

ADJOURNED MEETING OF THE COUNTY BOARD
August 2, 2022

The Board of Commissioners of Freeborn County met at the Freeborn County Historical Museum, Library and Village located at 1031 Bridge Avenue, Albert Lea, Minnesota at 6:00 p.m. on Tuesday, August 2, 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 with the following changes: addition from the Sheriff's office and removing the item under Public Works.

Motion seconded by Commissioner Herman.

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

Commissioner Forman offered the following resolution;

RESOLUTION No. 22-232
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 19, 2022 minutes;
- 2) Approval of Drainage Repairs: CD68 and JCD J14.

Resolution seconded by Commissioner Edwin.

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 Albert Lea residents Jennifer Vogt-Erickson and Dotti Honsey spoke about their concerns regarding entertainer Ted Nugent appearing at the fair.

Commissioner Herman offered the following resolution;

RESOLUTION No. 22-233
Approving a Grant Agreement with the Minnesota Department of Veterans Affairs

BE IT RESOLVED by Freeborn County that the County enter into the attached Grant Agreement with the Minnesota Department of Veterans Affairs (MDVA) to conduct the following Program: County Veterans Service Office Operational Enhancement Grant Program. The grant must be used to provide outreach to the county's veterans; to assist in the reintegration of combat veterans into society; to collaborate with other social service agencies, educational institutions, and other community organizations for the purposes of enhancing services offered to veterans; to reduce homelessness among veterans; and to enhance the operations of the county veterans service office, as specified in Minnesota Statutes 197.608 and Minnesota Laws 2021, 1st Special Session, Chapter 12, Article 1, Section 37, Subdivision 2. This Grant should not be used to supplant or replace other funding.

BE IT FURTHER RESOLVED by Freeborn County that Jeffrey S. Dahlen, the County Veterans Services Officer, be authorized to execute the attached Grant Contract for the above-mentioned Program on behalf of the County.

WHEREUPON the above resolution was adopted at a regular meeting of the County Board Chair this 2nd day of August, 2022.

Resolution seconded by Commissioner Edwin.

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

Commissioner Belshan offered the following motion;

MOVED, to table the consideration of a resolution ratifying a participation agreement between Freeborn County and MnCCC for Tyler Tax software until the next scheduled board meeting on August 16, 2022.

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. 22-234
Approving Findings and Order Accepting Petition and Appointing Engineer

The Freeborn County Board of Commissioners, sitting as the public drainage authority for Freeborn County Ditch 54, convened on August 2, 2022, at a duly noticed meeting. Based on the record and proceedings, Commissioner Edwin moved, seconded by Commissioner Forman to adopt the following Findings and Order:

Findings:

1. The Freeborn County Board of Commissioners is the public drainage authority (“Drainage Authority”) under Minnesota Statutes, chapter 103E with jurisdiction over Freeborn County Ditch 54 (“CD 54”).
2. A petition dated June 22, 2022, attached hereto as **Exhibit A** (“Petition”), was received by the Drainage Authority requesting to impound, reroute, and divert drainage system waters, and partially abandon the rerouted portions, on CD 54 for beneficial use by petitioners Shell Rock River Watershed District (SRRWD) and the United States of America, through its Fish and Wildlife Service (USFWS) (“Petitioners”).
3. The beneficial use described by the Petitioners is for the purpose of restoration of drained wetlands, creation of wildlife habitat, and creation of flood mitigation on Petitioners’ lands located in portions of the of Section 6 of Pickerel Lake Township, Freeborn County, Minnesota (the “Project”).
4. Pursuant to Minnesota Statutes, section 103E.227, subdivision 2(b), a bond was not required to be filed with the Petition because the Petitioners are units of State or Federal Government. However, the Drainage Authority notes and the Petitioner-SRRWD has indicated and agreed that the costs of the proceedings, include engineering and legal review by the Drainage Authority, are to be paid by Petitioner-SRRWD unless the Drainage Authority finds cause to pay all or a portion of those costs.
5. The petition contemplates the rerouting of portions of CD 54 on private lands adjacent to the project area. The Petitioners have been made aware that such re-alignment requires the acquisition of an easement or other property interests in the private lands for the benefit of the drainage system.
6. The Petition conforms with the requirements of Minnesota Statutes, sections 103E.227 and 103E.806 and chapter 103E for filing a petition.
7. Pursuant to Minnesota Statutes, section 103E.227, subdivision 3(a), the Petition requires appointment of an engineer to investigate the effect of the proposed reroute and diversion and file a report of findings with the Drainage Authority.

Order:

Based on the foregoing Findings and the entire record of proceedings before the it, the Drainage Authority orders the following:

- A. The Petition is hereby accepted for the commencement of proceedings under Minnesota Statutes, sections 103E.227 and 103E.806.
- B. Steve Penkava, P.E. of Jones and Haugh & Smith Engineering, Inc. (“Engineer”) is hereby appointed to investigate the effect of the proposed installation and file a report of findings with the Drainage Authority, care of the Freeborn County Auditor-Treasurer.
- C. The engineer shall subscribe to an oath to faithfully perform the assigned duties in the best manner possible and file a bond in the form approved by the Drainage Authority’s counsel. The bond shall be conditioned to pay any person or the Drainage Authority for damages and injuries resulting from negligence of the engineer while the engineer is acting in the proceedings and provide that the engineer will diligently and honestly perform the engineer’s duties.
- D. Upon the filing of the reports of findings, the Freeborn County Auditor-Treasurer, or her delegate, shall promptly notify the Drainage Authority which will set a time by order, not more than 30 days after the date of the order, for a hearing on the engineer’s report of findings and on the Petition. The Freeborn County Auditor-Treasurer, or her delegate, shall provide notice of the public hearing on the report of findings and Petition for partial abandonment in accordance with Minnesota Statutes, sections 103E.227 and 103E.806.
- E. Petitioner-SRRWD shall be responsible for all costs, including administrative, engineering, legal, and all other costs incurred by the Drainage Authority to conduct these proceedings, to secure necessary land rights for construction and future maintenance of the reroute, and to construct the Project.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Findings and Order, and there were 5 yeas, 0 nays, 0 absent, and 0 abstentions.

Upon vote, the Chair declared the motion approved and the Findings and Order adopted.

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. 22-235
Correcting Resolution 22-206**

WHEREAS, The County Board of Commissioners of the County of Freeborn, State of Minnesota, desire to offer for sale certain parcels of land that have been forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land have been viewed by the designees of the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED that the Freeborn County Board of Commissioners hereby certify that all parcels of land on the attached list have been viewed and comply with the Provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd 8, and 282.018 and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED that the Freeborn County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

The question was on the adoption of the resolution, and there were

5 YEAS and 0 NAYS

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. 22-236
To Approve Hiring a Community Health Worker

Whereas, Freeborn County has a rapidly growing population of Karen in the community over the past 10 years from 1.2% in 2010 to 3.9% in 2020 it has become more challenging as we have more interactions with the Karen regarding various health topics and the Karen population accounts for a large number of Public Health clients;

Whereas, Minnesota Statute 145A Subd. 14. Equal access to services. The community health board must ensure that community health services are accessible to all persons on the basis of need. No one shall be denied services because of race, color, sex, age, language, religion, nationality, inability to pay, political persuasion, or place of residence;

Whereas, in following Minnesota Statute 145A.04 (ii) promoting healthy communities and healthy behavior through activities that improve health in a population, such as investing in healthy families;

Whereas, Freeborn County Public Health has secured funding for the Community Health Worker position and will continue to look for funding to support sustainability of the program;

Whereas, many Minnesota Department of Health and federal grants have a health equity requirement and by employing a CHW would help to address that area;

Whereas, Freeborn County Public Health plans to hire a Community Health Worker (CHW) of the Karen culture at 1.0 FTE. A job description has been developed and rated. The salary for this position would be \$43,357.18 - \$57,809.65;

Now, Therefore, Be It Resolved that the Freeborn County Board of Commissioners/Freeborn County Community Health Board does hereby approve hiring a Community Health Worker.

Resolution was seconded by Commissioner Herman.

After discussion, a vote was taken and Commissioner Edwin made the following motion:

MOVED, to amend the proposed resolution to include a three-month review.

The Chair asked for a second, hearing none, the motion failed and the Chair declared the resolution approved.

Commissioner Forman offered the following resolution:

RESOLUTION No. 22-237
Permission to Fill the Accounting Specialist, Sr. Position in the Auditor-Treasurer Office

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;

NOW, THEREFORE BE IT RESOLVED, that the board approves the filling of the vacant Accounting Specialist, Sr. position in the Auditor – Treasurer’s Office.

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. 22-238
Approval to Fill Position of County Assessor

Whereas, the Freeborn County Board is the hiring authority for Freeborn County and for all Freeborn County employees;

Whereas, the County Assessor resigned June 15, 2022 and a new Assessor must be appointed; Ryan Rasmussen has been identified as the top candidate for the position and is requesting a starting pay of Grade 20 Step 6 (\$99,632.21 annually), which requires board approval

Now, Therefore Be It Resolved, the Freeborn County Board of Commissioners approves the hiring of Ryan Rasmussen as County Assessor with a starting wage of Grade 20 Step 6 (\$99,632.21).

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. 22-239
Approval of Contract with Nationwide Trust and IRON Fiduciary

Whereas, the Freeborn County Board is the approving body for all contracts;

Whereas, Nationwide Administers the employee investment accounts and is recommending that the fiduciary responsibility and investment management be assumed by IRON Fiduciary;

Now, Therefore Be It Resolved, the Freeborn County Board of Commissioners approves the contract(s) between Freeborn County, Nationwide, and IRON Fiduciary

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. 22-240
Setting Public Hearing

RESOLVED, setting a public hearing on Tuesday, August 16, 2022 at 8:45 a.m. regarding 2022 Fee Schedule.

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. 22-241
Approving ARPA Funds for Sheriff's Office

RESOLVED, preserving funds from the American Rescue Plan Act (ARPA) for use by the Sheriff's office to be used towards body worn cameras and related equipment this year and discuss budgeting for this item in the next calendar year.

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. 22-242
Approving Payment to City of Albert Lea

RESOLVED, approving the payment to the City of Albert Lea in the amount of \$10,000.00 for Downtown Development.

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

During Commissioner Items, Commissioner Belshan made the following statement: *“Correction 7-19-22. After receiving today, 7-19-22 [sic.8-2-22], more complete documentation, emails and information on the numbers which I had received from Freeborn County and Apex previous to 7-5-22, I would like to correct the record about statements I made on 7-5-22. I wish I had received the complete documentation, emails and information about the numbers, so that I would have been able to understand the accuracy of the numbers on what I had and others thought were bids. My statements on 7-5-22 at the county board meeting about the Freeborn County bids and pricing of the lighting projects in county buildings were incorrect and inaccurate. I apologize for any confusion and consternation this may have caused and retract my letter, which I had handed out at the meeting.”*

Commissioner Belshan offered the following resolution:

RESOLUTION No. 22-243
Approval of Claims

RESOLVED, that the following claims be allowed and paid on or before August 5, 2022.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 673,895.31
03	County Road & Bridge	\$ 237,411.82
05	Human Services	\$ 109,843.91
06	Public Health	\$ 43,794.22
31	Capital Improvement	\$3,653,949.01
35	Debt Services	\$ 19,000.00
40	County Ditch	\$ 23,672.07
70	Trust & Agency	\$ 25,754.26
73	Payroll Clearing Fund	\$ 25,386.78
74	Turtle Creek Watershed	\$ 1,481.70
80	Tax Collection Fund	<u>\$ 57,200.00</u>
	FUND TOTALS	\$4,871,389.08

Number of Claims not exceeding \$300 – 63

Dollar amount of claims not exceeding \$300 – \$7,050.68

Resolution seconded by Commissioner Herman.

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

Chair, Commissioner Shoff adjourned the meeting at 6:40 p.m. until 8:30 a.m. on Tuesday, August 16, 2022.

By: _____
Christopher N. Shoff
Chair

Attest: _____
Janice Fransen
Interim Clerk/Administrator