

ADJOURNED MEETING OF THE COUNTY BOARD
April 6, 2021

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, April 6, 2021. Members present: Commissioners Belshan, Edwin, Forman and Herman in person, with Commissioner Shoff via Zoom.

Commissioner Herman offered the following motion;

MOVED, approving the agenda as presented

Motion seconded by Commissioner Forman.

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

Commissioner Forman offered the following resolution;

RESOLUTION No. 21-087
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 16, 2021 minutes;
- 2) Affirmation of full time status of promoted employees.

Resolution seconded by Commissioner Edwin.

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

The Commissioners provided Board Committee updates.

Commissioner Herman offered the following resolution;

RESOLUTION No. 21-088
Approving the Preparation a letter in Support

Resolved, approving that County Administrator prepare a letter on behalf of the Board in support of the Shell Rock River bonding request in the amount of 7.5 million dollars.

Resolution seconded by Commissioner Edwin.

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

Commissioner Belshan offered the following resolution;

RESOLUTION No. 21-089
Authorizing Well Sharing Agreement for Oakland Shop

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

WHEREAS, the Freeborn County Highway Department maintains an outlying shop in the village of Oakland that is currently supplied water from a neighboring property owner for a nominal fee; and

WHEREAS, the shared well is also used by two other private property owners; and

WHEREAS, the shared well is in need of repairs or replacement; and

WHEREAS, the existing well sharing agreement has expired and needs to be updated;

NOW, THEREFORE, BE IT RESOLVED that the County Highway Engineer is authorized to enter into agreement with Steve and Mary Vietor for sharing and maintenance of a private well for the purpose of supplying water to the maintenance shop located in Oakland; and

BE IT FURTHER RESOLVED, that Freeborn County shall cost participate in the repair or replacement of the existing well at a rate of 25% of actual costs to complete the work.

Resolution 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. 21-090
Resolution to accept a donation to the Freeborn County CVCC
From Nunda Township

WHEREAS, the Freeborn County Human Services Crime Victims Crisis Center serves those who have been victims of crime, domestic violence and sexual assault; and

WHEREAS, the Freeborn County 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 has offered a donation to the Freeborn County Human Services Crime Victims Crisis Center in the amount of \$200.00 to be used for services provided by the CVCC; therefore

BE IT RESOLVED, that the Freeborn County Human Services Crime Victims Crisis Center accept the donation in the amount of \$200.00 from Nunda Township to be used in 2021 for services provided by the CVCC.

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. 21-091
ACCEPTING THE RESIGNATION OF TIM TAPPE

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; Timothy Tappe has been employed as a Detention Deputy since November 30th, 2015 and is resigning his position effective March 19th, 2021,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Timothy Tappe as a Freeborn County Detention Deputy effective on or about March 19th, 2021.

Resolution was seconded by Commissioner Forman.

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

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-092
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, Timothy Tappe, Freeborn County Detention Deputy has resigned his position effective March 19th, 2021;

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

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. 21-093
ACCEPTING THE RESIGNATION OF HEATHER COOMBS**

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; Heather Coombs has been employed as a Detention Center Program Coordinator since January 11th, 2016 and is resigning her position effective April 13th, 2021,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Heather Coombs as a Freeborn County Detention Center Program Coordinator effective on or about April 13th, 2021.

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

Commissioner Forman offered the following resolution:

**RESOLUTION No. 21-094
Granting Liquor Licenses**

BE IT RESOLVED, that Freeborn County grants liquor licenses to the following applicants:

Freeborn Lake Golf Course in Carlston Township - On Sale - 3.2 Beer License - Wine

Harmony Park in Geneva Township - On Sale - 3.2 Beer License

Hickory Hills Campground in Nunda Township – On Sale – 3.2 Beer License - Wine

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

Commissioner Belshan offered the following resolution:

**RESOLUTION No. 21-095
Granting Gambling Permit**

BE IT RESOLVED, that Freeborn County grants Minnesota Lawful Gambling Premises Permit to the following applicant:

Hickory Hills Campground in Nunda Township

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. 21-096
Approving 2 a.m. Closing License for Harmony Park

BE IT RESOLVED, that Freeborn County grants liquor licenses to the following applicants:

Harmony Park in Geneva Township – 2 a.m. Closing

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

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-097
Approving REG for the Addition of a Commercial Truck Scale

Resolved, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 13, Section 3 and Article 23, the Conditional Use Permit granted May 18th 2004 to SoyMor for the operation of a Biodiesel/Lecithin Facility on the following described property:

AGRA RESOURCES INDUSTRIAL PARK Lot-PT4 Block-001 6.05 AC BEG NE COR LOT 4 BLK 1 TH W 506.59 FT
TH S 519.88 FT THE 506.93 FT TH N 520.44 FT TO POB BLK 1 AGRA RESOURCES INDUSTRIAL PARK 1-101-
21 & 6-101-20 6.05 ACRES

Is hereby amended to reflect ownership by REG Albert Lea, Inc., to allow for the addition of a commercial truck scale, and to read as follows:

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

- (1) Obtain and maintain all required permits including, but not limited to the following:
 - *Freeborn County Planning and Zoning Conditional Use Permit
 - *Freeborn County Building Permit
 - *MPCA Air Emissions Permit
 - *MPCA National Pollutant Discharge Elimination System (NPDES) Storm Water Permit (for Construction and Industrial Activities)
 - *MPCA Aboveground Storage Tank Major Facility Permit
 - *MPCA Aboveground Storage Tank Registration
 - *MPCA Spill Bill Compliance
 - *USEPA Spill Prevention Control and Countermeasure Plan
 - *USEPA Risk Management Plan (for Hydrochloric Acid)
 - *City of Albert Lea Permit for Discharge of Industrial Waste Water
 - *State Fire Marshall Plan Review for Aboveground Storage Tanks
 - *State Fire Marshall sprinkler plan review and inspections
- (2) Site development as per the site diagram submitted as “Exhibit A”.
- (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.

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

Commissioner Edwin offered the following resolution:

RESOLUTION No. 21-098

Approving M & M Farms for the Addition of a Storage Structure

Resolved, that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, a revised and amended conditional use permit is granted to M and M Family Farms LLC, to locate a grain facility outside the farm yard on the following described property:

All that part of the SW ¼ Section 29 T103N R23W Freeborn County, MN, described as follows: Commencing at the SW corner of the SW ¼ of said Section 29; thence N 00 degrees 00'00" West a distance of 1824.49 feet, on an assumed bearing on the west line of said SW ¼, to a point on the South right-of-way line of State Highway No. 109; which is the point of beginning; thence South 57 degrees 55'47" east a distance of 966.53 feet, on the south right-of-way line of said State Highway No. 109; thence North 00 degrees 00'00" West a distance of 859.29 feet; thence North 90 degrees 00'00" West a distance of 819.03 feet, to a point on the West line of said SW ¼; thence South 00 degrees 00'00" East a distance of 346.10 feet, on the West line of said SW ¼ to the point of beginning; subject to highway easement on the West and South sides thereof.

Is hereby amended to allow for the addition of an agricultural storage structure, and to read as follows:

This request is made in accordance with Ordinance 15, Article 6 and 23.

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

1. Parking, loading, and unloading facilities shall be provided within the existing facility, and no parking, loading or unloading shall be allowed on the State, County or Township Roadways.
2. Access shall be to State Highway #109 as per the attached site diagram and only with MNDOT (Minnesota Department of Transportation) approval.
3. If traffic exceeds an average of 10 trucks per day, owner/operators shall participate with MNDOT in required State Highway #109 upgrades and modifications.
4. If business becomes commercial in nature, owner/operators shall participate with MNDOT in required State Highway #109 upgrades and modifications.
5. Site shall be kept in a neat and orderly manner. Owner/operator shall agree to keep applicable rights of way clean of debris/spillage.
6. Squirrel cage or centrifugal fans are to be used and not directed toward residences or businesses.
7. Building, equipment, and storage structures shall be as per site plan labeled "Attachment A" on file, lighting shall not create traffic hazard as determined by the applicable road authority, and shall be downward style to minimize halo effect and annoyance to neighboring properties.
8. Acquire State NPDES/SDS Industrial Storm Water Permit if required. Adhere to Best Management Practices for storm water control.
9. This facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
10. 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 was seconded by Commissioner Belshan.

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

Commissioner Edwin offered the following resolution:

RESOLUTION No. 21-099 **Approving Krown Inc. for a Storage Structure and Tank**

Resolved that pursuant to the provisions of the County of Freeborn Zoning Ordinance No. 15, Article 13, Section 3, Subd. 13, a Conditional Use Permit be and is hereby granted to Krown Inc., to operate a propane and ammonia distribution facility in an Industrial "I" Zone, on the following described property:

All that part of the North 466.70 feet of the NW ¼ of NE ¼ of Section 19, Township 104 North, Range 22 West, which lies East of the following described line: Beginning at a point on the North line of the NE ¼ of Section 19, Township 104 North, Range 22 West, which point is 1792.0 feet West of the northeast corner thereof; thence South 466.7 feet at a right angle and there terminating. Being part of the NW ¼ of NE ¼, Section 19, Township 104 North, Range 22 West and containing 5.0 acres, more or less, subject to highway easement on the North side thereof.

Is hereby amended to reflect the addition of a 70' x 150' storage structure and a 30,000-gallon tank, and to read as follows:

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

1. Obtain and maintain necessary State of Minnesota and Freeborn County Land Use Permits and Building Permits. Including but not limited to State Fire Marshall, Pollution Control Agency and State Department of Agriculture rules. Capacity is limited to under 100,000 gallons total new storage on the site until an Environmental Assessment Worksheet is accepted by the State and LP storage is limited to under 100,000 gallons until a "Certificate of Need" is approved by the Minnesota Public Utilities Commission.
2. Owners/Operators shall adhere to all provisions of The Freeborn County Land Use Ordinance #15 and specifically Article #13.
3. Parking, loading, and unloading facilities shall be provided within the existing facility, and no parking, loading or unloading shall be allowed on the County Roadway. New building allowed as per attachment "A". Storm water flow of any type shall not be increased to the County right of way. Owner/operators shall cooperate with the road authority on maintenance and upkeep of affected roadway.
4. This facility may not be extended or expanded without review and approval of the Freeborn County Board of Commissioners.
5. 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 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. 21-100
Approving Freeborn County Law Library fees

WHEREAS, The Freeborn County Board of Commissioners has established the Freeborn County Law Library as described in MS 134A.01, and;

WHEREAS, Each year, by July 1, the Freeborn County Board of Commissioners must set the amount of the law library fee for civil and criminal matters, including petty misdemeanor cases, in the district and conciliation courts of the county, and;

WHEREAS, Freeborn County Law Library Board of Trustees has voted to approved the fees to be set as follows: charges \$6.00 in civil cases and \$5.00 in criminal cases at their 2021 annual meeting;

NOW, THEREFORE, BE IT RESOLVED, that the following fees be approved and collected by the Freeborn County Court Administrator: \$6.00 in civil cases and \$5.00 in criminal cases.

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. 21-101
Approving the Freeborn County Law Librarian salary(s)

WHEREAS, The Freeborn County Board of Commissioners has established the Freeborn County Law Library as described in MS 134A.01, and;

WHEREAS, Each year the Freeborn County Board of Commissioners must set salary(s) of the law librarian(s) as provided by MS 134A., and;

WHEREAS, Freeborn County Law Library Board of Trustees has voted to approve the Law Librarian(s) salary for 2020 to be \$3000 at their 2021 annual meeting;

NOW, THEREFORE, BE IT RESOLVED, that the following salary(s) for the Freeborn County Law Librarians(s) be set at \$3000 for the year 2020.

Resolution was seconded by Commissioner Belshan.

After discussion, a vote was taken with Commissioners Edwin, Forman, Herman and Shoff voting yay and Commissioner Belshan voting nay wanting the minutes to reflect that he believes that if it is not mandated, then he didn't believe Freeborn County should be doing what is not mandated. The Chair declared the resolution approved.

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-102
Approving Application for Funding the Freeborn-Waseca
Regional Trail (FWRT) Master Plan

WHEREAS, the Union Pacific Railroad was abandoning the entire Hartland Subdivision rail line from approximately milepost 119.65 to the point of connection with the Albert Lea Subdivision, to the end of the Union Pacific ownership at milepost 107.0 near Hartland, Minnesota, and

WHEREAS, Freeborn County has acquired the property along this portion of the rail line for the purpose with funding provided by the Minnesota Department of Natural Resources Parks and Trails Legacy Grant for future trail development, and

WHEREAS, Freeborn County in cooperation with Waseca County has completed a master trail plan under the guidance and assistance of Confluence, Inc and Stonebrook Engineering, and

WHEREAS, Freeborn County Commissioners has a vested interest in the development and completing of the regional trail and by this adoption allow for application for possible funding through the Parks and Trails Legacy Grant Program

WHEREAS, the Freeborn County Board of Commissioners adopted the Master Plan for the FWRT system on April 16, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Freeborn County Board of Commissioners hereby resolve to begin the application process for possible funding to implement the FREEBORN-WASECA REGIONAL TRAIL (FWRT).

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. 21-103
Approval of Amendment of Lease dated August 15, 1993

FIRST AMENDMENT TO LEASE ("LEASE") DATED AUGUST 15, 1993

This First Amendment to Lease, made and entered effective as of the 6th day of April, 2021 by and between Freeborn County, hereinafter referred to as "Lessor", and A & S Stores, LLC, a Minnesota limited liability company, hereafter referred to as "Lessee".

WHEREAS, Lessor entered into a Lease Agreement dated August 15, 1993 with Dale Heilman, predecessor in title to the Premises and filed in the Office of the Freeborn County Recorder on December 9, 1994 as Document No. 372605 ("Lease");

WHEREAS, Lessor and current Lessee desire to amend said Lease to extend the term of the Lease for a period of 99-years from the date of the First Amendment to Lease;

NOW, THEREFORE, for good and valuable consideration for the mutual agreements herein, the Parties hereby agree to amend the Lease as follows:

1. The Language on page 1 of the Lease stating "for a term of ninety-nine (99) years commencing as of the date of this lease and ending ninety-nine (99) years thereafter at 11:59 p.m. according to the following terms and conditions:" is deleted in its entirety as of the date of this Amendment and the following is substituted in lieu thereof:

"for a term commencing on the date of this lease and ending April 1, 2120 at 11:59 p.m., according to the following terms and conditions:"

Except as specifically modified in this Amendment, the Parties confirm that all other terms and conditions of the Lease shall remain in full force and effect.

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

Commissioner Belshan offered the following resolution:

RESOLUTION No. 21-104
Approving Driveway Easement Agreement

DRIVEWAY EASEMENT AGREEMENT

THIS AGREEMENT is made this 6th day of April, 2021 by and between Freeborn County and A & S Stores, LLC, a Minnesota limited liability company (hereinafter referred to as "A & S Stores")

RECITALS:

- A. A & S Stores is purchasing and will own real property in Freeborn County, Minnesota, legally described on the attached Exhibit A (the "Store Property").
- B. Freeborn County has an interest in an old road right of way in Freeborn County, Minnesota, legally described on the attached Exhibit B (the "County Property").
- C. Freeborn County has agreed to a grant of an easement to A & S Stores over the County Property as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt, value and sufficiency of which is hereby acknowledged, the parties hereby covenant and agree as follows:

1. Grant of Easement. Freeborn County hereby grants, conveys and confirms to A & S Stores, its successors and assigns, a perpetual, assignable, non-exclusive easement for pedestrian and vehicular ingress and egress over all roadways, road right-of-ways, driveways, and areas within the County Property, as currently located over the most westerly 150 feet of the County Property, for the purpose of access to and from the Store Property for A & S Stores, its invitees, agents, and the general public, and the development, use and enjoyment of the Store Property, including without limitation the right to travel over such roadways, road right-of-ways, driveways, and paved areas with construction vehicles and personnel and the right to use such roadways, road right-of-ways, driveways, and paved areas for installing and connecting utilities to serve the Store Property.

2. Maintenance and Repair. A & S Stores shall, at its sole cost and expense, pay all costs of repair, maintenance and snow removal relating to the easement area.

3. Covenant Running with the Land. The easement created and granted herein shall constitute a covenant running with the land and shall be an appurtenance to the benefitted property, and may not be transferred, assigned or encumbered except as an appurtenance to the benefitted property.

4. Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Minnesota.

5. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, personal representatives, successors and assigns.

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

At this time, the owners of the property, Mehal Shah and Nitesh Awashti of A & S Stores LLC advised the Board with their plans for the property.

Commissioner Herman offered the following resolution:

RESOLUTION No. 21-105
Approval of Claims

RESOLVED, that the following claims be allowed and paid on or before April 9, 2021.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 503,273.76
03	County Road & Bridge	\$ 188,452.44
05	Human Services	\$ 159,524.38
06	Public Health	\$ 122,563.18
34	Debt Srvc-Turtle Creek Watershed	\$ 750.00
40	County Ditch	\$ 4,595.59
70	Trust & Agency	\$ 52,083.75
73	Payroll Clearing Fund	\$ 872.28
74	Turtle Creek Watershed	\$ 298.83
79	Social Services Collaboration	\$ 41.50
80	Tax Collection Fund	\$ <u>1,014.85</u>
	FUND TOTALS	\$1,059,371.65

Number of Claims not exceeding \$300 – 87

Dollar amount of claims not exceeding \$300 – \$8,878.74

Resolution seconded by Commissioner Edwin.

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

Chair, Commissioner Shoff adjourned the meeting at 9:52 a.m. until 8:30 a.m. on Tuesday, April 20, 2021.

By: _____
Christopher N. Shoff
Chair

Attest: _____
Thomas Jensen
Clerk/Administrator