

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
SEPTEMBER 15, 2020

The Faribault County Board of Commissioners met pursuant to the recess of September 1, 2020 in regular session via teleconference in the City of Blue Earth at 9:00 a.m. on September 15, 2020. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator Darren Esser and Acting Clerk to the Board Clara Vereide were also present. Also participating in the call were Faribault County employees: County Attorney Kathryn Karjala, Central Services Director Lexi Scholten, K. Anderson, Blair, Daly, Lewis, Lore, and Rauenhorst; members of public: Kevin Mertens and Milt Steele.

The meeting was called to order by Chair Warmka.

The pledge of allegiance was recited.

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Groskreutz/Young motion carried unanimously to approve the synopsis and official proceedings of the September 1, 2020 drainage authority meeting.

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Groskreutz/Roper motion carried unanimously to approve the agenda of September 15, 2020.

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The calendar was updated.

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During public comment Planning and Zoning committee member Dennis Koziolk spoke regarding junkyard ordinance and a request for public comment on the ordinance.

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Committee reports were given: Young reported on planning and zoning; Groskreutz reported on AMC, EDA, Human Services, planning and zoning, transit, health and human services policy, and Wells city council; Warmka reported on AMC.

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Bruce Stensland met regarding property re-purchase.

Young/Groskreutz motion carried unanimously to take from the table from the September 1, 2020 meeting the resolution to repurchase two forfeited tax parcels by prior owner.

Groskreutz/Young motion carried to move the previous question. Commissioner Roper voted no.

Loveall/Groskreutz motion carried to approve Resolution 20-CB-64 approving the repurchase of forfeited tax parcels 21.325.0510 and 21.325.0520 by prior owner. Commissioners Groskreutz, Loveall, Warmka, and Young voted yes. Commissioner Roper voted no.

RESOLUTION

WHEREAS, Parcels 21.325.0510 and 21.325.0520 were forfeited to the State of Minnesota in favor of the Taxing Districts and

WHEREAS, the prior owner, Bruce Stensland has applied to repurchase the parcels pursuant to Minn. Stat. 282.241 to 282.324, and

WHEREAS, the Faribault County Board of Commissioners has considered the application to repurchase the parcels and finds that it would be a hardship for the owner to lose his business and that the repurchase would be in the public’s best interest,

BE IT RESOLVED that Bruce Stensland, the former owner of parcels #21.325.0510 and 21.325.0520 described as Lot One (1) except the South 25 feet, in Block Six (6), as designated upon the recorded Plat of Garretson’s Addition to Blue Earth City (now the City of Blue Earth), Faribault County, Minnesota on file in the Office of the Register of Deeds (now County Recorder) of said County and The South 25 feet of Lot One (1) and the North Half (N ½) of Lot Two (2) in Block Six (6) of Garretson’s Addition to Blue Earth City (now the City of Blue Earth) according to the plat of said addition on file and of record in the office of the Register of Deeds (now County Recorder) of said Faribault County, Minnesota be allowed to repurchase said parcels with the payment in full of the reinstated taxes, assessments, fees, and costs as follows:

Taxes	\$ 3,378.80
Special Assessments	\$ 1,859.72
Penalty & Interest	\$ 2,664.92
Fees	\$ 62.28
Forfeiture Fee	\$ 120.00
County Service Fee	\$ 100.00
Deed Tax	\$ 26.29
State Deed Fee	\$ 25.00
Unpaid Utility Bills	\$ 500.20
County Recording Fee	<u>\$ 46.00</u>
Total Cost	\$8,783.21 for parcel 21.325.0510

And

Taxes	\$ 477.11
Special Assessments	\$ 1,100.66
Penalty & Interest	\$ 856.07
Fees	\$ 62.28
Forfeiture Fee	\$ 120.00
County Service Fee	\$ 100.00
Deed Tax	\$ 8.24
State Deed Fee	\$ 25.00
County Recording Fee	<u>\$ 46.00</u>
Total Cost	\$2,795.36 for parcel 21.325.0520

BE IT FURTHER RESOLVED that the repurchase price must be paid in full by September 16, 2020 or repurchase agreement will be void.

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Loveall/Groskreutz motion carried unanimously to recess to drainage authority.

Regular meeting reconvened at 10:41 a.m.

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Public Works Director Mark Daly met regarding office business.

Young/Groskreutz motion carried unanimously to approve Resolution 20-RB07-65 Northern State Power Company, ITC Midwest LLC, and Faribault County road use and drainage agreement on Huntley-Wilmarth powerline project. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

THIS AGREEMENT (hereafter the “Permit”), by and between Faribault County (referred to as the “County”), and Northern States Power Company, a Minnesota corporation, and ITC Midwest LLC, a Michigan limited liability company, as tenants in common, and their respective successors and assigns (referred to herein as “Company”), (the County and the Company may be individually referred to herein as a “Party” or collectively as the “Parties”).

WHEREAS, the Company is the Construction Manager of a new 345 kV electric transmission line, a portion of which located in the County, that will involve transportation, installation, and operation of high-voltage powerline towers (the “Project”) adjacent to road rights-of-way that are under the jurisdiction of the County (“County Roads”); and

WHEREAS, pursuant to the Minnesota Power Plant Siting Act, *Minnesota Statutes* § 216E.001, *et seq.*, the Minnesota Public Utilities Commission has exclusive and sole jurisdiction to determine the route for high voltage transmission lines, preempting any local land use rules, regulations and ordinances relating to the determination of said route; and

WHEREAS, the Minnesota Public Utilities Commission has granted a certificate of need for the Project and a route permit for the Project; and

WHEREAS, the route permits contain certain conditions, including a condition that “[t]he Permittees shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction,” and “shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way and other private lands affected by construction of the transmission line”; and

WHEREAS, the route permit applications and the environmental impact statement do not require that the Company obtain a permit from any local government entity in order to use public roads during the construction of the transmission line; and

WHEREAS, Project construction activities (i) will involve the Company’s use of County Roads and the Project may cross those County Roads and (ii) may affect drainage systems under the County’s jurisdiction pursuant to *Minnesota Statutes* Ch. 103E.001 *et seq.* The phrase “Public Drainage Systems” as used hereinafter shall have the definition of “drainage system” set forth in *Minnesota Statutes* § 103E.005, subd. 11; and

WHEREAS, the County Roads that may be utilized by the Project include paved roads as well as aggregate-surfaced roads that, during spring load restrictions, are posted to 5-ton per-axle loading; and 2

WHEREAS, there are some weight-posted bridges in the vicinity of Project construction activities; and

WHEREAS, the possibility exists for Project construction activities to cause damage to the County Roads and the Public Drainage Systems beyond normal wear and tear; and

WHEREAS, the Parties wish to agree about and memorialize the Company’s use of, and obligation to repair any damage caused to, County Roads and/or Public Drainage Systems during construction, to cooperate in developing appropriate signage and traffic management during construction, and to permit use of the right-of-way.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the Parties, intending to be legally bound, agree as follows:

1. **Contacts.** The County designates Mark Daly, County Engineer (507) 525-0658 and the Company designates Chris Rogers (651) 247-5531 to be their respective contact persons for purposes of coordinating appropriate signage and traffic management during construction, and to coordinate other aspects of construction related to County Roads and the Public Drainage Systems.

2. **Restoration.** The Parties acknowledge that Project construction activities may cause physical damage to County property, including but not limited to driveway entrances in the right-of-way, streets, street sub-grade, base, bituminous surface, curbs, utility systems including but not limited to water mains, sewer mains, air release valves, shut-off valves, septic, well, sanitary sewer, storm sewer, or Public Drainage Systems. The Parties agree that the County will be responsible for, and the Company agrees to promptly reimburse the County for the reasonable, actual costs of, restoring such property to as close to its preconstruction condition as is reasonably achievable.

3. **Enforcement.** If the Company fails to promptly reimburse the County for the reasonable, actual costs incurred by the County in restoring any physical damage to the County Roads and/or Public Drainage Systems caused by its construction activities, and if, after the County provides notice of the same to the Company the costs are not reimbursed, the County may, in its discretion, commence an action in district court to compel the Company to reimburse the County for costs it incurred in repairing the damage.

4. **County Roads.**

- A. The Company and its contractors shall utilize as haul roads only those County Roads as designated on attached Exhibit A (the “designated haul routes”) unless otherwise agreed to in writing by the County.
- B. The Company is exempted from spring load restrictions only as to those designated haul routes that are gravel roads.
- C. Overweight and/or oversize permits will be required for any overweight and/or oversize load not using the designated haul routes. Said permits will be obtained from the County by the Company’s contractor(s) directly.
- D. The County will not issue any exemptions to the Company to exceed restrictions on weight-posted bridges.
- E. The County will provide instruction as to the appropriate street signs and traffic control signs to be used during construction of the Project. If a road is closed, access to all residences for local traffic and emergency vehicles is required. The Company may restrict a County road to a single lane during daylight hours provided a flag person is present to direct traffic.
- F. The Company may install reasonable access from the County road to each tower site. The Company must take necessary steps to ensure that the access does not unreasonably restrict storm water drainage.
- G. In the event County roads are so saturated with water that the Company’s or its contractors’ equipment damages the County’s roads to the point where such roads become a hazard to the traveling public, the County may request the Company to cease operations on such saturated roads until the roads are dry enough to handle Company’s and its contractors’ traffic without rendering the roads a hazard to the traveling public. If Company persists in using said roads, Company shall be liable for timely repairing any damage to the reasonable satisfaction of the County or, alternatively, for reimbursing the County for the reasonable costs of the same.

5. Public Drainage Systems.

- A. Company will generally designate easement and work areas associated with this Project by providing the County with data and/or information regarding the location of the Project facilities and anticipated access routes for heavy construction equipment utilized for Project construction activities. Company will provide to the County a shapefile showing the transmission line easement areas and anticipated off-easement access routes.
- B. Upon receipt of the data and/or information provided pursuant to the preceding paragraph, the County will review the pole locations and line heights where the Project intersects or parallels a Public Drainage System and inform the Company of any potential conflicts. The Company and the County will work cooperatively to address any such conflicts.

- C. The Company will reimburse the County for the reasonable costs it incurs to repair and/or restore damages caused by Project construction activities to the Public Drainage Systems, excepting normal wear and tear. The repairs/restoration may include: (i) replacing/repairing Public Drainage System tile lines; (ii) repairing sloughs on Public Drainage System open ditches; (iii) replacing/repairing public and/or private tile outlets into open ditches; and (iv) repairing/replacing Public Drainage System tile lines or open ditch crossings under County Roads. The Company's obligation to make such reimbursements hereunder shall be for a period of five (5) years after the Project construction activities are completed.
- D. The Company will work in good faith with landowners regarding private drainage issues related to the Project.
- E. The Company will notify the County when a Public Drainage System is damaged by Project construction activities.

6. **Indemnity.** Except for the negligent acts of the County, its, agents, employees and contractors, Company shall assume all liability for, and save the County harmless and indemnify the County from, any and all claims for damages, actions or causes of action arising out of the work to be done pursuant to this Permit.

7. **Notification Information.** Any notices to the parties herein shall be in writing, delivered by hand or registered mail addressed as follows to the parties at the following address:

County: Faribault County Highway Engineer
727 East 5th St. P.O. Box 325 Blue Earth, MN 56013

Company: Northern States Power Company c/o Chris Rogers
414 Nicollet Mall GO-6A, Minneapolis, MN 55401

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Groskreutz/Loveall motion carried unanimously to recess to Faribault-Freeborn Joint County Board of Commissioners acting as drainage authority for Joint County Ditch 301.

Regular meeting was reconvened at 11:29 a.m.

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Kathryn Karjala met regarding county attorney business.

Groskreutz/Loveall motion carried unanimously to approve Resolution 20-CB-66 to enter into a contract with Karpel Solutions for their case management software – PROSECUTORbyKarpel for \$40,900.00 with annual support fees of \$4,700.00. One other quote was received from Equivant for \$89,421 with annual support fees of \$15,000. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS the County Attorney has received quotes from vendors for case management computer software; and

WHEREAS the County Attorney recommends the County Board award the contract to Karpel Solutions.

THEREFORE BE IT RESOLVED, that Faribault County enter into an agreement with Karpel Computer Systems Inc., a Missouri corporation, doing business as Karpel Solutions for the purposes of reviewing this proposal and to enter into the contract wherein Karpel Solutions agrees to provide internet based software hosting through HOSTEDbyKarpel of the copyrighted software program known as PROSECUTORbyKarpel® that has been licensed to Faribault County.

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Young/Roper motion carried unanimously to approve an SSTS grant of \$3,000.00 to Jesse Pahl for Parcel No. 14.002.0300 in Pilot Grove Township.

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Loveall/Young motion carried unanimously to approve request of G. Paschke to attend a 4-day virtual MAAO fall conference.

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Roper/Young motion to approve Resolution 20-CB-67 setting proposed 2021 levy and budget at \$12,152,746 after reduction of program aid and budget of \$29,255,032 in revenues and \$29,099,691 in expenditures. Commissioners Roper, Groskreutz, and Young voted yes. Commissioners Loveall and Warmka voted no.

RESOLUTION

WHEREAS, the Faribault County Board of Commissioners has considered the financial needs of Faribault County,

BE IT THEREFORE RESOLVED, that the budget of Faribault County for 2021 will be set at \$29,255,032 in revenues and \$29,099,691 in expenditures.

BE IT FURTHER RESOLVED, that a copy of said budget be kept on file in the Office of the County Auditor/Treasurer for public inspection.

BE IT THEREFORE RESOLVED, that the levy of Faribault County for 2021 will be set at \$12,862,277 before state aid reductions.

BE IT FURTHER RESOLVED, that the levy after reduction of program aid of \$709,531 be appropriated to the proper funds as follows:

General Fund (including Library)	\$7,392,066
Public Works Fund	1,264,988

Humans Services Fund	2,615,101
Courthouse Bonds 2020	52,500
Courthouse Bonds 2018	117,865
Jail Bonds	<u>710,226</u>
Total Net Levy	\$12,152,746

BE IT FURTHER RESOLVED, that a certified copy of said levy will be on file with the County Auditor/Treasurer of Faribault County.

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Groskreutz/Roper motion carried to approve a motion of no comment on the proposed modification of City of Wells Municipal Development District No. 3 and Tax Increment Financing District No. 3-2. Commissioner Warmka voted no.

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

Auditor warrants for August 1 to August 31, 2020 totaling \$ 2,430,611.27 as follows:

<u>Date</u>	<u>Amount</u>	<u>Description</u>
08/06/2020	251,605.04	Auditor warrants
08/13/2020	1,335,206.86	Auditor warrants
08/20/2020	41,360.80	Auditor warrants
08/27/2020	802,438.57	Auditor warrants

ACH-EFT warrants for August 1 to August 31, 2020 totaling \$899,448.72 as follows:

<u>Date</u>	<u>Amount</u>	<u>Description</u>
08/04/2020	272,189.84	Commissioner warrants
08/06/2020	174,114.52	Auditor warrants
08/13/2020	2,972.62	Auditor warrants
08/18/2020	117,105.18	Commissioner warrants
08/20/2020	22,529.56	Auditor warrants
08/27/2020	310,537.00	Auditor warrants

Audit list and auxiliary totaling \$246,473.35 as follows:

GENERAL REVENUE FUND	\$ 163,125.30
PUBLIC WORKS FUND	43,327.75
HUNTLEY SEWER DISTRICT	5,000.00
NON REVENUE/DISB A	4,211.90

DITCH FUND

30,808.40

\$ 246,473.35

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Loveall/Young motion carried unanimously to recess to a closed session of the drainage authority attorney-client privilege regarding CD3 pending litigation.

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The meeting was adjourned for September 2020.

Tom Warmka, Chair

Clara Vereide, Acting Clerk to the Board