

REDWOOD COUNTY, MINNESOTA

June 5, 2018

The Board of County Commissioners met in regular session at 8:30 a.m. in the Commissioners' Room in the Government Center, Redwood Falls, Minnesota.

Present for all or portions of the meeting were Commissioners Lon Walling, Bob Van Hee, Jim Salfer, Dennis Groebner and Dave Forkrud; Administrator Vicki Knobloch; Auditor/Treasurer Jean Price; Environmental Director Scott Wold; County Attorney Jenna Peterson; Ditch Inspector Brent Lang; Highway Engineer Keith Berndt; Planning and Zoning Supervisor Nick Brozek and Human Resource Coordinator Peter Brown.

Chair Salfer called the Meeting to order asking for the Pledge of Allegiance to the Flag.

On motion by Groebner, second by Van Hee, the Board voted unanimously to approve the June 5th meeting agenda.

Chair Salfer asked the Board members to identify any areas for which they had a Conflict of Interest. There were none.

CONSENT AGENDA

- On motion by Groebner, second by Forkrud, the Board voted unanimously to approve the following:
 - May 15, 2018 Board Minutes
 - Payment of bills as follows:

General Fund	\$ 30,884.49
Road and Bridge Fund	\$ 735.26
Ditch Maintenance Fund	\$ 1,260.93
Solid Waste Fund	\$ 145.85
Insurance Fund	\$ 655.97

- Bills exceeding \$2,000: L. Buchheim \$2,362.50, Election Systems & Software \$97,858.80, Comp. Prof. Unlimited. \$4,174, Fleet Services \$4,364.88, Emergency Communications \$3,040, J. Goblisch Construction \$2,023.26, Schmidt Construction \$56,488.09

AUDITOR-TREASURER

- On motion by Forkrud, second by Van Hee, in a roll-call vote with Forkrud, Van Hee, Walling, Salfer and Groebner all voting aye, the Board adopted the following resolution:

WHEREAS, the County Board of Commissioners of the County of Redwood, State of Minnesota desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes, and

WHEREAS, said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED, that the Redwood County Board of Commissioners hereby certifies that all parcels of land have been viewed and comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, subd. 8, 282.018 and the 1991 Laws of Minnesota Ch. 354, Art. 10, Sec. 9, amending M.S. Sec. 282.018, subd. 2 (1990). The County Board of Commissioners hereby certifies that either the County Land Commissioner or the Soil and Water Conservation Board of the district in where the land is located has reviewed the attached land sale list and identified any and all nonforested marginal and wetland.

BE IT FURTHER RESOLVED, that the Redwood County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

- On motion by Forkrud, second by Walling, the Board approved the Certificate of County Board of Classification of forfeited lands in the City of Sanborn, Parcel #90-296-0020, Kevin R. and Michelle Bogue.

COUNTY DITCH AUTHORITY

- On motion by Van Hee, second by Groebner, the Board voted unanimously to enter into Ditch authority.
- At 8:45 a.m., Chair Walling entered into a Public Hearing to consider the Outlet Petition for Lori Agar into County Ditch #28. Present were Commissioners Walling, Forkrud, Van Hee, Salfer and Groebner, Administrator Knobloch and Auditor/Treasurer Price, Environmental Director Scott Wold, Ditch Inspector Brent Lang, Kraig Van Gelderen, Wayne Alms, Jim Weidemann and Steven Johnson.
- Jean Price indicated in accordance with Statute requirements that the notices of the public hearing was published for three consecutive weeks in the Redwood Gazette (official paper), Wabasso Standard, the Standard-Gazette and Messenger and Lamberton News, posted on the County website, on the bulletin board and the front doors of the Government Center. All landowners were mailed a property owner's report and notification of the public hearing as well.
- Jim Weidemann presented an overview on how the outlet fee and net benefits were determined for parcel #61-017-1040 on County Ditch #28. Weidemann arrived at a benefit value of \$1,326.08 for 26 benefited acres in the NE ¼ of section 17, North Hero Township, and an outlet fee of \$742.59.
- The Ditch Authority then accepted public testimony. For public record no written testimony was received. Landowner Wayne Alms questioned why the work was done prior to acquiring a permit. He also stated it isn't going to hurt the system. Chair Walling called for further public comments three times. Chair Walling closed the hearing to public comment.
- On motion by Salfer, second by Groebner, the Board voted unanimously to accept the petition filed by Lori Agar and set a penalty of 20% of the benefited value due to tiling before permission was granted and order the preparation of the findings of fact and order by the County Attorney to be presented to the Ditch Authority on June 19, 2018.

- On motion by Van Hee, second by Groebner, the Board voted unanimously to set payment terms for Redeterminations for CD #23, 41, 42, 68, 68 Lateral A, 70 and 93.
- On motion by Groebner, second by Salfer, the Board voted unanimously to make buffer strip payments for the Redeterminations for CD #41, 42, 68, 68 Lateral A and 93.
- On motion by Groebner, second by Forkrud, in a roll-call vote with Groebner, Forkrud, Van Hee, Walling and Salfer all voting aye, the Board adopted the following resolution:

**RESOLUTION APPROVING WAIVER OF CONFLICT OF INTEREST REGARDING
REPRESENTATION BY RINKE NOONAN LAW FIRM
ON PUBLIC DRAINAGE MATTERS UNRELATED TO THE PETITION FOR
IMPROVEMENT TO A PORTION OF REDWOOD & LYON COUNTIES JD 15**

WHEREAS, pursuant to Minn. Stat. § 388.09, subd. 1, the Redwood County Board of Commissioners (“Board”) is authorized to employ an attorney to assist the county attorney, to appear for the county or any officer in any action in which the county or officer in an official capacity is a party, to advise the Board or its members in relation to the action, or in relation to any other matter affecting the interests of the county; and

WHEREAS, the law firm of Rinke Noonan provides professional legal services to Redwood County on specific matters related to the Board’s role as the public drainage authority under chapter 103E for public drainage systems located in Redwood County; and

WHEREAS, Rinke Noonan Law Firm has been requested to advise Richard and Lois Coudron, and other petitioners that may join them, in submitting a petition for the improvement of a portion of Redwood and Lyon Counties JD 15 and otherwise serving as the petitioners’ attorney for these proceedings; and

WHEREAS, the Joint Drainage Authority of Redwood and Lyon Counties, of which Redwood County is a member, is the public drainage authority with jurisdiction over such proceedings to improve a portion of JD 15; and

WHEREAS, Rinke Noonan’s representation of the petitioners and its ongoing representation of Redwood County on public drainage matters unrelated to JD 15 presents a concurrent conflict of interest for Rinke Noonan, which conflict can be waived with the informed consent of the parties; and specifically for filing petition only on JD 15 and Representative from Rinke Noonan Law Firm, Kale Van Bruggen.

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners of Redwood County hereby approves the Waiver of Conflict regarding the law firm of Rinke Noonan.

BE IT FURTHER RESOLVED, that Lon Walling, Chair of the Ditch Authority, be and is hereby appointed and authorized to execute the resolution approving this matter and all reasonable and necessary documents on behalf of the Ditch Authority in order to complete the transaction described herein.

- There being no further business, Chair Walling declared the Ditch Authority meeting adjourned at 9:08 a.m.

RECONVENED

- The Board reconvened into regular session at 9:08 a.m.

ROAD AND BRIDGE

- On motion by Van Hee, second by Walling, the Board voted unanimously to approve payment of Road and Bridge bills in the amount of \$65,969.69.
- On motion by Van Hee, second by Forkrud, the Board voted unanimously to award SAP 064-599-111 and SAP 064-599-112 to low bidder M & K Bridge Construction in the amount of \$974,963.00.

Other Bids Received:

Company	Amount
M & K Bridge Construction	\$ 974,963.00
Robert R. Schroeder Construction, Inc.	\$1,039,180.00

RECESS

- The Board recessed at 9:30 a.m.

RECONVENE

- The Board reconvened into regular session at 9:45 a.m.

PLANNING AND ZONING

- An application for an Animal Confinement Feedlot, Conditional Use Permit #1-18, filed by Doug Neitzel for the construction and establishment of a new swine feedlot for up to 3300 finishing swine on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: N ½ of the SW ¼ of Section 26, Twp. 112, Range 34, Sherman Township. On motion by Groebner, second by Forkrud, the Board voted unanimously to approve CUP #1-18 with (16) sixteen conditions as set forth by the Planning Commission.
- An application for an Extractional Conditional Use Permit #2-18, filed by Doug Neitzel for the operation of a new gravel pit on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: N ½ of the SW ¼ of Section 26, Twp. 112, Range 34, Sherman Township. On motion by Groebner, second by Walling, the Board voted unanimously to approve CUP #2-18 with (14) fourteen conditions as set forth by the Planning Commission.
- An application for an Animal Confinement Feedlot, Conditional Use Permit #3-18, filed by Todd, Terry and Cole Altermatt, for the expansion of the existing cattle feedlot on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: NE ¼ of Section 28, Twp. 111N, Range 37W, Vail Township. On motion by Walling, second by Van Hee, the Board voted unanimously to approve CUP #3-18 with (16) sixteen conditions as set forth by the Planning Commission.

- An application for an Animal Confinement Feedlot, Conditional Use Permit #4-18, filed by Dean Swigart, for the expansion of an existing turkey feedlot on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: NE ¼ of the NE ¼ of Section 8, Twp. 111, Range 34, Morgan Township. On motion by Groebner, second by Walling, the Board voted unanimously to approve CUP #4-18 with (9) nine conditions as set forth by the Planning Commission.
- An application for an Animal Confinement Feedlot, Conditional Use Permit #5-18, filed by Jon Schilling, for the construction and establishment of a new swine feedlot on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: SE ¼ of the SW ¼ of Section 32, Twp. 110N, Range 36W, Willow Lake Township. On motion by Forkrud, second by Groebner, the Board voted unanimously to approve CUP #5-18 with (16) sixteen conditions as set forth by the Planning Commission and to add an additional condition to add a tree line to be approved by the Environmental Office.

ADMINISTRATION

- On motion by Walling, second by Forkrud, the Board voted unanimously to approve Amendment #1 to the Lease Agreement #NR40021 between the State of Minnesota and the Redwood County Sheriff's Department.

Personnel

- On motion by Walling, second by Groebner, the Board voted unanimously to acknowledge the termination of employment of part-time custody officer, Mike Volz effective May 17, 2018.
- On motion by Van Hee, second by Walling, the Board voted unanimously to approve an additional step increase from Step 1 to Step 3 for previous experience for Assistant County Attorney, Joseph Sanow.

COMMISSIONER ITEMS:

- On motion by Van Hee, second by Forkrud, the Board voted unanimously to approve co-sponsorship for the exhibitor party for 2018 Farmfest in the amount of \$1,000.

COMMISSIONER REPORTS

- The commissioners reported on meetings they attended:

Salfer: Western Mental Health, Southwest Health and Human Services, Personnel Committee, Hospital Groundbreaking, Dahms/Torkelson Meeting, Secretary of State Meeting, DNR Dam Project

Walling: Dahms/Torkelson Meeting, District 8 Discussion

Forkrud: A.C.E., Secretary of State Meeting, Planning and Zoning, Southwest Health and Human Services

Van Hee: Southern Prairie Community Care, Fair Board, Secretary of State Meeting, Dahms/Torkelson Meeting, Redwood Area Community Center Manufacturing Event, Valley Area Transit

Groebner: Historical Society, MN Valley Regional Rail Authority, Rural Minnesota Energy Board, Dahms/Torkelson Meeting

ADJOURN

- There being no further business, Chair Salfer declared the meeting adjourned at 11:40 a.m.

Jim Salfer, Chair
Board of County Commissioners

Attest: _____
Vicki Knobloch
County Administrator