

**ADJOURNED MEETING OF THE COUNTY BOARD**  
**April 2<sup>nd</sup>, 2019**

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday April 2<sup>nd</sup>, 2019. Members present: Commissioners Shoff, Mathiason, Lee, Nelson and Belshan.

Commissioner Lee offered the following motion;

**MOVED**, approving the minutes from the March 19<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 Belshan offered the following motion;

**MOVED**, approving the agenda as presented with the additions of the Local Declaration of a State of Emergency Resolution and accepting the resignation of Brian Buhmann under Report of County Administrator.

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 asked if there was any public comment. There was none. It was decided to move any public comment pertaining to the Wind Farm down closer to the resolution of the 3-part agreement between Freeborn Wind LLC and Freeborn County.

Commissioner Belshan offered the following resolution;

**RESOLUTION No. 19-065**  
**Approving Various Drainage Repairs**

**RESOLVED**, authorizing the Drainage Inspector to engage the necessary labor to complete various repairs to CD 40 and JCD J14 work orders 19-022 & 18-197.

Resolution seconded by Commissioner Lee.

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

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 19-066**  
**Increase Funding for Minnesota's Highway User Tax Distribution Fund**

**Encourage Minnesota Legislature to Pass and the Governor to Sign a Bill to Bring Adequate Funding to Minnesota's Statewide Transportation System**

**WHEREAS**, Minnesota Counties maintain 30,742 miles of County State Aid Highway (CSAH) roads and 14,141 miles of county roads, totaling over 30% of the state's roadways; and

**WHEREAS**, the total annual need is \$1.084 billion over the next 25 years just to maintain the current CSAH and county road system, not including expansion; and

**WHEREAS**, the annual funding gap for counties has resulted in deferring basic maintenance, delaying expansion projects with resulting safety concerns, mounting congestion, and missed economic growth for businesses and commuters; and

**WHEREAS**, a comprehensive and sustainable transportation solution should include robust funding for roads, bridges, and transit, and address the varying needs in different parts of the state; and

**WHEREAS**, increased funding for Minnesota's Highway User Tax Distribution Fund would provide additional, stable funds for MnDOT, all 87 counties, all cities with a population of 5,000 or more, and townships across the state; and

**NOW, THEREFORE BE IT RESOLVED**, that the Freeborn County Board of Commissioners encourages the Minnesota Legislature to pass and the Governor to sign a bill that brings adequate funding to Minnesota's statewide transportation system.

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. 19-067**

**Resolution to Accept a Donation from a Private Entity to Put Donated Funds towards the Use of Freeborn County Sheriff's Office Drone.**

**WHEREAS**, the Sheriff's office has a drone program that is used in numerous applications for public safe

**WHEREAS**, the donator has requested the donated funds of \$200.00 be used directly for the sheriff's office drone program

**WHEREAS**, the donated funds will be applied directly to the 01-201-6411 line item

**BE IT THEREFORE RESOLVED**, that Freeborn County by and through its Board of Commissioners approves the deposit of \$200.00 donated funds into the 01-201-6411 line item to be used towards the drone program.

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. 19-068**

**Renew Two Year Contract for STS Services**

Freeborn County has an ongoing contract for services with the Department of Corrections for our offenders who are either sentenced to do work service or are allowed by the ADC to go out and do work service in the community. The contract is due for renewal for the 2019-2021 fiscal years.

Freeborn County's cost for this service is approximately \$70,000 per year. This amount is included in the Probation Services budget and has been approved already by the Board for 2019. The total cost of the crew leader's salary and benefits is approximately \$100,000, of which the State Department of Corrections pays 25%.

The County receives a great benefit from this service. In 2018, there were 6839 hours performed in our community by offenders. All of this was made possible with the help of the DOC crew leader and their equipment. There is also a reduction in jail days served by local offenders because inmates have the opportunity to reduce their sentences by working on the STS crew.

Therefore, it is recommended the County Board adopt a resolution to approve the proposed updated contact for services with the Minnesota Department of Corrections for the period of 07/01/2019 to 06/30/2021.

Resolution seconded by Commissioner Nelson.

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

Commissioner Nelson offered the following motion;

**MOVED**, approving the signing and sending a letter of support for the proposed 3<sup>rd</sup> District Veterans Court on behalf of the Freeborn County Board of Commissioners.

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

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-069**  
**A Resolution Approving the Tentative Agreement Between**  
**The County of Freeborn And**  
**Law Enforcement Labor Services Representing the Freeborn County Sheriff's Office 911 Dispatchers**  
**For The Calendar Years 2019 Through 2021**

**WHEREAS**, representatives of Freeborn County and representatives of the LAW ENFORCEMENT LABOR SERVICES REPRESENTING THE FREEBORN COUNTY SHERIFF'S OFFICE 911 DISPATCHERS 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, Sheriff and other appropriate individuals if any be authorized and directed to execute the original

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. 19-070**  
**Placing Jody Newman on Regular Full-Time Status**

**RESOLVED**, approving the resolution placing Jody Newman, Long Term Care Case Aide in Public Health, on regular full-time status.

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. 19-071**  
**Placing Joni Cline on Regular Full-Time Status**

**RESOLVED**, approving the resolution placing Joni Cline, Detention Center Deputy, on regular full-time status.

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. 19-072**  
**Resignation of James Everhart**

**RESOLVED**, approving the resolution to accept the resignation of James Everhart, Assistant Court Security Deputy, effective May 17<sup>th</sup>, 2019.

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. 19-073**  
**Filling the Vacancy of Assistant Court Security Deputy**

**RESOLVED**, approving the resolution to fill the vacancy of the Assistant Court Security Deputy.

Resolution seconded by Commissioner Lee.

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

Commissioner Lee offered the following resolution;

**RESOLUTION No. 19-074**  
**County Attorney's Archive Project**

**WHEREAS**, the Minnesota Judicial Branch has mandated that attorneys, government agencies, and law enforcement must use Electronic File and Serve (EFS) to file other non-charging documents effective July 1, 2015. *See* Minn. Gen. R. Prac. 14.01(b)(1).

**WHEREAS**, compliance with the court's mandate requires filing of documents with the court and service upon opposing parties in electronic/digital form.

**WHEREAS**, the filing, service, and retention of records is best accomplished by creating and maintaining an electronic archive by storing new electronic records in electronic form and by scanning existing paper documents to render them in electronic form.

**WHEREAS**, Sara Reindal, Office Support Specialist, Sr. is an 18 year veteran of the Freeborn County Attorney's Office, uniquely knowledgeable in the office's filing system and qualified to recognize the documents needed for court filing, service and record retention.

**WHEREAS**, the scanning of existing files is a time consuming and laborious task which conflicts with the County Attorney's Office daily obligations and duties during the regular business day and demands more than the previously estimated total of 500 hours outside of normal business hours.

**WHEREAS**, Sara Reindal is a nonexempt Freeborn County employee who would be compensated for this project at a rate not to exceed 5 hours weekly (10 hours per pay period) at the overtime rate established by Freeborn County Rules and Regulations.

**BE IT THEREFORE RESOLVED**, that Freeborn County by and through its Board of Commissioners authorizes overtime pay for Sara Reindal for this archive project as follows:

Overtime pay not to exceed 10 hours bi-weekly (per pay period) within the next year (ending May 1, 2020) until a total of 250 hours overtime worked on this project have accumulated.

Overtime pay rate for all hours worked in excess of 40 hours in a work week; calculated to the nearest fifteen minutes.

Sara Reindal shall report in writing all hours worked on this project to the County Attorney.

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. 19-075**  
**Approving the Extention Of 2018 Aquatic Invasive Species (AIS) Funding For The Shellrock Watershed**

**WHEREAS**, Freeborn County Board of Commissioners is authorized to approve the distribution of the AIS grant funds and;

**WHEREAS**, Coordination of County authority and resources are needed to develop a reasonable and effective water-related equipment inspection requirement to stop the spread of AIS in the state and prevent the introduction of new AIS and;

**WHEREAS**, The purpose of the AIS grant is to enhance Minnesota's capacity to prevent the spread of AIS by enabling local governmental units to perform AIS inspection, education, outreach and manage access to water resources;

**NOW THEREFORE BE IT RESOLVED that** the Freeborn County Board of Commissioners does hereby authorize the extension of the 2018 Freeborn County AIS grant agreement with the Shell rock Watershed in the amount of \$22,325.00 to 12/31/19 from the AIS grant funds.

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. 19-076**  
**Approving Aquatic Invasive Species Funding**

**WHEREAS**, Freeborn County Board of Commissioners is authorized to approve the distribution of the AIS grant funds and;

**WHEREAS**, Coordination of County authority and resources are needed to develop a reasonable and effective water-related equipment inspection requirement to stop the spread of AIS in the state and prevent the introduction of new AIS and;

**WHEREAS**, The purpose of the AIS grant is to enhance Minnesota's capacity to prevent the spread of AIS by enabling local governmental units to perform AIS inspection, education, outreach and manage access to water resources;

**NOW THEREFORE BE IT RESOLVED that** the Freeborn County Board of Commissioners does hereby authorize funding in the amount of \$10,000.00 to be allocated to Freeborn County for various projects conducted by the County.

Resolution seconded by Commissioner Mathiason.

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

Commissioner Mathiason offered the following resolution;

**RESOLUTION No. 19-077**  
**2018 Budget Amendments**

**RESOLVED**, that the Freeborn County Board of Commissioners does, hereby, propose to amend the 2018 budget for the fiscal year beginning January 1, 2018 a summary of which is as follows:

General fund (including regional library) revenue budget is amended from \$16,804,745 to \$17,084,385, an increase of \$279,640. General fund (including regional library) expense budget is amended from \$16,804,745 to \$19,172,231, an increase of \$2,367,486. To reflect actual expenses and revenues. \$184,000 of unbudgeted projects (Oakland Demolition \$169,000, Veterans Home \$15,000). \$453,000 Moved from Capital fund to General Fund for Non-Capital items. \$803,000 for unbudgeted payroll items. \$110,000 for unbudgeted repairs (roof top units).

Road and bridge fund revenue budget is amended from \$12,261,527 to \$16,793,927, an increase of \$4,532,400. Road and bridge fund expense is amended from \$12,261,527 to \$16,218,732, an increase of \$3,957,205. To reflect actual expenses and revenues. Increase of \$4,319,900 in state and federal Grants (Regional project highway administered this is also the cause of the increase in expenditures).

Human service fund revenue budget is amended from \$11,589,397 to \$12,051,599, an increase of \$462,202. Human service fund expense budget is amended from \$11,589,397 to \$11,548,631 a decrease of \$40,766. To reflect actual expenses and revenues. \$140,000 estate recoveries. State and Federal grants of \$125,802. Charges for services \$191,000

Public health fund revenue budget is amended from \$2,513,915 to \$2,746,446, an increase of \$232,531. Public health fund expense is amended from \$2,513,915 to \$2,506,815, a decrease of \$7,100. To reflect actual expenses and revenues.

Capital improvements fund revenue budget is amended from \$1,806,868 to \$1,779,868 a decrease of \$27,000. Capital improvements fund expense budget is amended from \$3,737,625 to \$2,661,500 a decrease of \$1,076,125. To reflect actual expenses and revenues. \$453,000 moved from capital to General Fund for non-capital items. \$700,000 of unfinished security upgrade project.

Waste disposal debt service fund expense budget is amended from \$54,964 to \$219,964, an increase of \$165,000. To reflect actual expenses. \$165,000 used to pay-off the bond.

Turtle Creek watershed bond debt service fund expense budget is amended from \$194,497 to \$198,214, an increase of \$3,717. To reflect actual expenses

Building debt service fund expense budget is amended from \$1,853,677 to \$10,335,078, an increase of \$8,481,401. To reflect actual expenses. Increase is to pay off the old bonds from the refunding bond proceeds.

Ditch fund revenue budget is amended from \$1,458,918 to 1,897,918, an increase of \$439,000. Ditch Fund expense budget is amended from \$1,711,245 to \$2,217,745, an increase of \$506,500. To reflect actual expenses and revenues. \$439,000 is from State and Federal dollars coming in. \$505,000 for unbudgeted repair projects.

As listed below:

Amended 2018 Budget

**BUDGETED REVENUE**

General Revenue Fund	\$ 16,808,985
Human Services	\$ 12,051,599
Highway	\$ 16,801,427
Public Health	\$ 2,746,446
Building Debt Services	\$ 1,855,000
Ditch Fund	\$ 1,897,918
Radio Debt Service	\$ 454,000
Turtle Creek Watershed Debt Service	\$ 194,497
Capital Improvements Fund	\$ 1,779,868
Capital Improvements Bond	\$ 424,000
Waste Disposal Debt Service	\$ 56,000
Library	<u>\$ 275,400</u>
<b>TOTAL REVENUE</b>	<b><u>\$ 55,345,140</u></b>

**BUDGETED EXPENDITURES**

General Revenue Fund	\$18,896,831
Human Services	\$11,548,631
Highway	\$16,218,732
Public Health	\$ 2,506,815
Building Debt Services	\$10,335,078
Ditch Fund	\$ 2,217,745
Radio Debt Service	\$ 453,700
Turtle Creek Watershed Debt Service	\$ 198,214
Capital Improvements	\$ 2,661,500
Capital Improvements Bond	\$ 423,275
Waste Disposal Debt Service	\$ 219,964
Library	<u>\$ 275,400</u>
TOTAL EXPENDITURES	<u>\$65,955,885</u>

Further, be it resolved that this budget shall be certified to the Freeborn County Auditor/Treasurer.

Resolution seconded by Commissioner Nelson.

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

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 19-078  
Local Declaration of a State of Emergency**

**WHEREAS** the County of Freeborn, Minnesota has been impacted by a Spring Flood event which began March 12, 2019; and

**WHEREAS** Freeborn County is a public entity within the State of Minnesota; and

**WHEREAS** the townships and other areas within Freeborn County have experienced significant amount of public property and infrastructure damage.

**NOW, THEREFORE, BE IT RESOLVED**, that the Freeborn County Board Chair declares that a state of emergency exists with Freeborn County for conditions resulting from this flooding event, with all powers and responsibilities attending thereto as provided by Chapter 12, Minnesota Statutes and Freeborn County.

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. 19-079  
Resignation of Brian Buhmann**

**RESOLVED**, approving the resolution to accept the resignation of Brian Buhmann, Director of the Department of Human Services, effective May 9<sup>th</sup>, 2019.

Resolution seconded by Commissioner Lee.

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

Commissioner Shoff shared the 2018 Choose Civility Video Contest Grand Prize Winner.

Commissioner Lee offered the following motion;

**MOVED**, to take from the table and reconsider the Resolution approving the 3-part development agreement between Freeborn Wind LLC and Freeborn County.

Motion seconded by Commissioner Mathiason.

After discussion, a vote was taken and the Chair declared the motion approved with Commissioner Mathiason, Nelson, Lee and Shoff voting yea and Commssioner Belshan voting nay.

Commissioner Shoff opened up Public Comment again. Carol Overland, Doreen Hansen, Dan Litchfield, John Forman and Joe Pacovsky spoke on the Freeborn Wind Farm.

Commissioner Mathiason offered the following resolution;

**RESOLUTION No. 19-080**  
**Approving the 3-Part Development Agreement with Freeborn Wind LLC And**

**WHEREAS**, Freeborn County Board of Commissioners is, by Minnesota Statute, the responsible party for all county roads and county drainage, and;

**WHEREAS**, Freeborn Wind LLC has been retained by Xcel Energy to enter into and complete a development agreement for an 84 megawatt large wind energy conversion system in Freeborn County and ;

**WHEREAS**, Freeborn County Board of Commissioners main responsibility in this process of development is to ensure the protection and replacement of critical infrastructure;

**NOW THEREFORE BE IT RESOLVED that** the Freeborn County Board of Commissioners does hereby authorize and approve the 3 part development agreement with Freeborn Wind LLC effective April 2, 2019.

Resolution seconded by Commissioner Nelson.

After discussion, a vote was taken and the Chair declared the resolution approved with Commissioner Mathiason, Nelson, Lee and Shoff voting yea and Commssioner Belshan voting nay.

At approximately 9:27 a.m. the Board entered into closed session pursuant to Minnesota Statute 13D.05 Subd. 3(b).

At approximately 10:16 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. 3(b) to evaluate the performance of an individual who is subject to its authority – specifically Tammy Bernatz.

Commissioner Nelson offered the following resolution;

**RESOLUTION No. 19-081**  
**Terminate Tammy Bernatz**

**RESOLVED**, approving the resolution to terminate Tammy Bernatz, Office Services Supervisor for the Department of Human Services, effective immediately.

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. 19-082**

**Approval of Claims**

**RESOLVED**, that the following claims be allowed and paid on or before April 5<sup>th</sup>, 2019.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$378,798.30
03	County Road & Bridge	\$191,170.16
05	Human Services	\$147,871.99
06	Public Health	\$ 36,279.69
31	Capital Imp.	\$ 77,455.68
40	County Ditch	\$ 36,422.40
70	Trust & Agency	\$ 17,522.33
73	Payroll Clearing Fund	\$ 21,992.19
74	Turtle Creek Wtshd Dist.	\$ 3,372.24
	<b>FUND TOTALS</b>	<b>\$910,884.98</b>

Number of Claims not exceeding \$300 – 82

Dollar amount of claims not exceeding \$300 – \$7,291.04

Resolution seconded by Commissioner Mathiason.

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

Commissioner Shoff adjourned the meeting at 10:26 a.m. until Tuesday, April 16<sup>th</sup>, 2019 at 8:30 a.m.

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

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



