

**ADJOURNED MEETING OF THE COUNTY BOARD**  
**August 16, 2022**

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, August 16, 2022. Members present: Commissioners Shoff, Edwin, Forman and Herman. Commissioner Belshan was excused.

The meeting was opened with the Pledge of Allegiance.

Commissioner Edwin offered the following motion;

**MOVED**, approving the agenda with the addition of an item from the County Attorney.

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. 22-244**  
**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 August 2, 2022 minutes;
- 2) Approval of Drainage Repairs: CD77 and CD80.

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 Marlow Wangen of Hayward, Minnesota spoke regarding County Ditch 62.

Commissioner Herman offered the following resolution;

**RESOLUTION No. 22-245**  
**Adopting the Solid Waste Plan**

**RESOLVED**, adopting the Comprehensive Solid Waste Management Plan Ten Year Update dated 05-21-2022.

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. 22-246**  
**Approving 2022 Fee Schedule**

**RESOLVED**, approving the 2022 Fee Schedule effective August 31, 2022.

Resolution 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. 22-247**  
**Placing Ivan Estupinan, Child Support Officer, on Regular Full-Time 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**, Ivan Estupinan 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 Ivan Estupinan, Child Support Officer, on regular full-time status

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. 22-248**  
**Placing Sandra Jimenez, Office Support Specialist on Regular Full-Time 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**, Sandra Jimenez 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 Sandra Jimenez, Office Support Specialist, on regular full-time status.

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. 22-249**  
**Accepting the Resignation of Jordon Olson**

**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**; Jordon Olson has been employed as a Detention Deputy since February 28<sup>th</sup>, 2022 and is resigning his position effective August 11<sup>th</sup>, 2022,

**NOW, THEREFORE BE IT RESOLVED**, to accept the resignation of Jordon Olson as a Freeborn County Detention Deputy effective on or about August 11<sup>th</sup>, 2022.

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. 22-250  
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**, Jordon Olson, Freeborn County Detention Deputy has resigned his position effective August 11<sup>th</sup>, 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 Herman.

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

Commissioner Edwin offered the following resolution:

**RESOLUTION No. 22-251  
Setting Hearing for County Ditch No. J21**

**BE IT RESOLVED**, that Freeborn County Board of Commissioners sets a hearing date, time and location for County Ditch No. J21 Repair and Improvement of Branch A Engineer's Final Report as follows:

Date: September 20, 2022

Time: 9:00 am

Place: Freeborn County Government Center  
411 Broadway Avenue South  
Albert Lea, Minnesota

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. 22-252  
Approving Agreement for the Prosecution of Petty Misdemeanors and Misdemeanors in the City of Glenville**

This Agreement is entered into between the county of Freeborn, Minnesota (COUNTY) and the city of Glenville, 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 Glenville 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 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.

This agreement shall take full force and effect when signed by the authorized representatives of COUNTY and CITY.

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. 22-253**  
**Approval of Claims**

**RESOLVED**, that the following claims be allowed and paid on or before August 19, 2022.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 441,385.87
03	County Road & Bridge	\$ 551,504.28
05	Human Services	\$ 166,170.69
06	Public Health	\$ 58,627.17
31	Capital Improvement	\$ 98,792.10
40	County Ditch	\$ 58,057.61
70	Trust & Agency	\$ 6,982.16
77	Recorder's Clearing	\$ 4,294.00
79	Social Services Collaborative	\$ 46.27
85	Septic Loan Fund	\$ 46.00
	<b>FUND TOTALS</b>	<b>\$1,385,906.15</b>

Number of Claims not exceeding \$300 – 83  
Dollar amount of claims not exceeding \$300 – \$10,953.18  
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 8:58 a.m. until 8:30 a.m. on Tuesday, September 6, 2022.

By: \_\_\_\_\_  
Christopher N. Shoff  
Chair

Attest: \_\_\_\_\_  
Janice Fransen  
Interim Clerk/Administrator