

ADJOURNED MEETING OF THE COUNTY BOARD
July 20, 2021

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, July 20, 2021. Members present: Commissioners Belshan, Forman and Herman. Commissioner Edwin appeared by phone. Commissioner Shoff was excused.

Commissioner Forman offered the following motion;

MOVED, approving the agenda as presented with the exception of adding to other items unknown at this time, there is a need to enter into closed session under Minnesota Statute 13D.05, Subd. 3(b) under the Attorney Client Privileged communications to update the Board of Commissioners specific to the current court action of the setting of the Sheriff's salary in Court Case 24-CV-18-2138.

Motion seconded by Commissioner Herman.

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

Commissioner Forman offered the following resolution;

RESOLUTION No. 21-183
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 July 6, 2021 minutes;
- 2) Approval of Affirmation of full status for Promoted employees.

Resolution seconded by Commissioner Herman.

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

The Commissioners provided Board Committee updates.

Vice Chairman Belshan asked if there was any public comment and Dennis Magnuson addressed the board about his concerns regarding County Road 103.

Commissioner Herman offered the following resolution;

RESOLUTION No. 21-184
Proclamation of County Staff Appreciation Day

WHEREAS, county staff serve as the cornerstone of this community, dedicating their time, skills, and expertise for the benefit of their neighbors; and

WHEREAS, county staff went beyond expectations, taking on personal risks, to continue delivering essential services to the citizens of our county during the COVID-19 pandemic; and

WHEREAS, in addition to their regular duties, many county staff were called upon and accepted new and challenging responsibilities during the pandemic such as expediting the distribution of thousands of dollars in economic recovery appropriations, empowering the survival of our local business community; successfully managing a deluge of mail-in ballots in an unprecedented federal election; and, retooling local public health education outreach to flatten the curve; and

WHEREAS, although the state has turned the corner on the COVID-19 pandemic, county staff continue their exemplary work, assisting with recovery through vaccination roll outs and preparing for the American Rescue Plan's multi-year recovery effort; and

WHEREAS, the work of county staff over the past year and a half have kept the doors of the county open and our community safer, healthier, and productive throughout months of unprecedented global transition; and

WHEREAS, President Sve and the Board of the Association of Minnesota Counties requested the Office of Governor Walz and Lt. Governor Flanagan to proclaim July 27, 2021 as County Staff Appreciation Day and their request was granted;

NOW, THEREFORE, we, the Freeborn County Board of Commissioners, proclaim July 27, 2021 as County Staff Appreciation Day and extend our thanks to the staff of our county and express deep gratitude for their commitment to excellence in public service during the COVID-19 pandemic.

Resolution seconded by Commissioner Forman.

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

Commissioner Forman offered the following resolution;

RESOLUTION No. 21-185
Accepting the Resignation of Ley Paw

WHEREAS, the Freeborn County Public Health 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; Ley Paw has been employed as a WIC Breastfeeding Peer since October 1st, 2019 and is resigning her position effective July 2nd, 2021,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Ley Paw as the Freeborn County WIC Breastfeeding Peer effective on or about July 2nd, 2021.

Resolution seconded by Commissioner Herman.

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

Commissioner Herman offered the following resolution:

RESOLUTION No. 21-186
Accepting the Resignation of Larry Lahs

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; Larry Lahs has been employed as a Detention Deputy since August 24th, 2009 and is resigning his position effective July 7th, 2021,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Larry Lahs as a Freeborn Detention Deputy effective on or about July 7th, 2021.

Resolution was seconded by Commissioner Herman.

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

Commissioner Herman offered the following resolution:

RESOLUTION No. 21-187
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, Larry Lahs, Freeborn County Detention Deputy has resigned his position effective July 7th, 2021;

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

Resolution was seconded by Commissioner Forman.

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

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-188
Accepting the Resignation of Andrew Yost

WHEREAS, the Freeborn County Environmental Services 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; Andrew Yost has been employed as the Feedlot Officer / HHW Tech. since April 14th, 2014 and is resigning his position effective July 8th, 2021,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Andrew Yost as the Freeborn County Feedlot Officer / HHW Tech effective on or about July 8th, 2021.

Resolution was seconded by Commissioner Herman.

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

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-189
Permission to Fill the Freeborn County Feedlot Officer / HHW Tech 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, Andrew Yost, Freeborn County Feedlot Officer / HHW Tech. has resigned his position effective July 8th, 2021;

NOW, THEREFORE BE IT RESOLVED, that the board approves the filling of the vacant Freeborn County Feedlot Officer / HHW Tech. position.

Resolution was seconded by Commissioner Herman.

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

Commissioner Herman offered the following resolution:

RESOLUTION No. 21-190
Accepting the Resignation of David Olson

WHEREAS, the Freeborn County Maintenance Department 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; David Olson has been employed as a Custodian since May 30th, 2006 and is resigning his position effective October 29th, 2021,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of David Olson as a Freeborn Custodian effective on or about October 29th, 2021.

Resolution was seconded by Commissioner Forman.

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

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-191
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 which expanded the scope of Engineering services expected from SRF, and

WHEREAS, SRF Consulting Group, Inc. has submitted a request for contract amendment in the amount \$475,460 to cover the additional costs beyond the original scope of services signed on July 9, 2019 which has been estimated to be enough to complete the project and continue service to the owner.

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 \$475,460 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 Vice Chair declared the resolution approved.

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-192
Resolution Authorizing Imposition of Wheelage Tax

Whereas, Freeborn County's transportation infrastructure forms the backbone of the county's economy and has a direct impact on future economic development; and

Whereas, funding for highway and transit systems in Minnesota has remained stagnant and is failing to keep pace with growing population and growing demands including increased freight shipments; and

Whereas, local governments throughout the state are struggling to maintain local transportation systems while state funding has not kept up with the needs of the State Aid system; and

Whereas, the Freeborn County Engineer has estimated an Annual Roadway Need funding gap of \$2.1 million and the estimated additional revenue from this tax is \$300,000 representing 14% of this funding gap; and

Whereas, Minn. Stat. 163.051 provides, in part, that the Freeborn County Board of Commissioners is authorized to levy a wheelage tax on each motor vehicle which is kept in such county when not in operation and which is subject to annual registration and taxation under Chap. 168 at a rate of \$10 per vehicle through 2017 and in whole dollar increments up to \$20 per vehicle in 2018 and beyond; and

Whereas, Minn. Stat. 163.051 further provides that the Freeborn County Board of Commissioners may provide by resolution for collection of the wheelage tax by county officials or it may request that the tax be collected by the State Registrar of Motor Vehicles, and the State Registrar of Motor Vehicles shall collect such tax on behalf of the Freeborn County if requested; and

Whereas, Minn. Stat. 163.051, Subd. 2, provides, in part, that the wheelage tax levied by Freeborn County, if made collectible by the State Registrar of Motor Vehicles, shall be certified by the Freeborn County Auditor Treasurer to the registrar not later than August 1, in the year before the calendar year or years for which the tax is levied, and the registrar shall collect such tax with the motor vehicle taxes on the affected vehicles for such year or years; and

Whereas, Minn. Stat. 163.051, Subd. 4, provides that the Freeborn County Auditor Treasurer receiving proceeds from the wheelage tax is to deposit such proceeds in the Freeborn County Road and Bridge Fund, which moneys shall be used for purposes authorized by law which are highway purposes within the meaning of the Minnesota Constitution, Article 14; and

Whereas, the Freeborn County Board of Commissioners desires to increase the current wheelage tax levied of \$10 per vehicle to an amount of \$15 per vehicle; and

Whereas, the proceeds of such a wheelage tax would be used to help improve the quality of the county road system;

Now Therefore, Be It Resolved, That the Freeborn County Board of Commissioners authorize and impose a wheelage tax as provided for in Minn. Stat. 163.051 of \$15.00 per vehicle for the year 2022 and each subsequent year thereafter, subject to levy limits and other factors, on each motor vehicle which is kept in Freeborn County when not in operation and which is subject to taxation and registration under Chapter 168.

Be It Further Resolved that the Freeborn County Board of Commissioners requests the State Registrar of Motor Vehicles to collect the wheelage tax on behalf of Freeborn County.

Resolution was seconded by Commissioner Herman.

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

Commissioner Herman offered the following resolution:

RESOLUTION No. 21-193
Approving Amendment to Conditional Use Permit #347

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 200' 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.

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

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-194
Accept a donation to the Freeborn County CVCC from Cargill

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, Cargill has offered a donation to the Freeborn County Department of Human Services - Crime Victims Crisis Center in the amount of \$750.00 to be used for services provided by the CVCC; therefore

BE IT RESOLVED, that the Freeborn County Department of Human Services - Crime Victims Crisis Center accepts the donation in the amount of \$750.00 from Cargill to be used in 2021 for services provided by the CVCC.

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

Commissioner Herman offered the following resolution

RESOLUTION No. 21-195
Approval of Claims

RESOLVED, that the following claims be allowed and paid on or before July 23, 2021.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 677,840.45
03	County Road & Bridge	\$ 370,427.13
05	Human Services	\$ 165,013.63
06	Public Health	\$ 64,760.15
40	County Ditch	\$ 62,977.76
70	Trust & Agency	\$ 7,649.50
73	Payroll Clearing Fund	\$ 4,856.31
74	Turtle Creek Watershed	\$ 715.00
77	Recorder's Clearing	\$ 3,926.00
79	Social Services Collaborative	\$ 41.50
80	Tax Collection Fund	\$ 39,000.00
	FUND TOTALS	\$1,397,207.43

Number of Claims not exceeding \$300 – 68
Dollar amount of claims not exceeding \$300 – \$7,785.55
Resolution seconded by Commissioner Forman.
After discussion, a vote was taken and the Vice Chair declared the resolution adopted.

At approximately 9:11 a.m. the Board entered into closed session pursuant to Minnesota Statute 13D.05 Subd. 3(b) under Attorney Client Privileged communications.

At approximately 9:44 a.m. the Board reconvened the meeting and Administrator Thomas Jensen made statement and asked the Board for a resolution authorizing Joan Quade, attorney with Barna, Guzy and Steffen to begin discussions with Steven Hovey, attorney for Sheriff Kurt Freitag, as it pertains to the current back pay and options of payment as ordered by the Minnesota Appellate Court decision on Freeborn County Court File number 24-CV-18-2138.

Commissioner Forman offered the following resolution:

RESOLUTION No. 21-196
Approving Retaining Legal Services

Be It Resolved, that the Freeborn County Board of Commissioners approve Joan Quade, Attorney with Barna, Guzy & Steffen to contact Steven Hovey, attorney for Sheriff Kurt Freitag and begin discussions relevant to the Minnesota Appellate Courts decision on Freeborn County Court file 24-CV-18-2138 dated July 19, 2021 and all related filings, court cases and related topics.

Resolution was seconded by Commissioner Herman.

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

Vice Chair, Commissioner Belshan adjourned the meeting at 9:45 a.m. until 8:30 a.m. on Tuesday, August 3, 2021.

By: _____
Dan Belshan
Vice Chair

Attest: _____
Thomas Jensen
Clerk/Administrator