

ADJOURNED MEETING OF THE COUNTY BOARD
September 20, 2022

The Board of Commissioners of Freeborn County met in the Freeborn County Boardroom at 8:30 a.m. on Tuesday, September 20, 2022. Members present: Commissioners Shoff, Belshan, Edwin, Forman and Herman

The meeting was opened with the Pledge of Allegiance.

Commissioner Herman offered the following motion;

MOVED, appointing Kim Waller as Clerk for this board meeting.

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

Commissioner Edwin 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 Herman offered the following resolution;

RESOLUTION No. 22-273
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 September 6, 2022 minutes;
- 2) Approval of Drainage Repairs: CD62.

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

The Commissioners provided Board Committee updates.

At approximately 8:35 a.m. representative of the Hayward Solar Project provided introductions, updates and answered questions regarding the project.

At approximately 8:40 a.m. Kurt Wayne from MnDOT gave a presentation on the 10-year Capital Highway investment plan and answered questions from the Board.

At approximately 9:17 a.m. Chairman Shoff opened the public hearing regarding County Ditch J21.

AGENDA
Redetermination Hearing & Final Hearing on Improvement
Tuesday, September 20, 2022 9:00 a.m.
Freeborn County Government Center

- I. Opening of Public Hearing – *Board Chairperson*
- II. Purpose of Hearing – *Kurt Deter*
- III. Record of Notice Requirements – *Pat Martinson, Freeborn County Auditor-Treasurer*
- IV. Viewer’s Report on Redetermination of Benefits – *Viewers*
- V. Public Comment and Questions Regarding Redetermination
- VI. Possible Action by Drainage Authority

Approval of Redetermination of Benefits if:

- 1) The Viewers’ Report has been made and other proceedings have been completed under Minnesota Statutes 103E.
- 2) The reports made or amended are complete and correct.
- 3) The damages and benefits have been properly determined.

The redetermined benefits and damages shall be used in all subsequent proceedings related to Freeborn County Ditch J21.

- VII. Engineer’s Final Report Concerning Improvement to J21 – *Steve Penkava*
- VIII. DNR Advisory Report
- IX. Public Comment and Questions on Viewers’ Report for Improvement
- XII. Possible Action by Drainage Authority:

Establishment of Improvement if:

- 1) The Final Engineer’s Report and Viewers’ Report have been made and other proceedings have been completed under Minnesota Statutes 103E.
- 2) The reports made or amended are complete and correct.
- 3) The damages and benefits have been properly determined.
- 4) The estimated benefits are greater than the total estimated costs, including damages.
- 5) The proposed drainage project will be of public utility and benefit and will promote the public health.
- 6) The proposed drainage project is practicable.
- 7) The engineer’s proportionate costs of the Improvement that would be required to repair the separable portion of the drainage system is approved.

If the project is established, the engineer is directed to work toward plans and specifications toward the awarding of a contract.

The meeting was called to order by Chairman Shoff.

Commissioner Herman offered the following resolution;

RESOLUTION No. 22-274
Approving Redetermination of Benefits Regarding County Ditch J21

BEFORE THE FREEBORN COUNTY BOARD OF COMMISSIONERS,
ACTING AS DRAINAGE AUTHORITY FOR FREEBORN COUNTY DITCH J21

Findings of Fact and Order Approving
Redetermination of Benefits, Pursuant to
Minnesota Statutes 103E.351

WHEREAS, the Freeborn County Board of Commissioners, acting as Drainage Authority for Freeborn County Ditch J21, ordered the Redetermination of Benefits, pursuant to Minnesota Statutes 103E.351; and

WHEREAS, viewers were appointed and a Redetermination of Benefits' Report has been filed; and

WHEREAS, a Public Hearing was held on Tuesday, September 20, 2022, at 9:00 a.m., in the Commissioners' Room of the Freeborn County Government Center; and

WHEREAS, the viewers presented the Viewers' Report for the Redetermination of Benefits of Freeborn County Ditch J21; and

WHEREAS, the hearing was open for public comment and there were questions concerning the Redetermination of Benefit.

NOW, THEREFORE, based on all the evidence presented and all the public comment and questions, the Freeborn County Board of Commissioners, acting ad Drainage Authority for Freeborn County Ditch J21, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Viewers' Report has been made and other proceedings have been completed under Minnesota Statutes 103E.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined.

ORDER

NOW, THEREFORE, it is hereby ordered that the Redetermination of Benefits for Freeborn County Ditch J21 is hereby approved.

Resolution was seconded by Commissioner Edwin.

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

Commissioner Edwin offered the following resolution;

**RESOLUTION No. 22-275
Approving Order Establishing Improvement Regarding County Ditch J21**

**BEFORE THE FREEBORN COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR FREEBORN COUNTY DITCH J21**

Findings of Fact and Order Establishing the
Improvement to Freeborn County Ditch J21
Branch A, Lateral A-3, Lateral A-5 and
Lateral A-8 Tiles

WHEREAS, a Petition was submitted requesting the Improvement of portions of Freeborn County Ditch J21; and

WHEREAS, the Final Engineer's Report and Final Viewers' Report have been filed with the Freeborn County Auditor-Treasurer; and

WHEREAS, pursuant to proper notice, the Final Hearing was held on Tuesday, September 20, 2022 a.m. in the Commissioners' Room, located in the Freeborn County Government Center; and

WHEREAS, Steve Penkava, the duly appointed engineer, gave a Final Engineer's Report for the Improvement to Freeborn County Ditch J21; and

WHEREAS, Steve Penkava, the appointed engineer, recommended the approval of the Improvement; and

WHEREAS, the DNR Advisory Report was read into the record; and

WHEREAS, the hearing was open for public comment concerning the Engineer's Report; and

WHEREAS, the duly appointed viewers gave the Viewers' Report for the Improvement to Freeborn County Ditch J21; and

WHEREAS, the hearing was open for public comment concerning the Viewers' Report for the Improvement to Freeborn County Ditch J21.

NOW, THEREFORE, based on all the evidence presented, the Public Hearings, and all reports submitted, the Freeborn County Board of Commissioners, acting as Drainage Authority for Freeborn County Ditch J21, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Engineer's Report and Viewer's Report have been made and other proceedings have been completed under Minnesota Statutes 103E.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined.
4. The estimated benefits are greater than the total estimated costs, including damages.
5. The proposed drainage project will be of public utility and benefit and promote the public health.
6. The proposed drainage project is practicable.
7. The separable maintenance as recommended by the engineer is approved.

ORDER

NOW, THEREFORE, it is hereby ordered that the Improvement to Freeborn County Ditch J21 Branch A, Lateral A-3, Lateral A-5 and Lateral A-8 Tiles is hereby established and that Steve Penkava, the appointed engineer, is to proceed towards plans and specifications toward the awarding of a contract. In addition, the Viewers' Report for the Improvement to Freeborn County Ditch J21 is hereby approved.

Resolution was seconded by Commissioner Herman.

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

Chairman Shoff asked if there was any public comment and there was none.

Commissioner Herman offered the following resolution;

RESOLUTION No. 22-276 Accepting the Resignation of Anthony Rodriquez

WHEREAS, the Freeborn County Sheriff's Office 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; Anthony Rodriquez has been employed as a Patrol Deputy since May 2nd, 2022 and is resigning his position effective September 23rd, 2022,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Anthony Rodriquez as a Freeborn County Patrol Deputy effective on or about September 23rd, 2022.

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

Commissioner Herman offered the following resolution;

**RESOLUTION No. 22-277
To Fill the Vacant Patrol 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, Anthony Rodriquez, Freeborn County Patrol Deputy has resigned his position effective September 23rd, 2022;

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

Resolution 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. 22-278
Accepting the Resignation of Ray Folven**

WHEREAS, the Freeborn County Sheriff's Office 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; Ray Folven has been employed as a Detention Deputy since May 16th, 2022 and is resigning his position effective September 9th, 2022,

NOW, THEREFORE BE IT RESOLVED, to accept the resignation of Ray Folven as a Freeborn County Detention Deputy effective on or about September 9th, 2022.

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

Commissioner Herman offered the following resolution:

**RESOLUTION No. 22-279
To Fill the Vacant 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, Ray Folven, Freeborn County Detention Deputy has resigned his position effective September 9th, 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 Edwin.
After discussion, a vote was taken and the Chair declared the resolution approved.

Commissioner Forman offered the following resolution:

RESOLUTION No. 22-280
To Fill Vacant Children's Mental Health 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, Erin Lowe, Freeborn County Children's Mental Health Case Manager, has resigned her position effective September 18th, 2022, due to an internal promotion;

NOW, THEREFORE BE IT RESOLVED, that the board approves the filling of the vacant Freeborn County Children's Mental Health Case Manager position due to internal promotion.

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

Commissioner Herman offered the following resolution:

RESOLUTION No. 22-281
Authorizing Final Payment of CP 022-M-004

IT IS RESOLVED that the Freeborn County Highway Department has the responsibility of maintaining the county road system;

BE IT RESOLVED that the work to furnish and apply Magnesium Chloride for Base Stabilization by Freeborn County Coop Oil of Albert Lea, MN, has been completed in a satisfactory manner;

IT IS FURTHER RESOLVED, that the Freeborn County Auditor-Treasurer is hereby authorized to make final payment in the amount of \$5,480.55.

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. 22-282
Approving of ITC Midwest Agreement to Relocate Power Poles in Highway Right of Way

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

WHEREAS MnDOT State Aid standards for Reconstruction of Highways lists minimum requirements that must be met to ensure safe roads and to qualify for State Aid funding, and

WHEREAS there are currently power poles owned by ITC Midwest (ITCMW) that are in conflict with the standards set forth by MnDOT State Aid and therefore need to be relocated, and

WHEREAS Freeborn County has agreed to split the associated costs of the project with ITCMW at a 50% cost share.

NOW, THEREFORE, BE IT RESOLVED Freeborn County shall enter into a Contribution In Aid of Construction Agreement that will define the financial commitments and responsibilities of each party including the sharing of the total project cost in the estimated amount of \$684,000, and

IT IS FURTHER RESOLVED that the Freeborn County Highway Engineer shall administer the agreement, make appropriate payments for the work, and evaluate and approve changes to the agreement while considering the best interests of Freeborn County.

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. 22-283
Approving Lot Consolidation Agreement

RESOLVED, that the Agreement for Lot Consolidation for Glen Jensen and Margaret Drury bet and is hereby approved.

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. 22-284
Decommitting Funds

RESOLVED, that the County Board hereby approves decommitting Excess Fund Balance use committed for Administration in the amount of \$100,000.

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. 22-285
Approving Donation

RESOLVED, approving a donation in the amount of \$100,000 to the Inclusive Playground Committee.

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. 22-286
Approving a Grant Contract Amendment with MDH for SHIP

Whereas, Freeborn County Community Health Board will approve the grant contract amendment with Minnesota Department of Health for the Statewide Health Improvement Partnership (SHIP);

Whereas, Minnesota Statute 145A.04 allows promoting healthy communities and healthy behavior through activities that improve health in a population such as investing in healthy families; providing information and education about healthy communities or population health status; and addressing issues of health equity, health disparities, and the social determinants to health.;

Whereas, the Statewide Health Improvement Project (SHIP) program works in the community to develop wellness activities in the community, schools, and businesses related to active living and healthy eating by developing policy, systems and environmental change. The funding is in the amount of \$151,652 from November 1, 2022 – October 31, 2023.;

Now, Therefore, Be It Resolved that the Freeborn County Board of Commissioners/Freeborn County Community Health Board does hereby approve the contract grant amendment with Minnesota Department of Health for the SHIP.

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. 22-287
Setting Preliminary 2023 Tax Levy

RESOLVED, that the Freeborn County Board of Commissioners does, hereby, certify to the Freeborn County Auditor-Treasurer that it proposes the following tax levy which, if adopted pursuant to Minnesota Law, will be ordered on all taxable property in Freeborn County, payable in 2023, to wit:

	<u>2023 Levy</u>
For General Revenue Fund	\$16,335,171
For Soil & Water Conservation Dist.	<u>183,000</u>
Total General Fund	\$16,518,171
For Human Services Fund	\$5,507,355
For Road and Bridge Fund	\$5,019,800
For Public Health Fund	\$179,339
For Capital Improvement Fund	\$650,000
For County Library Fund	\$278,400
For Capital Improvement Bond	<u>\$705,464</u>
TOTAL TAX LEVY	\$28,858,529
Less State Aid	<u>\$(1,900,695)</u>
TOTAL LOCAL TAX LEVY	<u>\$26,957,834</u>

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. 22-288
Setting Preliminary 2023 Budget

RESOLVED, that the Freeborn County Board of Commissioners does, hereby, propose a preliminary budget for the fiscal year beginning January 1, 2023 a summary of which is as follows:

Freeborn County
Preliminary 2023 Budget

BUDGETED REVENUE

General Revenue Fund	\$ 23,045,518
Human Services	\$ 13,239,474
Highway	\$ 17,544,680
Public Health	\$ 3,879,275
Building Debt Services	\$ 0
Ditch Fund	\$ 1,651,000
Capital Improvements Fund	\$ 1,215,000
Capital Improvements Bond	\$ 705,464

Library	\$ 278,400
TOTAL REVENUE	<u>\$ 61,558,811</u>

BUDGETED EXPENDITURES

General Revenue Fund	\$ 23,245,518
Human Services	\$ 13,239,474
Highway	\$ 17,994,680
Public Health	\$ 3,879,275
Building Debt Services	\$ 1,743,635
Ditch Fund	\$ 1,080,276
Capital Improvements Fund	\$ 6,612,959
Capital Improvements Bond	\$ 768,340
Library	<u>\$ 278,400</u>
TOTAL EXPENDITURES	<u>\$ 68,842,557</u>

Further, be it resolved that this budget shall be certified to the Freeborn County Auditor/Treasurer.

Resolution was seconded by Commissioner Herman.

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

Commissioner Belshan offered the following motion:

MOVED, setting a workshop for Tuesday, September 27, 2022 at 8:30 a.m.

Motion was seconded by Commissioner Edwin

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

Commissioner Belshan offered the following resolution:

RESOLUTION No. 22-289
Directing County Attorney to Prepare a Letter

RESOLVED, directing Freeborn County Attorney to prepare a letter on behalf of the Commissioners regarding the gas lines involved in the County Ditch J21 project.

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 No. 22-290
Approval of Claims

RESOLVED, that the following claims be allowed and paid on or before September 23, 2022.

<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
01	General Fund	\$ 545,950.25
03	County Road & Bridge	\$ 636,486.22
05	Human Services	\$ 166,024.71
06	Public Health	\$ 60,991.32
31	Capital Improvement	\$ 381,218.62
40	County Ditch	\$ 25,783.84
70	Trust & Agency	\$ 94,819.65
73	Payroll Clearing Fund	\$ 2,522.08
74	Turtle Creek Watershed	\$ 46.00
77	Recorder's Clearing	\$ 3,613.00
79	Social Services Collaborative	<u>\$ 46.19</u>
	FUND TOTALS	\$1,917,501.88

Number of Claims not exceeding \$300 – 73

Dollar amount of claims not exceeding \$300 – \$9,405.09

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 10:16 a.m. until 8:30 a.m. on Tuesday, October 4, 2022.

By: _____
Christopher N. Shoff
Chair

Attest: _____
Janice Frasen
Interim Clerk/Administrator