line of said quarter quarter section, to the point of beginning of the centerline to be described; thence North 00 degrees 41 minutes 08 seconds West 326.84 feet; thence North 08 degrees 11 minutes 02 seconds East 244.48 feet; thence North 02 degrees 30 minutes 44 seconds West 113.56 feet; thence North 09 degrees 22 minutes 38 seconds West 230.04 feet; thence north 36 degrees 57 minutes 08 seconds West 981.56 feet; thence Northwesterly 124.04 feet, on a tangential curve, concave to the northeast, with a radius of 274.24 feet, a central angle of 25 degrees 54 minutes 52 seconds, to the end point of said curve; thence North 11 degrees 02 minutes 16 seconds West 450.33 feet, on the tangent to said curve at said end point; thence Northwesterly 149.00 feet, on a curve concave to the Southwest, with a radius of 148.39 feet, a central angle of 57 degrees 32 minutes 04 seconds, to the end point of said curve; thence North 68 degrees 34 minutes 20 seconds West 342.00 feet, on the tangent to said curve at said end point; thence North 70 degrees 34 minutes 58 seconds West 345.83 feet; thence northwesterly 96.46 feet, on a curve concave to the northeast, with a radius of 263.47 feet, and through a central angle of 20 degrees 58 minutes 34 seconds, to point on the North line of the Southeast Quarter Northwest Quarter of Section 21, Township 103 North, Range 21 West, which point is

511.32 feet East of the Northwest corner of the Southeast Quarter Northwest Quarter of said Section 21, and there terminating.

**WHEREAS**, the County Planning Commission held a public hearing on the application on 03/11/19 in accordance with the Zoning Ord., Art. VIII, Sec. 42-612.

**WHEREAS**, the County Planning Commission made a decision on the application and forwarded its required findings of fact and recommendations to the Freeborn County Board of Commissioners in the attached report.

**BE IT THEREFORE RESOLVED**, the Freeborn County Board of Commissioners approves and adopts the findings of fact and recommendations of the County Planning Commission in the attached report,

**AND BE IT FURTHER RESOLVED**, the application for a conditional use permit by Ulland Brothers, Inc. is hereby granted, subject to the conditions and guarantees required below:

- (1) The hours of operation for crushing will be from 7:00 am to 7:00 pm - Monday through Saturday.
- (2) Calcium Chloride 3 times a year on 300' of road for dust control or as needed, to be determined by Environmental Services
- (3) The facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
- (4) 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.
- (5) Crusher shall not operate with a predominately north/northeast wind.

Resolution seconded by Commissioner Lee.

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

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 19-059**  
**Amending Resolution 10-167**

**RESOLVED**, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 15, Subd. 3, a Conditional Use Permit is hereby granted to Dennis Haugen, for a Conditional Use Permit for a gravel excavation on the following described property:

SE ¼ NW ¼ Section 05 Hayward Township, Freeborn County Minnesota

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

1. Ulland Brothers Inc. shall be considered an eligible operator of the site.
2. Properly fence any pit or excavation.
3. Slope the banks and otherwise properly guard and keep any pit or excavating in such condition as not be dangerous from caving or sliding banks.
4. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful.
5. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted.
6. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the county shall order and direct.

7. Provide for the reconstruction of highway, street or other public way which may be damaged due to transportation of materials from any pit or excavation.
8. Grade site after extraction is completed so as to render it usable, seeding where required to avoid erosion and an unsightly mar on the landscape.
9. Pile overburden or strippings in such a manner that it will allow mowing and/or spraying equipment to control noxious weeds.
10. Crushing operations are allowed on this site. Any nighttime lighting shall be such to cause no distraction to neighboring properties or to traffic.
11. Demolition materials for aggregate use shall accumulate for no more than 3 years as per Minnesota Rules.
12. Burning on site shall be in compliance with Minnesota Department of Natural Resources rules.
13. Final reclamation shall be sloped no more than 4:1 and for agricultural use. Reclamation shall be completed within 24 months of final use of the excavation.
14. This facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
15. 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.

Resolution seconded by Commissioner Mathiason.

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

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-060**  
**3-Part Agreement with Freeborn Windfarm and Freeborn County to be**  
**Tabled Until the PUC Completes its Permit**

**RESOLVED**, approving the 3-part agreement with Freeborn Windfarm and Freeborn County to be tabled until the PUC completes its permit.

Resolution seconded by Commissioner Belshan.

After discussion a vote was taken with Commissioners Nelson, Lee, and Belshan voted Yay and Commissioners Mathiason and Shoff voting Nay, the Chair declared the resolution adopted.

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 19-061**  
**Resolution in Support of a Statewide Uniform Process for the Appointment of Row Officers**

**WHEREAS**, Freeborn County Board of Commissioners understands the responsibilities that the County Recorder and Auditor Treasurer are increasing and have great impact on the day to day operations of Freeborn County and ;

**WHEREAS**, Freeborn County is in support of a statewide or local option for the appointment of the Auditor Treasurer and Recorder and;

**WHEREAS**, Freeborn County Board of Commissioners responsibility is to ensure, find and retain qualifies and skilled public servants;

**NOW THEREFORE BE IT RESOLVED** that the Freeborn County Board of Commissioners does hereby resolve full support for House File 969 and Senate File 1731- Authorizing the Appointment of the County Recorder and County Auditor/Treasurer.

Resolution seconded by Commissioner Lee.

After discussion a vote was taken with Commissioners Nelson, Lee, Mathiason and Shoff voted Yay and Commissioners Belshan voting Nay, the Chair declared the resolution adopted.

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 19-062**  
**Authorizing Support and Sponsorship for the 2019 Minnesota Governors Fishing Opener**

**WHEREAS**, the Freeborn County Board of Commissioners has a vital role in the economic development and encouragement of travel and tourism in Freeborn County; and

**WHEREAS**, Freeborn County Board of Commissioners is in full support of hosting the 2019 State of Minnesota Governor's Fishing Opener May 9, 10, 11 and 12, 2019

**WHEREAS**, Freeborn County has an opportunity to sponsor the 2019 Governor's Fishing Opener thus providing support for economic development as well as media exposure and publicity to the Freeborn County area lakes and tourism,

**NOW, THEREFORE BE IT RESOLVED**, to authorize Freeborn County to sponsor the 2019 Governor's Fishing Opener in the amount not to exceed of \$5000.00 with the funding coming from the Shell Rock River Watershed.

Resolution failed for lack of a second.

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 19-062**  
**Authorizing Support and Sponsorship for the 2019 Minnesota Governors Fishing Opener**

**WHEREAS**, the Freeborn County Board of Commissioners has a vital role in the economic development and encouragement of travel and tourism in Freeborn County; and

**WHEREAS**, Freeborn County Board of Commissioners is in full support of hosting the 2019 State of Minnesota Governor's Fishing Opener May 9, 10, 11 and 12, 2019

**WHEREAS**, Freeborn County has an opportunity to sponsor the 2019 Governor's Fishing Opener thus providing support for economic development as well as media exposure and publicity to the Freeborn County area lakes and tourism,

**NOW, THEREFORE BE IT RESOLVED**, to authorize Freeborn County to sponsor the 2019 Governor's Fishing Opener in the amount not to exceed of \$5000.00.

Resolution seconded by Commissioner Lee.

After discussion a vote was taken with Commissioners Mathiason, Nelson, Lee and Shoff voting Yay and Commissioner Belshan voting Nay for the reason of not wanting to use the funds of property tax money.

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-063**  
**A Resolution Approving the Tentative Agreement Between The**  
**County of Freeborn and AFSCME Representing the Human Services**  
**Employees for the Calendar Years 2019 Through 2021**

**WHEREAS**, representatives of Freeborn County and representatives of AFSCME representing the human services bargaining unit of Freeborn County have negotiated a three year labor agreement for the term January 1, 2019 through December 31, 2021; and,

**WHEREAS**, the attached document summarizes the substantive agreement between the parties:

**NOW, THEREFORE, BE IT RESOLVED** that the County Board approves the tentative agreement and that the County Board Chair, County Administrator and other appropriate individuals if any be authorized and directed to execute the original contracts.

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. 19-064**

**Approval of Claims**

**RESOLVED**, that the following claims be allowed and paid on or before March 22<sup>nd</sup>, 2019.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$505,761.72
03	County Road & Bridge	\$169,896.96
05	Human Services	\$137,318.88
06	Public Health	\$ 52,215.43
31	Capital Imp.	\$ 22,380.96
34	Debt Srvc – Turtle Wtrshd	\$ 750.00
40	County Ditch	\$ 8,939.42
70	Trust & Agency	\$ 58,522.91
73	Payroll Clearing Fund	\$ 9,580.86
74	Turtle Creek Wtshd Dist.	\$ 4,181.84
77	Recorder’s Clearing	\$ 2,510.00
80	Tax Collection Fund	\$ 680.00
	<b>FUND TOTALS</b>	<b>\$972,738.98</b>

Number of Claims not exceeding \$300 – 95

Dollar amount of claims not exceeding \$300 – \$8,281.89

Resolution seconded by Commissioner Lee.

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

Commissioner Shoff adjourned the meeting at 10:46 a.m. until Tuesday, April 2<sup>nd</sup>, 2019 at 8:30 a.m.

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

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



