

ADJOURNED MEETING OF THE COUNTY BOARD
March 19th, 2024

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, March 19th, 2024. Members present: Commissioners Forman, Edwin, Shoff and Eckstrom. Commissioner Kaasa was excused from the meeting.

The meeting was opened with the Pledge of Allegiance.

Commissioner Forman offered the following motion;

MOVED, approving the agenda as presented with the addition of one update under item B. Report of the County Administrator; to consider a resolution to fill the vacant Child Support Enforcement Aide position.

Motion seconded by Commissioner Shoff.

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

Commissioner Eckstrom offered the following resolution;

RESOLUTION No. 24-088
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 March 5th, 2024 minutes;
- 2) Approval of Regular Full-Time Status Employees
- 3) Approval of Drainage Repairs

Resolution seconded by Commissioner Forman.

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

The Commissioners provided Board Committee updates.

Cathy Malakowsky, Engagement/Enrichment Director and Mayor Rich Murray from the City of Albert Lea presented on the Rec Facilities referendum coming up on April 9th, 2024.

Chairman Edwin asked if there was any public comment and there was none.

Commissioner Eckstrom offered the following resolution;

RESOLUTION 24-089
LOCAL BRIDGE REPLACEMENT PROGRAM GRANT AGREEMENT
GRANT TERMS AND CONDITIONS
SAP 024-017-019

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

WHEREAS, local units of government across Minnesota rely on State grant funding for the replacement of deficient bridges and Freeborn County actively pursues these opportunities; and

WHEREAS, Freeborn County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund related to the replacement of Bridge No. 89268 with Bridge No. 24J63; and

WHEREAS, the amount of the grant has been determined to be \$205,963 by reason of lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that Freeborn County hereby agrees to the terms and conditions of the grant consistent with Minnesota Statutes Section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the project but is not required, and

IT IS FURTHER RESOLVED, that the County Engineer is authorized to execute the grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above referenced grant.

Resolution seconded by Commissioner Forman.

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

Commissioner Shoff offered the following resolution;

RESOLUTION 24-090

**LOCAL BRIDGE REPLACEMENT PROGRAM GRANT AGREEMENT
GRANT TERMS AND CONDITIONS
SAP 024-026-018**

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

WHEREAS, local units of government across Minnesota rely on State grant funding for the replacement of deficient bridges and Freeborn County actively pursues these opportunities; and

WHEREAS, Freeborn County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund related to the replacement of Bridge No. 89276 with Bridge No. 24J66; and

WHEREAS, the amount of the grant has been determined to be \$158,190 which will be paid from SAAS Acct 347 and SAAS Acct 377, by reason of lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that Freeborn County hereby agrees to the terms and conditions of the grant consistent with Minnesota Statutes Section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the project but is not required, and

IT IS FURTHER RESOLVED, that the County Engineer is authorized to execute the grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above referenced grant.

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 24-091

**LOCAL BRIDGE REPLACEMENT PROGRAM GRANT AGREEMENT
GRANT TERMS AND CONDITIONS
SAP 024-026-019**

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

WHEREAS, local units of government across Minnesota rely on State grant funding for the replacement of deficient bridges and Freeborn County actively pursues these opportunities; and

WHEREAS, Freeborn County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund related to the replacement of Bridge No. 89278 with Bridge No. 24J64; and

WHEREAS, the amount of the grant has been determined to be \$176,774 by reason of lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED, that Freeborn County hereby agrees to the terms and conditions of the grant consistent with Minnesota Statutes Section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the project but is not required, and

IT IS FURTHER RESOLVED, that the County Engineer is authorized to execute the grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above referenced grant

Resolution was seconded by Commissioner Eckstrom.

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

Commissioner Eckstrom offered the following resolution:

RESOLUTION 24-092
Award of SAP 024-617-019 (low SAP)

2024 Culvert Projects CSAH 17, CSAH 26 & CSAH 26

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

WHEREAS, the Freeborn County Highway Department has prepared plans and specifications for three culvert/bridge removal and replacements on CSAH 17, CSAH 26 & CSAH 26 in Freeborn County.

NOW, THEREFORE BE IT RESOLVED, to accept the low bid from Jensen Excavating & Trucking of Albert Lea, MN for \$1,120,364.00 for project SAP 024-617-019 (low).

Resolution was seconded by Commissioner Shoff.

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

Commissioner Forman offered the following resolution:

R E S O L U T I O N 24-093

Award of SAP 024-608-007 (low SAP)

Full Depth Reclamation, Recondition, Bituminous Surfacing, Rumble Stripes & Aggregate Shoulders

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

WHEREAS, the Freeborn County Highway Department has prepared plans and specifications for full depth reclamation, reconditioning and bituminous surfacing with rumble stripes and aggregate shoulders on designated areas of CSAH 8 and CSAH 29 in Freeborn County.

NOW, THEREFORE BE IT RESOLVED, to accept the low bid from Ulland Brothers Inc of Albert Lea, MN for \$5,258,035.85 for project SAP 024-608-007 (low).

Resolution was seconded by Commissioner Shoff.

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

Commissioner Eckstrom offered the following resolution:

RESOLUTION 24-094
Award of CP 024-SEAL-004 (low CP)
2024 Chip Seal and Scrub Seal

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

WHEREAS, the Freeborn County Highway Department has prepared plans and specifications for the 2024 chip seal and scrub seal on various highways in Freeborn County.

NOW, THEREFORE BE IT RESOLVED, to accept the low bid from ASTECH Corp. of St. Cloud, MN for \$1,093,810.90 for project CP 024-SEAL-004 (low).

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

Commissioner Forman offered the following resolution:

RESOLUTION 24-095
Award of CP 024-M-002
2024 Pavement Marking Contract

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

WHEREAS, the Freeborn County Highway Department has prepared plans and specifications for the pavement markings on various highways in Freeborn County.

NOW, THEREFORE BE IT RESOLVED, to accept the low bid from KAMCO Inc. of Dassel, MN for \$193,805.10 for project CP 024-M-002.

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

Commissioner Eckstrom offered the following resolution:

RESOLUTION 24-096
Award of CP 024-M-004
2024 Base Stabilization

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

WHEREAS, the Freeborn County Highway Department has prepared plans and specifications for base stabilization of various highways in Freeborn County.

NOW, THEREFORE BE IT RESOLVED, to accept the low bid from Freeborn Coop Oil Co. of Albert Lea, MN for \$133,333.20 for project CP 024-M-004.

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

Commissioner Forman offered the following resolution:

RESOLUTION 24-097

**Award of CP 024-SAND-005
2024 Supply Washed Sand for Ice Control**

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

WHEREAS, the Freeborn County Highway Department has prepared plans and specifications for purchasing a supply of washed sand for ice control that meets product spec 3126 for various highways in Freeborn County.

NOW, THEREFORE, BE IT RESOLVED, to accept the low bid from Ulland Brothers, Inc. of Albert Lea, MN for \$11.85/ton for 5,000 ton from the Glenville pit meeting product spec 3126 for project CP 024-SAND-005.

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

Commissioner Shoff offered the following resolution:

**RESOLUTION 24-098
2024 Seasonal Bids**

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

WHEREAS, the Freeborn County Highway Department has prepared specifications for various 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:

Plant Mixed Bituminous Materials - Ulland Brothers Inc.

Equipment Rental - Freeborn Construction, BC Landworks LLC

Corrugated Metal Pipe Culvert – TrueNorth Steel, Metal Culverts

Gravel and Crushed Quarry Rock –Ulland Brothers Inc and Freeborn Construction

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

Commissioner Forman offered the following resolution:

**RESOLUTION 24-099
*Authorizing Final Payment of SP 024-622-011***

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

BE IT RESOLVED that the work for complete reconstruction of sanitary sewer, storm sewer, water and aggregate base with bituminous surface on CSAH 22 from SE Marshall to Hammer Rd by Ulland Brothers Inc. of Albert Lea, MN, has been completed in a satisfactory manner.

NOW, THEREFORE, IT IS RESOLVED that the Freeborn County Auditor-Treasurer is hereby authorized to make final payment in the amount of \$244,586.22.

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

Commissioner Eckstrom offered the following resolution:

RESOLUTION 24-100

ACCEPTING THE RESIGNATION OF KARYN SACKIS-LUNN

WHEREAS, the Freeborn County Attorney’s Office has the responsibility for providing a quality service with integrity and accountability to the citizens of Freeborn County;

WHEREAS, the Freeborn County Board is the appointing authority for all county employees;

WHEREAS; Karyn Sackis-Lunn has been employed as an Assistant County Attorney, Sr. since October 27th, 1999 and is resigning her position effective April 1st, 2024,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Karyn Sackis-Lunn as a Freeborn County Assistant County Attorney, Sr. effective on or about April 1st, 2024.

Resolution was seconded by Commissioner Shoff.

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

Commissioner Forman offered the following resolution:

RESOLUTION 24-101

PERMISSION TO FILL THE FREEBORN COUNTY ASSISTANT COUNTY ATTORNEY POSITION

WHEREAS, the Freeborn County employees have the responsibility for providing quality service with integrity and accountability to the citizens of Freeborn County;

WHEREAS, the Freeborn County Board is the appointing authority for all county employees, and;

WHEREAS, Karyn Sackis-Lunn, Freeborn County Assistant County Attorney, Sr. has resigned her position effective April 1st, 2024;

NOW, THEREFORE BE IT RESOLVED, that the board approves the filling of the vacant Freeborn County Assistant County Attorney position.

Resolution was seconded by Commissioner Shoff.

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

Commissioner Forman offered the following resolution:

RESOLUTION 24-102

ACCEPTING THE RESIGNATION OF AMBER NUEHRING

WHEREAS, the Freeborn County Sheriff’s Office has the responsibility for providing a quality service with integrity and accountability to the citizens of Freeborn County;

WHEREAS, the Freeborn County Board is the appointing authority for all county employees;

WHEREAS; Amber Nuehring has been employed as a 911 Dispatcher since October 16th, 2018 and is resigning her position effective March 16th, 2024,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Amber Nuehring as a Freeborn County 911 Dispatcher effective on or about March 16th, 2024.

Resolution was seconded by Commissioner Eckstrom.

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

Commissioner Shoff offered the following resolution:

RESOLUTION 24-103

PERMISSION TO FILL THE FREEBORN COUNTY 911 DISPATCHER POSITION

WHEREAS, the Freeborn County employees have the responsibility for providing quality service with integrity and accountability to the citizens of Freeborn County;

WHEREAS, the Freeborn County Board is the appointing authority for all county employees, and;

WHEREAS, Amber Nuehring, Freeborn County 911 Dispatcher has resigned her position effective March 16th, 2024;

NOW, THEREFORE BE IT RESOLVED, that the board approves the filling of the vacant Freeborn County 911 Dispatcher position.

Resolution was seconded by Commissioner Eckstrom.

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

Commissioner Forman offered the following Motion:

MOVED, to rescind Resolution 24-083, accepting the resignation of Ashley Hall, Veteran's Court Coordinator, she has had a change of heart.

Motion was seconded by Commissioner Shoff.

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

Commissioner Eckstrom offered the following resolution:

RESOLUTION 24-104

PERMISSION TO FILL THE FREEBORN COUNTY CHILD SUPPORT ENFORCEMENT AIDE POSITION

WHEREAS, the Freeborn County employees have the responsibility for providing quality service with integrity and accountability to the citizens of Freeborn County;

WHEREAS, the Freeborn County Board is the appointing authority for all county employees, and;

WHEREAS, Tracy Vokoun, Freeborn County Child Support Enforcement Aide has accepted another position within DHS as a Child Support Officer starting March 31st, 2024 so this leaves a vacant Child Support Enforcement Aide position. Her last day as Child Support Enforcement Aide will be March 29th, 2024;

NOW, THEREFORE BE IT RESOLVED, that the board approves the filling of the vacant Freeborn County Child Support Enforcement Aide position.

Resolution was seconded by Commissioner Forman.

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

Chair, Brad Edwin opened the Public Hearing regarding County Ditch 49 Lateral B1 at approximately 9:15 a.m.

Commissioner Forman offered the following motion:

MOVED, to adopt the Findings and Order regarding County Ditch 49 Lateral B1

The Freeborn County Board of Commissioners, at a duly noticed hearing on March 19, 2024, took public comment, reviewed a technical report, and considered the petition for the abandonment of a portion of Freeborn County Ditch 49 described as Lateral B-1. Upon review of the evidence presented and the public comment, Commissioner Forman moved, seconded by Commissioner Eckstrom to adopt the following:

Findings

1. The portion of the drainage system proposed to be abandoned is Lateral B-1 of Freeborn County Ditch (CD) 49.
2. The County Board, as road authority and possessor of benefitted property on CD 49, petitioned to abandon a portion CD 49.
3. The basis of the petition is that a portion of CD 49 was repaired by realignment of a portion of Lateral B-1 in order to avoid tree removal and root intrusion. The old alignment remained in place and outlets were provided both upstream and downstream of the realigned segment in order to preserve benefits to the adjacent property.
4. The Board held a hearing on the petitioned action on March 19, 2024.
5. The Board provided notice of the hearing as required by statute. Evidence of the notice provided was reviewed at the hearing.
6. Evidence of procedural actions in this matter, including resolutions, notices and affidavits is on file with the Drainage Authority and is incorporated into these findings by reference.
7. The Drainage Authority requested that its engineer examine the property and the ditch to determine whether the portion of the drainage system proposed to be abandoned serves a substantial useful purpose as part of the drainage system to any property remaining in the system and is of a substantial public benefit and utility.
8. At the hearing, the engineer reported the result of his investigation and offered his opinion that the portion of the drainage system proposed to be abandoned does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of a substantial public benefit and utility.
9. The basis of the engineer's opinion is that the function of the portion of CD 49 to be abandoned has been replaced and outlets have been provided in order to protect drainage benefits to the property formerly traversed by Lateral B-1.
10. The Drainage Authority opened the hearing to public comment. The Drainage Authority received no substantial comments related to the useful purpose or public benefit and utility of the portion of CD 49 proposed to be abandoned.
11. The Drainage Authority finds the following:
 - a. That a valid petition was filed for the proposed action pursuant to statutes section 103E.806;
 - b. That all procedural and notice requirements of the statute have been met;
 - c. That the portion of CD 49 proposed to be abandoned, as described in the petition, serves no substantial useful purpose as part of the drainage system to any property remaining in the system and is not of a substantial public benefit and utility; and
 - d. That the costs associated with maintaining that portion of CD 49 proposed to be abandoned outweigh any benefit derived from that portion and there is no longer any public benefit and utility provided by that portion.

Based on the foregoing findings, the Drainage Authority makes the following:

Order

- A. The Drainage Authority abandons the former alignment of Lateral B-1 of CD 49 as described in the petition.
- B. The Drainage Authority directs its engineer and auditor-treasurer to revise the drainage system record to reflect the partial abandonment ordered herein.
- C. Effective immediately, no drainage systems funds shall be spent to inspect or maintain the abandoned portion.

After discussion, the Chair called the question. The question was on the adoption of the Findings and Order and there were 4 yeas and 0 nays as follows; absent from the vote was Commissioner Kaasa:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
SHOFF	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EDWIN	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FORMAN	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KAASA	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
ECKSTROM	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution approved.

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

Chair, Brad Edwin adjourned the Public Hearing on County Ditch 49 Lateral B1 at approximately 9:39 a.m.

Commissioner Shoff offered the following resolution:

RESOLUTION No. 24-105
Approval of Claims

RESOLVED, that the following claims be allowed and paid on or before March 22nd, 2024.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 585,567.93
03	County Road & Bridge	\$ 106,973.79
05	Human Services	\$ 186,417.63
06	Public Health	\$ 66,840.87
31	Capital Improvements	\$ 188,872.30
40	County Ditch	\$ 44,407.98
70	Trust & Agency	\$ 14,979.01
73	Payroll Clearing Fund	\$ 17,554.96
77	<u>Recorder's Clearing</u>	<u>\$ 3,062.00</u>
	FUND TOTALS	\$ 1,214,676.47

Number of Claims not exceeding \$300 – 232
Dollar amount of claims not exceeding \$300 – \$21,405.16
Resolution seconded by Commissioner Forman.
After discussion, a vote was taken and the Chair declared the resolution adopted.

Chair, Commissioner Forman adjourned the meeting at 9:41 a.m. until 8:30 a.m. on Tuesday, April 2nd, 2024.

By: _____
Brad Edwin
Chair

Attest: _____
Erin Hornberger
County Clerk