

ADJOURNED MEETING OF THE COUNTY BOARD
April 5, 2022

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, April 5, 2022. Members present: Commissioners Shoff, Belshan, Edwin, Forman and Herman

The meeting was opened with the Pledge of Allegiance.

Commissioner Belshan offered the following motion;

MOVED, approving the agenda as presented.

Motion seconded by Commissioner Herman.

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

Commissioner Edwin offered the following resolution;

RESOLUTION No. 22-101
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 15, 2022 minutes;
- 2) Approval of Drainage Repairs: CD31; CD40; CD71; and CD76.

Resolution seconded by Commissioner Forman.

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

The Commissioners provided Board Committee updates.

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

Commissioner Herman offered the following resolution;

RESOLUTION No. 22-102
AUTHORIZING THE TRANSFER OF \$34,000.00 FROM THE
GENERAL FUND TO THE INSURANCE FUND

Whereas, Freeborn County Board of Commissioners has approved the 2022 operating budget; and

Whereas, Freeborn County provides health insurance to its employees as an employment benefit; and

Whereas, the insurance payments are removed from the insurance funds prior to the employees pay their share of the premium.

Resolved, that the Freeborn County Board of Commissioners authorize the transfer of \$34,000.00 from the General Fund to the Insurance Fund to cover the advance needed for timely premium payment.

Resolution seconded by Commissioner Edwin.

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

Commissioner Forman offered the following resolution;

RESOLUTION No. 22-103
2022 Help American Vote Act (HAVA)
Grants Program to Minnesota Counties

WHEREAS, The Office of the Minnesota Secretary of State (OSS) has solicited applications from counties for grants under the 2022 Help American Vote Act (HAVA) Grants Program; and,

WHEREAS, Per statute, these funds must be used to improve accessibility to, implement security improvements for elections systems for, and/or fund other activities to improve the security of, federal elections. Regularly scheduled state elections in Minnesota are also federal elections; and,

WHEREAS, Freeborn County has completed the application and prerequisites described therein and has been awarded grant dollars in the amount of \$26,895.75; and,

NOW, THEREFORE, BE IT RESOLVED that the County Board of Commissioners hereby authorizes the Chair of the County Board to execute the agreement to accept a grant from the Office of the Minnesota Secretary of State in accordance with the requirements of Laws 2021, 1st Special Session, Chapter 12, Article 1, Section 41.

Resolution seconded by Commissioner Belshan.

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

Commissioner Herman offered the following resolution:

RESOLUTION No. 22-104
Freeborn County Solid Waste Plan

WHEREAS, the State of Minnesota requires Counties to develop and adopt a Solid Waste Plan in accordance with Minnesota Statutes §§ 115A.46; 115A.471; 115A.551, subd. 6-7; 115A.552; 115A.557, subd. 2-3; 115A.63; 115A.84; 115A.914; 115A.96, subd. 6-7; 115A.917; 115A.97; Minnesota Rule 9215; and any other Applicable Statutes and Rules; and

WHEREAS, the State of Minnesota requires said Solid Waste Plans to be reviewed and/or modified periodically. Said Timeline for Solid Waste Plan update is every 10 calendar years;

WHEREAS, Freeborn County recognizes the need and responsibility to plan for and practice environmentally sound methods for managing its solid waste streams; and

WHEREAS, Freeborn County recognizes the need to plan for and implement various strategies, programs or facilities, to promote the proper management and disposal of solid waste generated within the County. The County will encourage reduction, reuse, recycling, composting, and/or advanced processing of solid waste with technologies available based upon the type of solid waste material generated and the capability of the integrated solid waste management system in place; and

WHEREAS, the Freeborn County Solid Waste Plan does describe the integrated solid waste management systems currently in place to meet the needs of the County's citizen and the requirements of the State of Minnesota; and

WHEREAS, the State of Minnesota has placed the Freeborn County Solid Waste Plan on notice, in accordance with the requirements for publication, notice and comment period; and

WHEREAS, upon completion of the public comment period. No comments were received in objection to the adoption of the Freeborn County Solid Waste Plan.

THEREFORE, BE IT RESOLVED, the Freeborn County agrees to maintain and implement the Plan as required by Minn. Rule pt. 9215.0530, subd. 1 and 2.

THEREFORE, BE IT RESOLVED, that the Freeborn County Board of Commissioners hereby approves and adopts the Freeborn County Solid Waste Management Plan and supporting documentation, dated September 3, 2020.

THEREFORE, BE IT RESOLVED, the Freeborn County Board of Commissioners hereby submit the Freeborn County Solid Waste Plan to the Commissioner of the Minnesota Pollution Control Agency for final approval pursuant to the applicable Minnesota Statutes and Rules.

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

Commissioner Herman offered the following resolution:

RESOLUTION No. 22-105
Conditional Use Permit

RESOLVED, that the site plan on record for Conditional Use Permit #390 is hereby amended to reflect the addition of a new 10' x 12' shed, for the purposes of site-maintenance storage, be and is hereby approved.

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

Commissioner Edwin offered the following resolution:

RESOLUTION No. 22-106
Approving 2021 CFO Annual Report

RESOLVED, approving the 2021 County Feedlot Officer Annual report.

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

At approximately 8:45 a.m. Kathy Metzker, Land Use Hydrologist from the DNR presented to the Board on Lake Improvement Districts. She was also joined by Courtney Phillips, Program and Project Manager from the Shellrock River Watershed District

At approximately 9:15 a.m. Dave Vanderploeg, Vice Chairman of the Turtle Creek Watershed provided updates to the Board.

Commissioner Edwin offered the following resolution:

RESOLUTION No. 22-107
Approving Agreement for the Prosecution for the City of Alden

This Agreement is entered into between the county of Freeborn, Minnesota (COUNTY) and the city of Alden, Minnesota (CITY) effective on the date that it is executed.

WHEREAS Minn. Stat. § 484.87, subd. 3 provides that a statutory city with a population of 600 or less may, by resolution of the city council, and with the approval of the board of county commissioners, give the duty to prosecute petty misdemeanors and misdemeanors to the county attorney; and

WHEREAS, CITY is a statutory city in the county of Freeborn, state of Minnesota with the lawful obligation to prosecute petty misdemeanors, misdemeanors, and ordinance violations occurring within its municipal boundaries; and

WHEREAS, CITY has a population of 600 or less; and

WHEREAS, CITY has by resolution of the city council requested that COUNTY prosecute misdemeanors within the Alden city limits; and

WHEREAS, COUNTY has the lawful obligation to prosecute gross misdemeanors and felonies occurring within CITY's municipal boundaries; and

WHEREAS, COUNTY approves this agreement through its board of county commissioners;

NOW THEREFORE, COUNTY and CITY hereby agree as follows:

SECTION ONE
PROSECUTION

COUNTY, through the Freeborn County Attorney's Office, will provide prosecution services for all petty misdemeanor and misdemeanor violations of Minnesota statutes and/or Freeborn County ordinances where CITY has jurisdiction and discretion to prosecute under Minnesota law. COUNTY shall provide sufficient staff to adequately provide prosecution services to CITY. COUNTY shall assume the costs reasonably required to provide prosecution services to CITY including without limitation: office space, desks, computers, paper, stationery, general office supplies, telephone service, internet service, subpoena service fees, mileage, training, legal books and references.

CITY will continue to receive its statutory share of fines collected on criminal, traffic, and ordinance violations covered by this agreement.

This agreement does not contemplate civil forfeiture proceedings related to the prosecution services provided for herein, and any civil forfeiture action shall remain the duty, and responsibility solely of CITY. Furthermore, this agreement does not contemplate municipal ordinance enforcement proceedings, and any action related to CITY's municipal ordinance enforcement shall remain the duty and responsibility solely of CITY. This Agreement shall be filed with the Freeborn County Administrator.

SECTION TWO
CONFLICTS OF INTEREST

In the event that COUNTY has a conflict of interest or is otherwise unable to prosecute a particular defendant in the sole discretion of the county attorney, CITY shall assume the responsibility of prosecution upon receipt of written notice from COUNTY.

SECTION THREE
RESERVATION OF RIGHTS

COUNTY may decline to prosecute a particular case in the sole discretion of the county attorney. In the event that COUNTY, for whatever reason, declines to prosecute in a particular case, CITY reserves the right in its sole discretion to assume responsibility for prosecution and to proceed with its own charges and its own prosecution upon written notice from the county attorney of the decision not to prosecute.

SECTION FOUR
INDEMNITY

COUNTY agrees to indemnify and hold harmless CITY, its agents, officials and employees, against all suits or claims that may result from an error, omission or negligent act of COUNTY or any person employed by COUNTY. In addition, COUNTY agrees to reimburse CITY for any attorney's fees incurred by CITY in the reasonable defense of such suits or claims.

SECTION FIVE
TERMINATION OF AGREEMENT

This Agreement shall continue from year to year without further action by the parties. This Agreement may be terminated by either of the parties hereto upon one hundred eighty (180) days written notice to the other party. In the event that the Agreement is terminated, all cases pending at the time that the notice is received shall remain the responsibility of the party then prosecuting until completion of the case through sentencing or final disposition of any probation violation pending at the time notice was received.

SECTION SIX
ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed to by the parties and cannot be modified or amended except by written agreement of the parties approved by their authorized representatives.

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

Commissioner Herman offered the following resolution:

RESOLUTION No. 22-108
Approving Agreement for the Prosecution for the City of Freeborn

This Agreement is entered into between the county of Freeborn, Minnesota (COUNTY) and the city of Freeborn, Minnesota (CITY) effective on the date that it is executed.

WHEREAS Minn. Stat. § 484.87, subd. 3 provides that a statutory city with a population of 600 or less may, by resolution of the city council, and with the approval of the board of county commissioners, give the duty to prosecute petty misdemeanors and misdemeanors to the county attorney; and

WHEREAS, CITY is a statutory city in the county of Freeborn, state of Minnesota with the lawful obligation to prosecute petty misdemeanors, misdemeanors, and ordinance violations occurring within its municipal boundaries; and

WHEREAS, CITY has a population of 600 or less; and

WHEREAS, CITY has by resolution of the city council requested that COUNTY prosecute misdemeanors within the Freeborn city limits; and

WHEREAS, COUNTY has the lawful obligation to prosecute gross misdemeanors and felonies occurring within CITY's municipal boundaries; and

WHEREAS, COUNTY approves this agreement through its board of county commissioners;

NOW THEREFORE, COUNTY and CITY hereby agree as follows:

SECTION ONE
PROSECUTION

COUNTY, through the Freeborn County Attorney's Office, will provide prosecution services for all petty misdemeanor and misdemeanor violations of Minnesota statutes and/or Freeborn County ordinances where CITY has jurisdiction and discretion to prosecute under Minnesota law. COUNTY shall provide sufficient staff to adequately provide prosecution services to CITY. COUNTY shall assume the costs reasonably required to provide prosecution services to CITY including without limitation: office space, desks, computers, paper, stationery, general office supplies, telephone service, internet service, subpoena service fees, mileage, training, legal books and references.

CITY will continue to receive its statutory share of fines collected on criminal, traffic, and ordinance violations covered by this agreement.

This agreement does not contemplate civil forfeiture proceedings related to the prosecution services provided for herein, and any civil forfeiture action shall remain the duty, and responsibility solely of CITY. Furthermore, this agreement does not contemplate municipal ordinance enforcement proceedings, and any action related to CITY's municipal ordinance enforcement shall remain the duty and responsibility solely of CITY. This Agreement shall be filed with the Freeborn County Administrator.

SECTION TWO
CONFLICTS OF INTEREST

In the event that COUNTY has a conflict of interest or is otherwise unable to prosecute a particular defendant in the sole discretion of the county attorney, CITY shall assume the responsibility of prosecution upon receipt of written notice from COUNTY.

SECTION THREE
RESERVATION OF RIGHTS

COUNTY may decline to prosecute a particular case in the sole discretion of the county attorney. In the event that COUNTY, for whatever reason, declines to prosecute in a particular case, CITY reserves the right in its sole discretion to assume responsibility for prosecution and to proceed with its own charges and its

own prosecution upon written notice from the county attorney of the decision not to prosecute.

SECTION FOUR
INDEMNITY

COUNTY agrees to indemnify and hold harmless CITY, its agents, officials and employees, against all suits or claims that may result from an error, omission or negligent act of COUNTY or any person employed by COUNTY. In addition, COUNTY agrees to reimburse CITY for any attorney's fees incurred by CITY in the reasonable defense of such suits or claims.

SECTION FIVE
TERMINATION OF AGREEMENT

This Agreement shall continue from year to year without further action by the parties. This Agreement may be terminated by either of the parties hereto upon one hundred eighty (180) days written notice to the other party. In the event that the Agreement is terminated, all cases pending at the time that the notice is received shall remain the responsibility of the party then prosecuting until completion of the case through sentencing or final disposition of any probation violation pending at the time notice was received.

SECTION SIX
ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed to by the parties and cannot be modified or amended except by written agreement of the parties approved by their authorized representatives.

Resolution was 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. 22-109
Accepting the Resignation of Jacob Bushey

WHEREAS, the Freeborn County Detention Center 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; Jacob Bushey has been employed as a Detention Deputy since December 4th, 2017 and is resigning his position effective March 27th, 2022,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Jacob Bushey as a Detention Deputy effective on or about March 27th, 2022.

Resolution was 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. 22-110
Permission to Fill the Freeborn County Detention Deputy 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, Jacob Bushey, Freeborn County Detention Deputy has resigned his position effective Mach 27th, 2022;

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

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

Commissioner Edwin offered the following resolution:

RESOLUTION No. 22-111
Placing Fernando Sanchez-Elioza on Regular Full-Time Employment Status

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

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

WHEREAS, Fernando Sanchez-Elioza has successfully completed his required probationary employment period with Freeborn County and does provide the necessary services to his department and the public,

NOW, THEREFORE BE IT RESOLVED, to place Fernando Sanchez-Elioza, Freeborn County Detention Deputy, on regular full-time status.

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

Commissioner Forman offered the following resolution:

RESOLUTION No. 22-112
Placing Jolynn Koster on Regular Full-Time Employment Status

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

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

WHEREAS, Jolynn Koster has successfully completed her required probationary employment period with Freeborn County and does provide the necessary services to her department and the public,

NOW, THEREFORE BE IT RESOLVED, to place Jolynn Koster, Eligibility Worker, on regular full-time status.

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

Commissioner Forman offered the following resolution:

RESOLUTION No. 22-113
Authorizing Amendment with SRF Consulting Group, Inc.

WHEREAS, The Freeborn County Highway Department has the responsibility to maintain the County highway system, and

WHEREAS, Freeborn County selected SRF Consulting Group, Inc. (SRF) to perform conceptual design, preliminary design, environmental evaluations, final design, construction observation, and administrative tasks related to the Reconstruction of Bridge Avenue from Hammer Road to Marshall Street in Albert Lea, and

WHEREAS, the original project timeline included a completion date for all construction activities of August 4, 2021 and that this timeline was used for the basis of the fee estimate used by SRF when proposing work on the project, and

WHEREAS, the completion date for the project was changed in Change Order No. 3 to July 1, 2022 for all work items which expanded the scope of Engineering services expected from SRF, and

WHEREAS, the previously approved amendment with SRF underestimated the scope of work required to bring the project to completion and therefore SRF has requested a second amendment in the amount of \$166,040 to cover the additional field inspection, engineering, and administrative work required to complete the project.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners approves the County Highway Engineer to execute an amendment for professional engineering and construction observation services with SRF in the amount of \$166,040 for the purpose of completing the Bridge Avenue Reconstruction project from Hammer Road to Marshal Street.

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

Commissioner Edwin offered the following resolution:

RESOLUTION No. 22-214
Accepting a Donation

WHEREAS, the Freeborn County Department of Human Services - Crime Victims Crisis Center directly 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, Nunda Township have offered a donation to the Freeborn County Department of Human Services - Crime Victims Crisis Center in the amount of \$200 to be used for services provided by the CVCC; and

BE IT RESOLVED, that the Freeborn County Department of Human Services - Crime Victims Crisis Center accepts the donation in the amount of \$200 from Nunda Township to be used for services provided by the CVCC.

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

Administrator Jensen advised that the issue that was on the agenda regarding the consideration of a motion to authorize payment to All Traffic Solutions has been resolved and was paid with grant money and can be removed as no action is necessary on the matter.

Commissioner Forman offered the following resolution:

RESOLUTION No. 22-215
Adopting and Transitioning to the Revised Wage Scale

WHEREAS, Freeborn County complete a compensation and classification study in January of 2019, and adopted the recommended wage table, and

WHEREAS, Freeborn County continues to utilize the services of David Drown and Associates to annually review position descriptions and market fluctuations in employee wage trends, and

WHEREAS, the Freeborn County Board of Commissioners understand the importance of providing and maintaining a competitive and market rate wage table for all departments within the County, and

WHEREAS, Freeborn County recognizes the need for a competitive and market rate wage to successfully develop and maintain a strong, reliable, viable workforce, therefore,

RESOLVED, that the Freeborn County Board of Commissioners hereby resolves to adopt and implement the revised wage scale as attached effective May 29,2022 and to be maintained within the Personnel Department as instructed by the Freeborn County Personnel Director.

Resolution was seconded by Commissioner Herman.
During discussion, Commissioner Edwin offered the following motion:

MOVED, to postpone the adopting and transitioning of the revised wage scale un January 3, 2023.

Motion was seconded by Commissioner Belshan.
After discussion, a vote was taken with Commissioners Edwin and Belshan voting yay and Commissioners Herman, Forman and Shoff voting nay. The Chair declared the motion failed.

A vote was then taken on the resolution with Commissioners Herman, Forman and Shoff voting yay, and Commissioner Edwin voting nay and Commissioner Belshan voting nay with the additional comment he is opposed to a mid-year bump. The Chair declared the resolution approved.

Commissioner Herman offered the following resolution:

RESOLUTION No. 22-116
Approval of Claims

RESOLVED, that the following claims be allowed and paid on or before April 7, 2022.

| <u>FUND</u> | <u>NAME</u> | <u>AMOUNT</u> |
|-------------|------------------------|------------------------|
| 01 | General Fund | \$ 549,469.13 |
| 03 | County Road & Bridge | \$ 629,827.90 |
| 05 | Human Services | \$ 159,864.59 |
| 06 | Public Health | \$ 63,074.52 |
| 31 | Capital Improvement | \$ 145,043.13 |
| 40 | County Ditch | \$ 19,849.89 |
| 70 | Trust & Agency | \$ 35,473.27 |
| 73 | Payroll Clearing Fund | \$ 31,066.72 |
| 74 | Turtle Creek Watershed | \$ 5,607.86 |
| | FUND TOTALS | \$ 1,639,277.01 |

Number of Claims not exceeding \$300 – 98
Dollar amount of claims not exceeding \$300 – \$10,849.76
Resolution seconded by Commissioner Forman.
After discussion, a vote was taken and the Chair declared the resolution adopted.

Chair, Commissioner Shoff adjourned the meeting at 9:57 a.m. until 8:30 a.m. on Tuesday, April 19, 2022.

By: _____
Christopher N. Shoff
Chair

Attest: _____
Thomas Jensen
Clerk/Administrator