



WASECA COUNTY BOARD OF COMMISSIONERS

August 6, 2024 - 9:30 AM

East Annex Public Meeting Room

300 North State Street – East Annex · Waseca, Minnesota 56093

The Waseca County Board of Commissioners met in a regular session on Tuesday, August 6, 2024, in the Commissioners' Room, 300 North State Street, Waseca, Minnesota. Members present were Chair Brian Harguth, DeAnne Malterer, Doug Christopherson, Brad Milbrath and Brad Krause.

Other members present were Michael Johnson, County Administrator; Beth Weimert, Administrative Coordinator; Tara Riech, MNPrairie; Tina Wilson, Community Development Coordinator; Rachel Cornelius, County Attorney; Trent Grahm, Assistant County Attorney; Sarah Hiniker, U of M Extension; Christ Kallevig, MSW; Brian Tomford, Facilities Director; Tammy Spooner, Property and Elections Director; Brian Zabel, Ag and Ditch Coordinator; Chris Howard, Land and Water Resource Manager; Jim Kollar, Public Works Director/County Engineer; Tammie Bramer, Solid Waste and Recycling Supervisor; Sheriff Jay Dulas

Via online platform Scott Wolfe, Sheriff Deputy; Maame Quarcoo, Senior Land Use Planner; Brandee Nelson, Dispatch

Others present Jolayne Mohs, Oak Hills; Julie Rethemeier, Oak Hills; Laurel Remund; Mark Berhends, Viewer; John and Doris Krause; Steve Kraus; Jeremy Swenson, MIDCO; Rick Kroll, MIDCO

1. Call to Order and Pledge of Allegiance

Chair Harguth called the meeting to order at 9:32 a.m. A roll call was taken and the Pledge of Allegiance was recited.

Public Comment

Laurie Reymund, Blooming Grove Township, discussed concern over the Knitted Together Founding and future planning.

2. Introduction of New Staff

Rachel Cornelius introduced Trent Gahm, new Assistant County Attorney.

Christi Kallevig introduced Sarah Hiniker, 4-H Administrative Clerk.

Michael Johnson introduced Tina Wilson, Community Development Coordinator.

3. Approval of Agenda

Motion to approve the Waseca County Board of Commissioners amended agenda by Commissioner Milbrath, seconded by Commissioner Krause. Motion carried 5-0.

4. Presentations

a. Presentation and Greeting by MIDCO - Jeremy Swenson | Rick Kroll

Steve Krause introduced Jeremy Swenson and Rick Kroll with MIDCO out of Souix Falls, SD. MIDCO is a fixed wireless and fiber company. Mr Swenson and Kroll provided an overview to the Waseca County Board of Commissioners to make the introduction of their company. Package/pricing was provided. MIDCO asked how they can assist in the Waseca County Area.

b. Oak Hills Presentation - Jolayne Mohs

Jolayne Mohs discussed Oak Hill Community Connection located in the old Mayo Clinic building in Owatonna. Jolayne discussed homelessness within Waseca County. Resources were discussed including Rachel's Light and Hospitality housing.

Julie Rethemeier, discussed the Oaks Hill Community Connections path to solutions. Financial impacts, member agencies, approach to operations, Oak Hills financial approach, and collaborative impacts were discussed.

5. Ditch Authority

a. Public Hearing on John Krause petition to use CD35 as an outlet

Chair Harguth opened the public hearing at 10:11 a.m. The purpose of the public hearing was explained by Chair Harguth. Chris Howard, Land and Water Resources Manager, summarized the findings noting John and Doris Krause filed a petition to use CD35 as an outlet for a private drainage system located in the CD50 watershed. At the July 2, 2024, Waseca County Board of Commissioners meeting, the petition was accepted, viewers were appointed, and a public hearing was set

for August 6th, 2024.

Mark Berhends, MN Viewers Association, noted that viewers completed their report for the benefits and damages.

Chair Harguth asked for public comment. There being none, motion to close the public hearing at 10:28 a.m. by Commissioner Christopherson and seconded by Commissioner Krause. Motion carried 5-0.

Motion to adopt Resolution 2024-26 Findings and Order Approving the Use CD 35 as an Outlet by Commissioner Malterer, seconded by Commissioner Milbrath. Motion carried 5-0 by the following roll call: Commissioner Milbrath - aye; Commissioner Krause - aye; Commissioner Malterer - aye; Commissioner Christopherson - aye; Commissioner Harguth - aye. Motion carried 5-0.

Resolution 2024-26

Findings and Order Approving the Use CD35 as an Outlet

The Waseca County Drainage Authority, Board of Commissioners, sitting as the drainage authority for CD35 and CD50, pursuant to Minn. Stat. § 103E.401 and 103E.805, having adopted findings and order for the use of CD35 as an outlet on August 6, 2024; having appointed viewers to redetermine and report the benefits and damages; having received the viewers' report; having followed proper notice requirements in Minn. Stat. § 103E.351; and having held a public hearing and followed all requirements of chapter 103E, based on the record and proceedings, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order: Findings:

- 1. The Waseca County Board of Commissioners is the drainage authority for CD35 and CD50.*
- 2. On July 29, 2024, the drainage authority accepted a petition filed by John E Krause Trustee and Doris K Krause Trustee for the use of CD35 as an outlet.*
- 3. Petitioners request express authority from the Waseca County Drainage Authority, acting as the drainage authority for Waseca County CD35 to use Waseca County 2 CD 35 as an outlet for a private drainage tile system installed to benefit the following properties: A. The proposed private tile system is in the NE ¼ NW ¼ Section 14, Wilton Township (T106N, R23W). The tile system will drain approximately 10 acres of low ground and an additional 4 acres of upland surrounding the low area for a total drainage area of 14 acres.*
- 4. The engineer has concluded that there is capacity in CD 35 for the acres proposed to be drained by petitioners' private drainage system to outlet into CD 35.*
- 5. The Waseca County Administrator appointed viewers pursuant to Minn. Stat. § 103E.305. Mark Behrends and Wes Dahl were appointed as viewers.*
- 6. The Waseca County Drainage Authority set a Public Hearing Date of August 6, 2024 at 9:30 AM at the Waseca County Commissioners Room of the East Annex, 300 North State Street, Waseca, MN 56093*
- 7. The viewers completed their report, which included a benefits and damages statement on August 6, 2024, for all property affected by the drainage system and filed their report with the drainage authority.*
- 8. A printed copy of the final hearing notice was posted for at least three weeks before the date of the final hearing at the front door of the courthouse of Waseca County and East Annex bulletin board.*
- 9. Notice of the final hearing was published in the Waseca Pioneer for three successive weeks prior to the hearing. 10. Within one week after the first publication of the notice, drainage staff provided notice by mail of the time and location of the final hearing to all property owners, and others affected by the petition to use CD35 as an outlet.*
- 11. Proper notice of the petition hearing was made in conjunction with Minn. Stat. § 103E.401 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.*
- 12. Evidence of all actions in this matter, including findings and orders, appointments, oaths, affidavits of mailing, publication, and posting as well as hearing agendas, presentation materials, and recordings are present in the record of proceedings and are incorporated by reference. 3*
- 13. The drainage authority held a public hearing on the petition to use CD35 as an outlet on August 6th at 9:30Am at 300 North State Street. 14. At the public hearing, Mark Behrends, one of the duly appointed viewers, presented the viewers' report and explained the process of completing the viewers' report. Mark Behrends further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the drainage system; (2) appoint benefits and outlet fee to the parcel entering CD35; and (3) reduce the benefits of CD50. 15. The petition attached as Exhibit A.*
- 16. The viewers report is attached as Exhibit B.*
- 17. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment): a.*
 - b.*
- 18. At the close of the public comment hearing, Commissioner _____ moved to direct staff to prepare Findings and an Order consistent with the proceedings, including all comments received through the public comment process; that the draft Findings and Order be written to confirm the benefits and damages as reported by the viewers. Commissioner _____ seconded and the motion carried.*
- 19. Based on the proceedings herein, the evidence presented during the pendency of these proceedings, the testimony of the viewers, and the public comments received, the Board finds:*
 - 4 a. that the viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;*
 - b. that the viewers' report is complete and correct;*
 - c. that no evidence was presented in opposition to the benefits and outlet fee determined by the viewers in the viewers' report;*
 - d. that the benefits as reflected in the viewers' report as Exhibit B, and as described in the benefits statement as Exhibit B, are proper, reasonable, and conform to the drainage code; an*
 - e. that the outlet fee is established under Minn. Stat. § 103E.401 subd 5. Order: Based on the foregoing Findings and the entire*

record of proceedings before the Board, the Board, acting as the drainage authority for CD35 and CD50, hereby orders as follows:
A. The benefits of CD35 and CD50, in the viewers' report attached hereto as Exhibit B, and the benefits and damages statement attached hereto as Exhibit B are hereby adopted by the Board and shall be used in place of the original benefits and damages in all subsequent proceedings.
B. The engineer and viewers cost are to be paid by the petitioner. C. The County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for CD35 and CD50. D. The effective date of the order shall be when the outlet fee is paid to Waseca County.

6. Approval of County Board Minutes

Motion to approve the Waseca County Board of Commissioners Board of Appeal and Equalization minutes of June 18, 2024; Emergency meeting minutes of June 24, 2024; budget work session minutes of July 2, 2024; and regular meeting minutes of July 2, 2024 by Commissioner Milbrath, seconded by Commissioner Christopherson. Motion carried 5-0.

- a. Waseca County Board of Appeal and Equalization June 18, 2024
- b. Waseca County Board of Commissioners Emergency Meeting Minutes June 24, 2024
- c. Waseca County Board of Commissioners Budget Work Session Minutes July 2, 2024
- d. Waseca County Board of Commissioners Meeting Minutes July 2, 2024

7. Consent Agenda

Motion to approve the consent agenda as presented by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 5-0.

a. Approval of Bills

The following bills were audited and allowed:

A.H. HERMEL COMPANY	699.06
ADVANCED CORRECTIONAL HEALTHCARE INC	4,589.35
AMAZON CAPITAL SERVICES	830.49
AMAZON PH	38.94
APEX EQUIPMENT LLC	304.10
ASHLEY KILLDAY	22.96
AUDIO TRONIX	200.00
BAKER TILLY LLP	6,873.00
BLUE EARTH CO HUMAN SERVICES	603.25
BOCKS SERVICE INC	79.12
BOMGAARS SUPPLY	234.30
BOMGAARS SUPPLY	1,094.51
BORNEKE CONSTRUCTION INC	6,632.45
BRIAN HARGUTH	222.44
BRUCE W NESS	220.00
BRUSH & WEED CONTROL SPECIALISTS INC	28,349.25
CAPITAL ONE	14.87
CDW GOVERNMENT INC	2,408.99
CHARLES BENSON	80.94
CHARLES MANTHEY	400.05
CHRISTOPHER LLOYD OSTERLOH	91.39
CITY OF WASECA FINANCE DEPARTMENT	224.66

CITY OF WASECA FINANCE DEPARTMENT	3,250.00
CJ MASONRY	3,480.00
COLE'S ELECTRIC INC	80.00
COLIN AYERS	70.09
COMMUNITY COMPLIANCE MONITORING	958.00
DAVID JOHN JONES	1,755.00
DEANNE MALTERER	108.14
DORCO INC	482.50
DUANE RATHMANN	81.34
EHLERS	2,000.00
EJL PUBLICATIONS	52.00
EMERGENCY AUTOMOTIVE TECHNOLOGIES, INC	1,372.72
ERIC GLEASON CONSTRUCTION, LLC	3,565.00
GIDGETS LLC	296.00
GRANT DENNIS KOCH	1,875.00
GREGG & JEANNIE ROLLINS	204.00
GUARDIAN SUPPLY	446.56
INNOVATIVE OFFICE SOLUTIONS LLC	508.62
INTERSTATE POWER SYSTEMS, INC	544.61
JAVENS MECHANICAL CONTRACTING CO INC	477.75
JOHN DEERE FINANCIAL	615.51
KEZIA SMITH	75.00
KYLE ROMAN MURRAY	784.00
L & L STREET ROD & SPORTS TRUCK	640.00
MALECHA'S AUTO BODY LLC	4,592.52
MARIANA IZAGUIRRE	644.68
MARK BEHREND	487.50
MENARDS-MANKATO	3,017.15
MESSICK LAW PLLC	360.00
MIDWEST MONITORING & SURVEILLANCE	158.38
MINNESOTA ELEVATOR INC	420.00
MJB HANSEN FAMILY LP	1,826.01
MN DEPT OF CORRECTIONS STS	19,406.87
MN DEPUTY REGISTRARS ASSOC	50.00
MNCCC LOCKBOX	880.00
M-R SIGN COMPANY INC	1,493.05
NCH CORPORATION	1,387.40
NOW MICRO	1,883.00
OFFICE OF MNIT SERVICES	2,313.65
PATTI SCHUCH	102.51
PATTON HOVERSTEN & BERG PA	6,132.50
PRIMADATA, LLC	110.55
RDO EQUIPMENT CO	1,198.73
RECOVERY TREK LLC	135.00
RICHARD POSSIN	99.43

RICK'S APPLIANCE	94.50
RICKWAY, INC	6,560.00
RINKE-NOONAN ATTORNEYS AT LAW	664.00
RIVER BEND BUSINESS PRODUCTS	457.52
ROBERT VOGELSANG	104.79
RODNEY BORN	83.35
RS EDEN	68.10
SAFE-FAST INC	497.26
SCANSTAT TECHNOLOGIES LLC	10.00
SCHILLING SUPPLY COMPANY	1,668.40
SEACHANGE PRINTING & MARKETING SERVICES LLC	1,380.30
SMITH TOLLEFSON RAHRICK & CASS	3,765.00
SOFTWARE.HARDWARE.INTEGRATION	1,796.28
SOUTHERN MINNESOTA INSPECTION CO LLC	297.80
STEPHANIE ROEMHILDT	88.98
STEVEN JOHN KRAUS	162.14
STREAMLINE COMMUNICATIONS LLC	6,628.26
THE ELECTRONIC CONNECTION	21.98
THIRTY YEAR VENTURES LLC	420.60
ULINE	4,445.62
US BANK-ST PAUL	550.00
WASECA ABSTRACT COMPANY	150.00
WASECA CO PIONEER	96.00
WASECA CO PROPERTY & ELECTION SERVICES	54.21
WASECA CO ROAD & BRIDGE	6,000.00
WASECA GLASS	553.00
WASECA HARDWARE LLC	55.16
WILLIAM G DONAHUE	1,518.20
WRIGHT COUNTY SHERIFF	2,281.32
ZAHL EQUIPMENT SERVICE INC	1,560.50

b. Partial Release of Exclusive Agricultural Use Zone Restrictive Covenant

Owner - Elmer and LuAnn Kath Trustee

PID - 02.013.0650

Acres Removed (from Ag Covenant) - 19.58

Acres Remaining (in Ag Covenant) - 140.42

c. Transfer of Development Rights - Androli

Site Data

Sending Site

Owner/Applicant -

Richard J & Dawn C Androli

PID No:

05.026.0100

Legal Description: SW1/4 NE1/4 of Section 26-T108N R23W,

Waseca County, Minn

Waseca County, Minnesota.

Receiving Site

Richard J & Dawn C Androli

05.008.0110

NE1/4 NE1/4 Section 8-T108N R23W,

d. SWCD Appropriation

Soil & Water Conversation District 01.601.6917 \$25,000.00

8. Action Items

a. Contract 812313 Final Acceptance

Jim Kollar, Public Works Director/County Engineer, noted M&K Bridge Construction, Inc. has completed the replacement of Bridge 81506 with Bridge 81532 on CSAH No. 3, per Contract No. 812313. The original contract amount was \$878,346.50. The final amount of work certified is \$869,242.55, approximately 99% of the original. Final payment in the amount of \$9,434.93 is due to M&K Bridge Construction, Inc. Work commenced on March 1, 2024 and was substantially completed on June 12, 2024, when Bridge 81532 was opened to traffic. Final funding for this project is provided by: \$365,915.00 Local Bridge Replacement Program (state) bond funds, \$365,441.11 Local Option Sales Tax monies, and \$137,886.44 of Regular CSAH-Construction monies.

Motion to approve contract 812313 and final payment of \$9,434.93 to M&K Bridge Construction, Inc. by Commissioner Krause, seconded by Commissioner Milbrath. Motion carried 5-0.

b. Cooperative Agreement - CSAH 4 (4th St SW) Improvements

Kollar also noted Waseca County Public Works has programmed a pavement rehabilitation project on CSAH 4 (4th St) from Johnson Ave to 5th Ave SW in 2025. It was noted the bituminous pavement is in poor condition and a rehabilitation project will extend the service life of the pavement and improve ride quality. The project will include mill and overlay of the bituminous pavement, spot curb and gutter replacement, minor storm sewer rehabilitation, sidewalk and curb ramp improvements to comply with the Americans with Disabilities Act (ADA), and appurtenances. As the project lies within the municipal boundary of the City of Waseca, the City has an interest in the project and desires to participate in a portion of the cost. The County Highway Department's Cost Participation Policy was utilized to guide the cost participation ratio between the County and City.

The cooperative agreement provides for the City to design and administer the project. The County will review and approve the construction plans, which will be prepared in accordance with State-Aid standards. Engineering costs shall be split 60% County and 40% City. Construction costs, other than costs associated with city utilities and sidewalk replacement that is not ADA related, shall be split 60% County and 40% City. County costs for project development and construction are State-Aid eligible and are programmed as such. The County Attorney's office has reviewed the agreement for content.

Motion to approve and execute the Cooperative Design and Construction Agreement for CSAH4 (4th St SW) improvements by Commissioner Milbrath, seconded by Commissioner Malterer. Discussions were held. Motion carried 5-0.

c. Solid Waste - Material Transfer Services Agreement

Kollar noted we have been in contract with Thompson Transportation for material transfer services. Motion to approve the material transfer service agreement with Thompson Sanitation by Commissioner Christopherson, seconded by Commissioner Krause. A discussion was held. Motion carried 5-0.

d. Riparian Fund Recommendation Contract RF-2024-01

Chris Howard discussed Riparian Fund recommendation contract RF-2024-01. SWCD has approved a cover crop contract for Pat Gregor located in section 8 of Janesville Township for 78.6 acres. The original seed design was for Sudan/sorghum oats were approved and substituted as Sudan seed was unavailable. This site is located adjacent to a public water. The cost of the project is \$3,143.60 based off a \$40 per acre rate.

Motion to approve Riparian Fund Recommendation Contract RF-2024-01, 78.6 acres of sorghum/sudan cover crops, by Commissioner Milbrath, seconded by Commissioner Malterer. Discussions were held. Motion carried 5-0.

e. Property Sale PID# 01.003.1050

Brian Tomford, Facilities Director, noted Waseca County put up for sale a property with PID# 01.003.1050, that was recently clarified that it is an EDA property and the EDA has control over this property. Therefore, the Waseca County Board of Commissioners needs to reject all bids that came in on this parcel and return the earnest money to the highest bidder of Miller Homes.

Motion to approve and reject all bids for the property sale PID 01.003.1050 and return the earnest money to Miller Homes by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 5-0.

f. Courthouse Park New Pavilion

Tomford also noted Waseca County Facilities applied for a 2024 outdoor recreation grant for 2025 for multiple projects at Courthouse Park and unfortunately was denied the funds due to \$16.5 million in requests and only \$4.6 million available. Waseca County Facilities had budgeted \$108,000.00 in 2025 for a 50/50 match if awarded the grant. These funds have since been removed from the 2025 budget. Waseca County Facilities Director would ask the Waseca County Board of Commissioners to approve moving forward in 2024 with the new pavilion construction at Courthouse Park for the estimated cost of \$104,106.40.

Motion to approve the Courthouse Park new pavilion for the estimated cost of \$104,106.40 by Commissioner Krause, seconded by Commissioner Milbrath. Discussions were held regarding the old Pavillion. It was noted that nothing will happen with the old Pavillion without coming back to the board. Motion carried 5-0.

9. Administration

a. Administration Update

Michael Johnson, County Administrator, provided administrative updates to the board.

b. Human Resources Announcements

Michael Johnson, County Administrator, provided updates to the board regarding recent Human Resource announcements.

c. EDA Updates

Tina Wilson, Community Development Coordinator, provided EDA updates noting she is working with Waldorf City Administration for a Veteran's Memorial.

10. Commissioner Reports

The Waseca County Board of Commissioners in attendance at today's meeting shared commissioner reports.

11. Adjourn

Having no further county board business, Commissioner Krause moved and Commissioner Milbrath seconded the motion to adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 12:04 a.m.

Brian Harguth, Chairperson
Waseca County Board of Commissioners

ATTEST:

Beth Weimert, Clerk
Waseca County Administration