

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
MAY 19, 2020

The Faribault County Board of Commissioners met pursuant to the recess of May 5, 2020 in regular session via teleconference in the City of Blue Earth at 9:00 a.m. on May 19, 2020. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator Darren Esser, County Attorney Kathryn Karjala, Central Services Director Lexi Scholten, and Acting Clerk to the Board Clara Vereide were also present. Also participating in the call were Faribault County employees: D. Anderson, J. Blair, M. Daly, M. Lore, B. Rauenhorst, L. Rebuffoni, and A. Scholtes; members of public: David Amundson, Barbara Baker, Gloria Pederson, Emily Wegener, Peter Hendrickson, Ann Giese, Dennis Koziolk, Milt Steele, and Kevin Mertens.

The meeting was called to order by Chair Warmka. The pledge of allegiance was recited.

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Young/Loveall motion carried unanimously to approve the synopsis and official proceedings of the April 7, 2020 drainage authority and May 5, 2020 regular and drainage authority meetings. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

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Roper/Groskreutz motion carried unanimously to approve the agenda of May 19, 2020. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

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The calendar was updated. During public comment Gloria Pederson spoke on camping at Pihl's Park.

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Committee reports were given. Young reported on CD21.

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Planning and Zoning Administrator Loria Rebuffonni met regarding office business. Rebuffonni reviewed the process for the conditional use permit to Scott Legried and Micah Twedt for a feedlot in Rome Township.

The following spoke during public comment: In opposition of conditional use permit: David Amundson of Blue Earth with farm in Rome Township, Barbara Baker of Rome Township, Wayne Baker of Frost, Peter Hendrickson, and Sheryl Satre of Buffalo Center IA (owns land east of site). Micah Twedt and Scott Legried spoke. Nancy Baker of Burnsville and Emily Wegener with PCM also spoke.

Young/Loveall motion carried unanimously to add conditions 9 and 10 to the conditional use permit for Scott Legried and Micah Twedt. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Loveall/Groskreutz motion carried to approve Resolution 20-PZ01-39 granting a conditional use permit to Scott Legried and Micah Twedt for a feedlot in Rome Township on Section 34-101N-26W. Commissioners Groskreutz, Loveall, Young, and Warmka voted yes. Commissioner Roper voted no.

## **RESOLUTION**

Scott Legried and Micah Twedt  
Rome Township, Section 34-101N-26W  
#03-20-74

**WHEREAS,** according to the Faribault County Zoning Ordinance, Scott Legried and Micah Twedt has requested a conditional use permit to allow for a feedlot with more than 1,000 Animal Units (AU).

The proposed project is in the A-2 General Agriculture District located at:

Section 34, Twp – 101N, Range – 26W NE 1/4 of Faribault County, Minnesota

**WHEREAS,** according to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4–6), 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 Scott Legried and Micah Twedt, in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit allows for the construction and operation of a feedlot with more than 1,000 Animal Units (AU) as required by the Faribault County Zoning ordinance and outlined in the application and permit.
2. SSTS installation, compliance and maintenance must be performed in accordance with Section 23 of the Faribault County Zoning Ordinance and MN Statutes 7080. Completed and approved septic application must be submitted at the time of need as determined by the applicant and/or County.
3. Per the Faribault County Sherriff's office, a new E911 address must be paid for by the applicant at the time the building/zoning permit is applied for.
4. When and if applicants divide property, the feedlot must maintain 10 acres.
5. Applicant must apply for a Water Appropriation Permit with the MN DNR.
6. Applicant shall not violate any state, federal, or local statute, rules, ordinances, or regulations enforced or imposed by any entity.
7. Any manure generated at this site is required to follow all Manure Application Setbacks that are listed in D. Section Four – General Guidelines of the Feedlot Ordinance.
8. Applicant must work with the Faribault County Highway Engineer to receive appropriate permits and approval for any driveway(s).
9. Wells are a direct conduit to groundwater and must be properly sealed with verification prior to receiving a zoning permit.
10. In order to mitigate potential noise and air quality issues, applicant is required to install a windbreak, with established trees within one year of building construction. Trees must be planted in accordance to the recommendation of the Faribault County Soil and Water Conservation District (SWCD).

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Public Works Director Mark Daly met regarding office business.

Roper/Young motion carried unanimously to approve Resolution 20-RB03-40 for an agreement with MnDOT for Bridge 22J40 bonding for \$233,286.00. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**RESOLUTION**  
**Agreement to State Transportation Fund**  
**Local Bridge Replacement Program**

**Grant Terms and Conditions**  
**SAP 022-598-009**  
MnDOT Agreement 1035182

**WHEREAS,** Faribault County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No.22J40 on CR 25; and

**WHEREAS,** the Commissioner of Transportation has given notice that funding for this bridge is available; and

**WHEREAS,** the amount of the grant has been determined to be \$233,286.00 by reason of the lowest responsible bid;

**NOW THEREFORE BE IT RESOLVED** that Faribault County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement with the Commissioner of Transportation concerning the above-referenced grant.

Loveall/Young motion carried unanimously to advertise for CP 20-600-02 annual gasoline and diesel fuel supply. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Loveall/Young motion carried to approve CSAH 6, 12, and 54 in Winnebago micro-surfacing projects. Commissioners Loveall, Roper, Warmka, and Young voted yes. Commissioner Groskreutz voted no.

Discussion was held regarding county parks. Ann Giese, park host for Pihls Park, spoke.

Groskreutz/Roper motion carried to open Pihls Park to seasonal campers only per DNR regulations with the public restrooms locked and waiver of liability signed by campers by May 22. Commissioners Groskreutz, Roper, and Young voted yes. Commissioners Loveall and Warmka voted no.

Roper/Loveall motion carried unanimously to open Woods Lake Park for Elmore Township recycling only. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

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Drainage Administrator Merissa Lore met regarding office business.

Loveall/Groskreutz motion carried unanimously to approve the Brush Creek (CD64) grant subcontract with the Faribault County Soil and Water Conservation District. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Loveall/Young motion carried unanimously to approve change order No. 1 for CD3 open ditch repair of \$10,600 to add the removal of trees on the west side of CR 19. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Loveall/Young motion carried unanimously to approve pay application No. 1 for CD3 open ditch repair to Krueger Excavating for \$91,133.50. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Young/Roper motion carried unanimously to approve payment 3 of \$15,000 for CD21 FEMA repairs to Brunz Construction. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Loveall/Young motion carried unanimously to approve an order for CD60 setting June 16, 2020 at 8:30 a.m. for a redetermination of benefits and repair hearing at Hamilton Hall. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Loveall/Groskreutz motion carried unanimously to approve an order for JD2 setting June 16, 2020 at 10:30 a.m. for a redetermination of benefits and repair hearing at Hamilton Hall. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Loveall/Roper motion carried unanimously to approve an order for JD1 setting June 16, 2020 at 1:00 p.m. for a redetermination of benefits and repair hearing at Hamilton Hall. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

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Central Services Director Lexi Scholten met regarding office business.

Groskreutz/Young motion carried unanimously to approve and implement the Faribault County COVID-19 business plan effective May 20, 2020. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

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Groskreutz/Loveall motion carried unanimously to set the start time of the June 16, 2020 regular meeting at 3:00 p.m. to coordinate with the 6:30 pm Board of Appeal and Equalization meeting. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

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Young/Roper motion carried unanimously to approve pledging support for the City of Blue Earth APX Housing Project in the form of a 20-year tax abatement. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Blue Earth Mayor Rick Scholtes attended.

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Groskreutz/Young motion carried unanimously to approve requests from L. Scholten to attend a 2-day MCHRNA summer conference in St. Cloud and J. Blair to attend a 4-day MnCCC annual conference virtually. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

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Committee reports continued. Loveall reported on BWSR and Region Nine and Groskreutz reported on transit.

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

Auditor warrants for April 1 to April 30, 2020 totaling \$ 435,648.34 as follows:

| <u>Date</u> | <u>Amount</u> | <u>Description</u> |
|-------------|---------------|--------------------|
| 4/2/2020    | 36,136.66     | Auditor warrants   |
| 4/9/2020    | 181,234.28    | Auditor warrants   |
| 4/16/2020   | 81,354.90     | Auditor warrants   |
| 4/23/2020   | 131,353.26    | Auditor warrants   |
| 4/30/2020   | 5,569.24      | Auditor warrants   |

ACH-EFT warrants for April 1 to April 30, 2020 totaling \$ 605,880.77 as follows:

| <u>Date</u> | <u>Amount</u> | <u>Description</u>    |
|-------------|---------------|-----------------------|
| 4/2/2020    | 156.24        | Auditor warrants      |
| 4/7/2020    | 403,910.57    | Commissioner warrants |
| 4/9/2020    | 22,791.33     | Auditor warrants      |
| 4/16/2020   | 68,817.88     | Auditor warrants      |
| 4/21/2020   | 102,801.54    | Commissioner warrants |
| 4/23/2020   | 6,131.85      | Auditor warrants      |
| 4/30/2020   | 1,271.36      | Auditor warrants      |

Audit list and auxiliary totaling \$ 307,417.62 as follows:

|                      |                 |
|----------------------|-----------------|
| GENERAL REVENUE FUND | \$ 113,228.51   |
| PUBLIC WORKS FUND    | 183,013.95      |
| DEBT SERVICE FUND    | 500.00          |
| NON REV/DISB A       | 3,632.05        |
| DITCH FUND           | <u>7,043.11</u> |
|                      | \$ 307,417.62   |

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The meeting was adjourned for May 2020.

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Tom Warmka, Chair

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Clara Vereide, Acting Clerk to the Board