

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
MARCH 21, 2023

The Faribault County Board of Commissioners met in regular session at the Courthouse Annex in the City of Blue Earth at 9:00 a.m. on March 21, 2023. The following members were present: Tom Loveall, Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Deputy Tom Elmer, Acting Clerk to the Board Sarah Van Moer, and members of the public K. Mertens, M. Steele, and G. Martin also attended.

The meeting was called to order by Chair Anderson.

The pledge of allegiance was recited.

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Groskreutz/Roper motion carried unanimously to approve the synopsis and official proceedings of the March 7, 2023 regular and drainage authority meetings.

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Groskreutz/Loveall motion carried unanimously to approve the agenda of March 21, 2023, as amended.

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The calendar was updated.

B. Anderson appeared during public comment and spoke about the tax forfeited parcel in Foster Township and private sale 2023-A that was held on March 6, 2023.

Loveall/Young motion carried unanimously to direct staff to prepare a resolution for presentation at the next board meeting setting the opening bid price at \$10,000 and to set public auction 2023-B date of May 31, 2023, or sooner.

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Committee reports were given. Groskreutz reported on the annual township meetings for Dunbar and Clark Townships, HRA, Health and Human Services Exec, Transit, and MVAC. Roper reported on annual township meetings for Blue Earth, Emerald, Elmore, and Rome, Workforce, and MVAC. Young reported on annual township meetings for Pilot Grove and Verona. Loveall reported on Region Nine and an Insurance Committee meeting. Anderson reported on annual township meetings, AMC Legislative updates, a Faribault County Producers meeting, and Personnel Committee.

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Central Services Director Pam Krill met regarding office business.

Groskreutz/Roper motion carried unanimously to approve the hire of Marsha Leschefske as Legal Administrative Assistant in the County Attorney's Office.

\* \* \* \* \*

Planning Commission members Dennis Koziolk and Morris (JR) Hanson, Joe Miessen of PCI Roads, and landowner Garry Martin met to discuss a proposed temporary concrete batch plant site.

Young/Loveall motion carried unanimously to approve Resolution 23-PZ02-16 approving the Conditional Use Permit for Garry Martin and PCI Roads-Joe Miessen. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

## **RESOLUTION**

### **CONDITIONAL USE PERMIT**

Garry Martin and PCI Roads-Joe Miessen  
Emerald Township, Section 10-102-26  
#02-23-82

**WHEREAS:** According to the Faribault County Zoning Ordinance, Garry Martin and PCI Roads-Joe Miessen have requested a Conditional Use Permit for a temporary concrete batch plant site, to produce concrete and material storage.

The proposed project is located in the A-2 Agriculture District located in: Emerald Township, Section 10, T102N R26W, Parcel #080100500.

Real property situated in the County of Faribault, State of Minnesota, and described as follows:

Tract A: The North Half of the Southeast Quarter (N1/2 SE1/4) and the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section Ten (10) in Township One Hundred Two (102) North, Range Twenty-Six (26) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota, excepting that part thereof taken by the State of Minnesota for Interstate 90 by Final Certificate recorded in the Office of the County Recorder of said Faribault County as Microfilm Document No. 239310

**WHEREAS:** According to the Faribault County Zoning Ordinance, Section 7 A-2 General Agriculture District – C. - Conditional Uses; Subdivision (9), the Planning Commission has made its recommendation based on findings with respect thereto and all facts in connection therewith and has designated conditions deemed necessary for the protection of public interest.

**WHEREAS:** The Planning Commission finds that:

1. The proposed use of the property will not have an adverse impact on health, safety and the general welfare or be injurious to the use and enjoyment of other properties and residents for purposes already permitted in the surrounding neighborhood.

2. The proposed use meets the standards of the Faribault County Zoning Ordinance including that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.
3. The proposed use will not have an adverse impact on traffic conditions, or that additional measures are being proposed in regard to access roads, traffic conditions, traffic congestion, and traffic hazard.
4. There are adequate public or private facilities and services in place or are being proposed to support the proposed use in regard to water supply, electricity, sewer services, lighting, public services, site drainage and off-street parking.
5. If the proposed use requires storage of materials, that adequate disposal measures are in place.
6. The proposed use will not have an adverse effect on the environment including impacts on the groundwater, surface water, soils, and air quality.
7. The proposed use will not substantially diminish and impair property values within the immediate vicinity and is compatible with the existing neighborhood.
8. The proposed use will not hinder the normal and orderly development and improvement of surrounding properties in the surrounding neighborhood for the uses predominate to the area.
9. The proposed use will have adequate measures in place to prevent or control offensive odors and/or fumes, dust, noise, and vibration, so that none of these will be a disturbance to neighboring properties.
10. If the proposed use requires any additional necessary facilities that they are identified in the permit.

**NOW THEREFORE BE IT RESOLVED**, that the Faribault County Board of Commissioners approve a Conditional Use Permit to Garry Martin and PCI Roads-Joe Miessen in the A-2 Agriculture District for creating a temporary Concrete Batch plant site to produce concrete with the following conditions:

1. An approved Storm Water Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES) Permit must be submitted to Planning and Zoning prior to operation.
2. Faribault County Driveway Permit.
3. Faribault County E911 Address Permit.
4. To ensure County Ditch 5, is not disturbed or damaged, Faribault County Drainage requests that materials are not stored or stacked within 50 feet of the top of the ditch and bank access to the ditch and buffer strip easement cannot be blocked.

5. Daytime noise and dust must adhere to OSHA standards.
6. Conditional Use Permit will terminate upon completion of the I-90 project, to be no later than December 31<sup>st</sup>, 2024, at which time site and roads shall be restored by the applicants to its original state.
7. All County, State, and Federal laws, regulations, and ordinances shall be complied with, and site must be in compliance with all necessary permits, including all performance standards of Section 15 of the Faribault County Ordinance.

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Bonnie Christiansen, Emily Ovrebo, and Megan Cook met regarding Extension.

Roper/Groskreutz motion carried unanimously to approve the updated Memorandum of Agreement (MOA) between Faribault County and the University of Minnesota Extension with a change which would allow for the hire of either a summer coordinator or a summer intern to meet the department's summer staffing needs.

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Mark Daly met regarding Public Works business.

Young/Loveall motion carried unanimously to approve the engineer to begin advertising for two township bridges, Bridge 22552 on 165th St. over Center Creek and Bridge L8837 on 190th St. over Elm Creek.

Loveall/Young motion carried unanimously to approve the purchase of a 2002 Polaris ATV from the SWCD for \$1500.

Groskreutz/Roper motion carried unanimously to approve Resolution 23-RB01-17 for a detour agreement with MnDOT. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

## **R E S O L U T I O N**

**IT IS RESOLVED** that Faribault County enter into MnDOT Agreement No. 1053179 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State for the use of County State Aid Highway (C.S.A.H.) No. 1, County State Aid Highway No. 6 and County State Aid Highway No. 8 and County State Aid Highway No. 17, County State Aid Highway No. 16 and County State Aid Highway No. 23 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 90 from 1.95 miles west of Trunk Highway 169 to 0.09 miles east of Trunk Highway 22 under State Project No. 2280-143 (T.H. 90=391).

**IT IS FURTHER RESOLVED** that the Faribault County Auditor-Treasurer-Coordinator and the Faribault County Engineer are authorized to execute the Agreement and any amendments to the Agreement.

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Discussion was held regarding solid waste fees.  
Loveall motion died for lack of a second to reduce the solid waste fees.

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Young/Groskreutz motion carried unanimously to approve pay application #6 in the amount of \$64,334.00 to Ramsey Excavating Company, pay application #3 in the amount of \$34,419.45 to Frantz Concrete Construction, pay application #7 of \$17,955.00 to Century Construction, #3 of \$11,530.15 to Sonus Interiors, #5 of \$5,153.75 to Steinbrecher Painting Company, and #9 of \$163,259.49 to Associated Mechanical Contractors, Inc.

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Young/Roper motion carried unanimously approving pay application #7 in the amount of \$81,287.94 to Kraus-Anderson Construction Company.

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Groskreutz/Roper motion carried unanimously to approve courthouse HVAC Mechanical change order #10 to add covers to the two boiler emergency stops at a cost of \$498.00.

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Young/Loveall motion carried unanimously to approve courthouse HVAC Electrical change order #11 to add a water main bonding at a cost of \$1,043.10.

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Young/Groskreutz motion carried unanimously to approve Resolution 23-CB-18 for the updated state memorandum of agreement and future multistate opioid supply chain participant settlements. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

## **RESOLUTION**

### **A Resolution Authorizing Faribault County Staff to Execute All Necessary Documents to Ensure Faribault County's Participation in the Multistate Settlements Relating to Opioid Supply Chain Participants, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement.**

**WHEREAS**, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against opioid supply chain participants related to the opioid crisis; and

**WHEREAS**, the Minnesota Attorney General has signed on to multistate settlement agreements with several opioid supply chain participants, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

**WHEREAS**, there is a deadline of April, 18 2023, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

**WHEREAS**, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement, as amended (the "State-Subdivision Agreement"); and

**WHEREAS**, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota;

**NOW, THEREFORE, BE IT RESOLVED**, Faribault County supports and agrees to the State-Subdivision Agreement; and

**BE IT FURTHER RESOLVED**, Faribault County supports and opts in to all future multistate settlement agreements with opioid supply chain participants; and

**BE IT FURTHER RESOLVED**, Faribault County authorizes county staff to execute all necessary documents to ensure Faribault County participation in the multistate settlement agreements, including the Participation Agreement and accompanying Release, and in the State-Subdivision Agreement.

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Groskreutz/Roper motion carried to approve training requests from E. Beske to attend an online Basic Data Practices training; and J. Warmka, T. Sturtz, and B. Hagenson to attend a MnDOT Gravel Road Maintenance & Design training in Mankato.

Groskreutz/Young motion carried unanimously to approve the training request from J. Pettit to attend a Realistic De-escalation Instructor Course in Des Plaines, IL.

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Young/Roper motion carried unanimously to pay the following bills:

Auditor warrants for February 1 to February 28, 2023 totaling \$3,685,595.68 as follows:

Auditor Warrant Approval List for February 1 to February 28, 2023		
Date	Amount	Description
2/2/2023 Total	2,338,872.06	Auditor Warrants
2/9/2023 Total	208,828.81	Auditor Warrants
2/16/2023 Total	871,557.36	Auditor Warrants
2/23/2023 Total	266,337.45	Auditor Warrants
Grand Total	\$ 3,685,595.68	Total Auditor Warrants

ACH-EFT warrants for February 1 to February 28, 2023 totaling \$1,254,205.62 as follows:

ACH/EFT Approval List for February 1 to February 28, 2023			
Date	Warrant#	Amount	Description
2/2/2023 Total		638.82	Auditor Warrants
2/7/2023 Total		356,022.87	Commissioner Warrants
2/9/2023 Total		7,259.21	Auditor Warrants
2/16/2023 Total		657,563.17	Auditor Warrants
2/21/2023 Total		164,266.39	Commissioner Warrants
2/23/2023 Total		68,455.16	Auditor Warrants
Grand Total		1,254,205.62	Total ACH/EFT Warrants

Audit list and auxiliary totaling \$255,456.50 as follows:

GENERAL REVENUE FUND	\$ 137,584.51
PUBLIC WORKS FUND	82,969.98
DITCH FUND	34,334.43
DEBT SERVICE FUND	112.96
NON REV/DISB A	454.62
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	\$ 255,456.50

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Roper/Young motion carried unanimously to adjourn.

The meeting was adjourned for March 2023.

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Bruce Anderson, Chair

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Sarah Van Moer, Acting Clerk to the Board