

ADJOURNED MEETING OF THE COUNTY BOARD
August 3, 2021

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, August 3, 2021. Members present: Commissioners Shoff, Belshan, Forman and Herman. Commissioner Edwin was excused.

Commissioner Forman 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 Belshan offered the following resolution;

RESOLUTION No. 21-197
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 20, 2021 minutes;
- 2) Approval of Drainage Repairs: CDJ12; CD62; and CDJ9.

Resolution seconded by Commissioner Herman.

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.

At approximately 8:45 a.m. Commissioner Shoff started the public hearing regarding County Ditch #23.

Agenda
Repair Hearing
August 3, 2021 8:45am
Commissioner's Boardroom
Freeborn County Government Center

1. Call to order – Chairman Shoff
2. Purpose of the hearing – Freeborn County Auditor-Treasurer, Pat Martinson
3. Presentation of Certificate/Affidavit of Mailing from Freeborn County Auditor-Treasurer, Pat Martinson
***Motion to accept into the legal record**
4. Engineer's Repair Report – Steve Penkava, Engineer Jones Haugh & Smith, Inc.
5. Board Comments and Questions

6. Public Comment and Questions regarding Engineer's Report - ***Please state your name for the record**
7. Board Discussion
8. Board Action Options
 - a. Motion to accept the Engineer's Repair Report and prepare and proceed with awarding a contract for the repair.
 - i. Repair recommended is necessary for the best interest of the affected property owners;
 - ii. The drainage system is in need of repair so that it no longer serves its original purpose and the cost of the repair will not exceed that total benefits determined;
 - iii. The report is complete and correct;
 - iv. Direct the Auditor-Treasurer/Engineer to prepare and award a contract for the repair of the drainage system.
 - b. Motion to deny the repair due to determination that no repair is necessary at this time;
 - c. Motion to order changes to the Engineer's Repair Report and recess hearing to another date & time.
9. Adjourn ***Motion needed**

**Minutes of the
Freeborn County Ditch 23 Repair Hearing
August 3, 2021 8:45am
Commissioner's Boardroom
Freeborn County Government Center**

The meeting was called to order by Chairman Shoff.

Freeborn County Auditor-Treasurer, Pat Martinson explained the purpose of the hearing and presented the Certificates of Mailing Notice on July 14th, Affidavit of Posting Notice on July 13th and Affidavit of Publication of Notice on July 17, 24 and 31, 2021 to be of legal record. Motion by Commissioner Herman, seconded by Commissioner Belshan to accept them into the legal record. Roll call vote taken with all commissioners approving.

Steve Penkava, Engineer at Jones Haugh & Smith, Inc. presented the Engineer's Repair Report.

The meeting was then opened for Public Comment and Questions with no comments coming forward.

After Board discussion there was a motion by Commissioner Belshan with Commissioner Herman seconding to accept the Engineer's Repair Report and proceed with awarding a contract for the repair. Roll call vote taken with all commissioners approving.

Motion by Commissioner Belshan, second by Commissioner Herman to close hearing. All approved.

At approximately 9:00 a.m. Tim Penny from Southern Minnesota Initiative Foundation presented to the Board.

Commissioner Herman offered the following resolution;

**RESOLUTION No. 21-198
Accepting the Resignation of Melissa Schreiber**

WHEREAS, the Freeborn County Department of Human 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; Melissa Schreiber has been employed as a Social Worker / Case Manager since October 28th, 2019 and is resigning her position effective August 27th, 2021,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Melissa Schreiber as a Social Worker / Case Manager effective on or about August 27th, 2021.

Resolution seconded by Commissioner Belshan.

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

Commissioner Herman offered the following resolution;

RESOLUTION No. 21-199
Permission to Fill the Freeborn County Social Worker / Case Manager 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, Melissa Schreiber, Freeborn County DHS Social Worker / Case Manager has resigned her position effective August 27th, 2021;

NOW, THEREFORE BE IT RESOLVED, that the board approves the filling of the vacant Freeborn County DHS Social Worker / Case Manager position.

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. 21-200
Approving a Lot Consolidation for Dak and Lydia Sorenson

Resolved, that the Agreement for Lot Consolidation for Dak and Lydia Sorenson be and is hereby approved.

AGREEMENT

This agreement is made and entered into this 3rd day of August 2021, by and between the County of Freeborn, State of Minnesota, hereinafter referred to as “Freeborn”; and Dak A. Sorenson and Lydia A. Sorenson, husband and wife, hereinafter referred to as “The Sorenson’s”.

RECITALS:

WHEREAS, The Sorenson’s are the owners of Parcels A and Parcel B described as follows;

Parcel A:

Lots 8 and 9, Block 1, Boulder Ridge Two Subdivision, Freeborn County, Minnesota

AND

Parcel B:

Out Lot A, Block 1, Boulder Ridge Two Subdivision, Freeborn County, Minnesota

WHEREAS, said property is, at the present time, zoned “R-1” Rural Residence; and

WHEREAS, said structures in this zone are required to be setback from a property line; and

WHEREAS, The Sorenson's wish to build an accessory structure on the common lot line; and

WHEREAS, the County of Freeborn will not issue a building permit in such a situation; and

WHEREAS, at the present time the Freeborn County, Minnesota zoning ordinance does not have a provision for combining platted lots of record.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. In exchange for Freeborn County issuing a building permit, The Sorenson's agree that the above described parcels shall be considered as one parcel, and that neither lot shall be sold without selling the other to the same party.
2. This agreement shall be binding upon the parties, their heirs, successors, and assigns and shall run with the land.

Resolution was seconded by Commissioner Forman.

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

Commissioner Belshan offered the following resolution:

RESOLUTION No. 21-201

Accepting the County Veterans Service Office Operation Enhancement Grant Program, FY 2022

RESOLVED, accepting the County Veterans Service Office Operational Enhancement Grant Program, fiscal year 2022. This grant will continue to assist Freeborn County veterans with transportation to and from the VA Medical Center in Minneapolis.

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. 21-202

Setting the 2019 Salary for the Freeborn County Sheriff

Whereas, Minnesota Statutes §387.20 Subd 2 requires the county board to annually set, by resolution, the salary of the county sheriff which shall be paid to the county sheriff, and

Whereas, Freeborn County Board of Commissioners considered the statutory factors outlined by the statute and set the 2019 salary for the Freeborn County Sheriff at \$97,020.00, and

Whereas, the Freeborn County Sheriff appealed the 2019 salary on December 18, 2018 and the matter of "The Setting of the Sheriff's Salary for Freeborn County" was filed in Freeborn County District Court on December 20, 2018, and

Whereas, the matter of "The Setting of the Sheriff's Salary for Freeborn County" filed in Freeborn County District Court on December 20, 2018 has been ongoing in the form of appeals on several levels until Monday, July 19, 2021, and

Whereas, on July 19, 2021, The State of Minnesota Appellate Court just affirmed the amount of salary awarded to the sheriff.

Now, Therefore Be It Resolved that the Freeborn County Board of Commissioners by resolution does hereby set the 2019 salary for the Freeborn County Sheriff at \$113,952.00 annually at such intervals as determined by the board,

And it be further resolved that that Freeborn County Administration and Personnel will calculate and issue the corrected required past pay and appropriate adjustment any PERA contributions in compliance with the Court of Appeals order.

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. 21-203
Setting the 2020 Salary for the Freeborn County Sheriff

Whereas, Minnesota Statutes §387.20 Subd 2 requires the county board to annually set, by resolution, the salary of the county sheriff which shall be paid to the county sheriff, and

Whereas, the Freeborn County Sheriff appealed the 2019 salary on December 18, 2018 and the matter of “The Setting of the Sheriff’s Salary for Freeborn County” was filed in Freeborn County District Court on December 20, 2018, and

Whereas, the matter of “The Setting of the Sheriff’s Salary for Freeborn County” filed in Freeborn County District Court on December 20, 2018 has been ongoing in the form of appeals, including the Sheriffs salary set for 2020, on several levels until Monday, July 19, 2021, and

Whereas, on July 19, 2021, The State of Minnesota Appellate Court affirmed the amount of salary awarded to the sheriff to include the salary of the Sheriff for 2019, which then effected the Sheriffs 2020 salary as set by the Freeborn County Board of Commissioners,

Now, Therefore Be It Resolved that the Freeborn County Board of Commissioners by resolution does hereby set the 2020 salary for the Freeborn County Sheriff at \$114,521.76 annually at such intervals as determined by the board,

And it be further resolved that Freeborn County Administration and Personnel will calculate and issue the corrected required past pay and appropriate adjustment any PERA contributions in compliance with the Court of Appeals order.

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. 21-204
Setting the 2021 Salary for the Freeborn County Sheriff

Whereas, Minnesota Statutes §387.20 Subd 2 requires the county board to annually set, by resolution, the salary of the county sheriff which shall be paid to the county sheriff, and

Whereas, the Freeborn County Sheriff appealed the 2019 salary on December 18, 2018 and the matter of “The Setting of the Sheriff’s Salary for Freeborn County” was filed in Freeborn County District Court on December 20, 2018, and

Whereas, the matter of “The Setting of the Sheriff’s Salary for Freeborn County” filed in Freeborn County District Court on December 20, 2018 has been ongoing in the form of appeals, including the Sheriffs salary set for 2020 and 2021, on several levels until Monday, July 19, 2021, and

Whereas, on July 19, 2021, The State of Minnesota Appellate Court affirmed the amount of salary awarded to the sheriff to include the salary of the Sheriff for 2019, which then effected the Sheriffs 2021 salary as set by the Freeborn County Board of Commissioners,

Now, Therefore Be It Resolved that the Freeborn County Board of Commissioners by resolution does hereby set the 2021 salary for the Freeborn County Sheriff at \$119,228.60 annually at such intervals as determined by the board,

And it be further resolved that Freeborn County Administration and Personnel will calculate and issue the corrected required past pay and appropriate adjustment any PERA contributions in compliance with the Court of Appeals order.

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. 21-205
Approval of Claims

RESOLVED, that the following claims be allowed and paid on or before August 6, 2021.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 424,821.33
03	County Road & Bridge	\$ 191,445.06
05	Human Services	\$ 101,923.23
06	Public Health	\$ 40,251.88
31	Capital Improvement	\$ 47,374.26
40	County Ditch	\$ 118,109.73
70	Trust & Agency	\$ 206,475.35
73	Payroll Clearing Fund	\$ 29,639.38
74	Turtle Creek Watershed	\$ 21,033.61
	FUND TOTALS	\$1,181,073.83

Number of Claims not exceeding \$300 – 64

Dollar amount of claims not exceeding \$300 – \$8,429.44

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 9:06 a.m. until 8:30 a.m. on Tuesday, August 17, 2021.

By: _____
Christopher N. Shoff
Chair

Attest: _____
Thomas Jensen
Clerk/Administrator