



WASECA COUNTY BOARD OF COMMISSIONERS

February 1, 2022 - 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 9:30 AM regular session on Tuesday, February 1, 2021 in the Commissioner's Room, 300 North State Street, Waseca, Minnesota. Members present were Chair Brad Krause, DeAnne Malterer, Doug Christopherson, Brian Harguth, and Blair Nelson.

Others present were Michael Johnson, County Administrator; Beth Weimert, Executive Assistant; Tammy Spooner, Property and Election Services; Shayna Lewis, Waseca County News; Robert Pearce; Tim Murray; Daniel Zimmerli.

1. Call to Order and Pledge of Allegiance

Chair Krause called the meeting to order at 9:33 a.m. A roll call was taken and the Pledge of Allegiance was recited.

Public Comment

Dan Zimmerli, owner of Cedar Crate Farm, presented his discontent with the Board of Commissioners regarding permitting for their caterpillar tunnel and communication regarding this with the County.

Tim Murray, New Richland Trinity Sober Homes, presented today with concerns regarding descriptions of the property. Murray is requesting that they be allowed to have their first retreat on the property as scheduled.

2. Approval of Agenda

Motion by Commissioner Christopherson, seconded by Commissioner Malterer to approve the Waseca County Board of Commissioners agenda with the following amendment : move action item M to the first action item on the agenda. Motion carried 5-0.

3. Ditch Authority

a. County Ditch 19

Brian Zabel, Planning and Zoning Technician, requested approval to Jones, Haugh & Smith in the amount of \$30,958.63 for work completed on County Ditch 19. Motion to approve payment of \$30,958.63 to Jones, Haugh, & Smith for work completed on County Ditch 19 by Commissioner Nelson, seconded by Commissioner Harguth. Motion carried 5-0.

4. Approval of County Board Minutes

Motion to approve the meeting minutes of November 16, 2021 regular meeting, December 9, 2021 regular meeting, December 9, 2021 budget hearing minutes and December 21, 2021 work session minutes by Commissioner Malterer, seconded by Commissioner Nelson. Motion carried 5-0.

a. Waseca County Board of Commissioners Meeting Minutes November 16, 2021

b. Waseca County Board of Commissioners Meeting Minutes December 9, 2021

- c. Waseca County Board of Commissioners Budget Hearing December 9, 2021
- d. Waseca County Board of Commissioners Work Session Minutes December 21, 2021

5. Consent Agenda

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

a. Approval of Bills

A.H. HERMEL COMPANY	616.95
AMAZON CAPITAL SERVICES	52.68
AMERICAN LEGAL PUBLISHING	450.00
APG MEDIA OF SOUTHERN MN LLC	21.70
ASHLEY KILLDAY	65.15
BLAIR NELSON	165.76
BLAIR NELSON	270.64
BLUE EARTH CO FINANCE DEPT	32,372.58
BOB BARKER COMPANY INC	43.14
BOMGAARS SUPPLY	9.87
BOMGAARS SUPPLY	1,489.79
BOMGAARS SUPPLY	970.73
BRAUN INTERTEC CORPORATION	4,995.00
CENTRAL STATES WIRE PROD INC	4,744.91
CLARK EQUIPMENT CO	21,127.75
COLLEEN HOWARD	200.00
DAVE'S BODY SHOP	4,158.13
DIGGER ENTERPRISES LLP	525.00
DOUG GERDTS	19.00
EXPRESS SERVICES INC	980.71
GIDGETS LLC	1,164.00
H&H EXCAVATING INC	4,660.00
HAWK ALARM SYSTEMS INC	375.00
HY-VEE OWATONNA	211.96
I & S GROUP INC	500.00
INNOVATIVE OFFICE SOLUTIONS LLC	108.16
JOHN DEERE FINANCIAL	650.00
JULIE MALAKOWSKY	200.00
L & L STREET ROD & SPORTS TRUCK	1,720.00
LEAGUE OF MINNESOTA CITIES FINANCE DEPT	2,970.00
LENZ LAWN CARE INC	110.00
LITTLE FALLS MACHINE INC	120.30

LOCATORS & SUPPLIES INC	1,710.19
MACAI ATTN: GREG HENSEL	100.00
MARIPOSA PUBLISHING	82.26
MIDWEST MOTOR SUPPLY CO INC	1,249.89
MONROE TOWMASTER LLC	5,169.83
MOTOROLA SOLUTIONS, INC	25,017.30
NAPA AUTO PARTS MPEC	16.62
OLIVER FARM DRAINAGE	2,065.35
OVERHEAD DOOR CO OF MANKATO INC	122.10
PLUNKETT'S PEST CONTROL INC	118.11
RDO EQUIPMENT CO	1,857.50
RECOVERY TREK LLC	427.50
RUPP ANDERSON SQUIRES & WALDSPURGER PA	325.18
SF ENTERPRISES LLC	14,387.20
SHORT ELLIOTT HENDRICKSON INC	5,791.01
STATE OF MINNESOTA	60.00
TECTA AMERICA CORPORATION	570.00
TITAN ENERGY SYSTEMS INC	1,872.42
ULINE	1,147.34
WASECA ABSTRACT COMPANY	1,030.00
WASECA COMMUNITY EDUCATION	10.00
ZIEGLER INC	239.99

b. Approve Pay Equity Report

Waseca County has completed and submitted the required pay equity report for the 2021 calendar year by the deadline of January 31st, 2022. Notice of the submitted report has been distributed as required by the State of Minnesota.

c. Riparian Protection Cost Share

The current Riparian Aid account balance is approximately \$384,737.68.

d. Waseca County Zoning Code; David Schultz Transfer of Development Rights

e. Partial Release of Exclusive Agricultural Use Zone Restrictive Covenant; Odean V Johnson Trustee and Andrea L Johnson Trustee

6. Action Items

a. Transfer of Building funds

Jim Kollar, Public Works Director, requested the transfer of \$125,270.36 from the Building Expense Fund 13.340.6611 to the assigned Building Fund Account, 13.000.2850 for use on current and future projects. Motion to approve the transfer of \$125,270.36 from fund 13.340.6611 to fund 13.000.2850 by Commissioner Christopherson, seconded by Commissioner Harguth. Motion carried 5-0.

b. Transfer of Equipment funds

Kollar requested the transfer of \$97,983.35 from the Equipment Expense Fund 13.340.6670 to the assigned Equipment Fund Account 13.000.2851 for use on equipment budgeted, approved and ordered in 2021. Kollar noted supply chain issues have delayed production and delivery of equipment. Motion to approve the transfer of \$97,983.35 from fund 13.340.6670 to fund 13.000.2851 by Commissioner Harguth, seconded by Commissioner Nelson. Motion carried 5-0.

c. Transfer County Construction Funds

Kollar discussed the request to transfer \$177,229.19 from the County Construction Account 13320.6280 to the assigned County Construction Account 13.00.2819 for use on future projects. Motion to approve the transfer of \$177,229.19 from the County Construction Account 13320.6280 to the assigned County Construction Account 13.00.2819 for use on future projects by Commissioner Malterer, seconded by Commissioner Harguth. Motion carried 5-0.

d. Transfer County Wheelage Tax Funds

Kollar discussed the request to transfer \$550,219.95 from the assigned wheelage tax account 13.000.2881 to the assigned County Construction Expense Account 13.00.2819 for project expenses incurred in 2021. Motion to approve the transfer of \$550,219.95 from the assigned wheelage tax account 13.000.2881 to the assigned County Construction Expense Account 13.00.2819 for project expenses incurred in 2021 by Commissioner Nelson, seconded by Commissioner Christopherson. Motion carried 5-0.

e. Resolution 2022-11 Redistricting Principles

Tammy Spooner, Property and Election Services Director, requested adoption of Resolution 2022-11 Approving Waseca County's Redistricting Principles. Motion to adopt Resolution 2022-11 Approving Waseca County's Redistricting Principles by Commissioner Malterer, seconded by Commissioner Harguth. Motion carried 5-0.

RESOLUTION # 2022-11

APPROVING WASECA COUNTY'S REDISTRICTING PRINCIPLES

WHEREAS, County Commissioner Districts are the geographic area within a County in which a County Commissioner must reside when nominated, elected for office, and while serving on the Board of Commissioners (M.S. 103C.311 subd. 2); and

WHEREAS, when it appears after a federal census that the population of the districts of the County are not in accord with the standards set forth in state statute, state and local governments must reestablish the boundaries of their elective districts (M.S. 375.025 sub 1).

NOW, THEREFORE, BE IT RESOLVED, that the Waseca County Board of Commissioners will use the following principles for the adoption of a County Redistricting Plan.

1. Number of Districts - The County will have 5 Commissioner Districts with a single commissioner for each district
2. Relationship to Other Boundaries - Commissioner Districts shall be bounded by town, municipal, ward, and precinct lines
3. Population Deviation - Commissioner districts will meet the population deviation required by state statute, unless doing so is not possible because of the lack of authority to split precincts
4. Contiguous Territory - Each Commissioner District shall be composed of contiguous territory
5. Minority Representation - Commissioner Districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any county citizen on account of race, ethnicity, or membership in a language minority group, either alone or in coalition with others
6. Regular and Compact in Form - Commissioner Districts shall be as regular and compact in form as practicable, depending upon the geography of the county and adhering to the preceding principles
7. Dividing of Political Subdivisions - The County Redistricting Plan will avoid the dividing of political subdivisions unless necessary to meet the principle of equal population or to preserve communities of interest
8. Preserving Communities of Interest - Commissioner Districts should attempt to preserve communities of interest, i.e. areas with similarities of interests, including but not limited to, racial, ethnic, geographic, social and cultural interests, where that can be done in compliance with the other principles
9. Incumbents - Commissioner Districts shall not be drawn for the purpose of protecting or defeating incumbents and should not

result in either undue incumbent protection or excessive incumbent conflicts

Priority of Principles

Districts must be drawn in accordance with principles 1 through 9. If districts cannot be drawn fully in accordance with the principles 1 through 9, a districting plan must give priority to the principles in the order in which they are listed, except when doing so would violate federal or state law.

f. **Transfer County Local Option Sales Tax Funds**

Kollar requested to transfer \$381,886.49 from Local Option Sales Tax revenue account 13.349.5015 to the assigned local option sales tax account 13.000.2852 for use on future eligible projects. Motion to transfer \$381,886.49 from local option sales Tax Revenue account 13.349.5015 to account 13.000.2852 by Commissioner Harguth, seconded by Commissioner Malterer. Motion carried 5-0.

g. **Waseca-LeSueur Regional Library System Board**

Michael Johnson, County Administrator, discussed the Waseca-LeSueur Library Board System vacancy for a one-year appointment to fill out the term of Karen Simmons. Motion to approve Rev. Brian Schanil to fill the one-year appointment ending in 2022 by Commissioner Nelson, seconded by Commissioner Harguth. Motion carried 5-0.

h. **Resolution 2022-12 Minimum Salary for Elected Officials for Term Next Following**

Michael Johnson, County Administrator, discussed and requested adoption of Resolution 2022-12 Minimum Salary for Elected Officials for the term next following.

Motion to set the minimum salaries for the County Sheriff and the County Attorney at \$95,000.00 for the term following by Commissioner Christopherson, seconded by Commissioner Malterer. Motion carried 5-0.

RESOLUTION # 2022-12

MINIMUM SALARY FOR ELECTED OFFICIALS FOR TERM NEXT FOLLOWING

WHEREAS, under Minn. Stat. § 387.20 Subd. 2. (b), at the January meeting prior to the first date on which applicants may file for the office of county sheriff, the Waseca County Board of Commissioners shall set by resolution the minimum salary to be paid the county sheriff for the term next following; and

WHEREAS, under Minn. Stat. § 388.18 Subd. 2., at the January meeting prior to the first date on which applicants may file for the office of county attorney, the Waseca County Board of Commissioners shall set by resolution the minimum salary to be paid the county attorney for the term next following.

NOW, THEREFORE, BE IT RESOLVED, that the minimum salary as set by the Waseca County Board of Commissioners for the elected positions for the County Sheriff, and County Attorney shall for the next term following be:

- County Sheriff Minimum Salary - \$95,000
- County Attorney Minimum Salary - \$95,000

i. **Conditional Use Permit (CUP) for Contractor's yard (landscaping services) - Lenz Land LLC**
Maame Yorke, Planning and Zoning Specialist, presented the Conditional Use Permit for Contractor yard for Lenz Land LLC.

Motion to approve the Criteria for Approval and the Findings of Facts by Commissioner Christopherson, seconded by Commissioner Harguth. Motion carried 5-0

Motion to approve the Conditional Use Permit in substantially the form as appended in the report by Commissioner Malterer and Commissioner Christopherson. Motion carried 5-0.

j. **Resolution 2022-10 and Agreement 1036014: CSAH No. 5 Railroad Crossing Improvements**

Motion to adopt Resolution 2022-10 and agreement 1036014 CSAH No. 5 Railroad Crossing Improvements by Commissioner Nelson, seconded by Commissioner Christopherson. Motion carried 5-0.

**RESOLUTION 2022-10
LOCAL AGENCY**

BE IT RESOLVED, that the Waseca County enter into an agreement with Dakota, Minnesota & Eastern Railroad a/b/a Canadian Pacific and the Commissioner of Transportation for a new signal system. The installation and maintenance of railroad crossing signals at the intersection at CSAH 5 (145th Street) with the tracks of the Company and appointing the Commissioner of Transportation agent for Waseca County to supervise said project and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. Waseca County's share of the cost shall be 10% of the total signal cost.

k. **Resolution 2022-04: Establish Parking Restrictions on Waseca County State Aid Highway No. 43**

Kollar requested adoption of 2022-04 Establishing Parking Restriction on Waseca County State Aid Highway No. 43. Motion to adopt Resolution 2022-04 Establishing Parking Restriction on Waseca County State Aid Highway No. 43 by Commissioner Christopherson, seconded by Commissioner Harguth. Motion carried 5-0.

**RESOLUTION # 2022-04
ESTABLISH PARKING RESTRICTIONS ON WASECA COUNTY STATE AID HIGHWAY NO. 43**

WHEREAS, pursuant to Minnesota Statute §169.06, the local road authority shall erect and maintain traffic control devices; and
WHEREAS, the Waseca County Board of Commissioners have jurisdiction over County State Aid Highway (CSAH) No. 43, also known as Teal Street, in the city of Janesville, MN; and

WHEREAS, at-grade railroad crossing improvements are planned to be constructed in 2022; and

WHEREAS, public safety concerns have been raised by the unrestricted parking in proximity to the railroad crossing; and

WHEREAS, it is in the best interest of the travelling public to establish a "No Parking" zone along a portion of both the northbound and southbound directions of CSAH No. 43; and

NOW, THEREFORE BE IT RESOLVED, that Waseca County shall ban the parking of motor vehicles on County State Aid Highway No. 43 (Teal Street), from the intersection of Front Street East to a location 175-feet south of the railroad crossing, all within the city of Janesville, MN.

BE IT FURTHER RESOLVED, that the Public Works Department shall erect suitable signs to identify the area.

l. **Stormwater Facilities Maintenance Agreement - Waseca Co Public Works (Highway) Facility Improvements**

Kollar also discussed the construction of a fuel island and the supporting site infrastructure at the Waseca County Public Works Facility. Motion to approve and enter into the Stormwater Facilities Maintenance Agreement with the City of Waseca by Commissioner Malterer, seconded by Commissioner Christopherson. Motion carried 5-0.

m. **Public Hearing to Consider Amendment to §6.11 and §8.03 of the Waseca County Unified Development Code (UDC)**

Maame Yorke, Planning and Zoning Specialist, presented the consideration of amendments to §6.11 and §8.03 of the Waseca County Unified Development Code.

Motion to approve the proposed change to §6.11 with the revision of adding the County Board of Commissioners for review/approval for item G1 (a) and §8.03 of the Waseca Unified Development Code by Commissioner Christopherson, seconded by Commissioner Malterer.

The board would like to see language stating the applicant submits an application to the Planning and Zoning Department to be approved by the Waseca County Board of Commissioners.

Motion to approve Ordinance 149 amending §6.11 and §8.03 of the Waseca County Unified Development Code.

A roll call was taken. Motion carried 4-1 with the following : Malterer - aye; Christopherson -

aye; Harguth - aye; Nelson - no; Krause - aye.

ORDINANCE: 149

**WASECA COUNTY AN ORDINANCE AMENDING §6.11 and §8.03 OF
THE WASECA COUNTY UNIFIED DEVELOPMENT CODE**

The County Board of Commissioners for Waseca County hereby ordains as follows:

WHEREAS, Waseca County Planning and Zoning requested an amendment to the Waseca County Unified Development Code §6.11 and §8.03; and

WHEREAS, the Waseca County Planning Commission conducted a public hearing on January 6, 2022 regarding the proposed amendment to the Waseca County Unified Development Code, and recommended its approval as depicted in Exhibit A and B to the Waseca County Board of Commissioners; and

WHEREAS, the Waseca County Board of Commissioners held a public hearing at their meeting on February 1, 2022 to adopt the amendment to the Waseca County Unified Development Code as shown in Exhibit A, B and C;

NOW, THEREFORE, Waseca County Board of Commissioners does ordain that the Waseca County Unified Development Code shall be amended as shown in Exhibit A appended to this Ordinance. A

Chair Krause opened the Public Hearing at 10:21 a.m. Chair Krause closed the public hearing at 10:21 a.m.

- n. Resolution 2022-09: County Support for the City of Waseca investment in an effort to develop the west interchange

Kollar discussed the request to adopt Resolution 2022-09 County Support for the City of Waseca Investment in an Effort to Develop the West Interchange. Motion to adopt Resolution 2022-09 County Support for the City of Waseca Investment in an Effort to Develop the West Interchange by Commissioner Harguth, seconded by Commissioner Nelson. Motion carried 5-0.

RESOLUTION # 2022-09

**COUNTY SUPPORT FOR CITY OF WASECA INVESTMENT IN
THE EFFORT TO DEVELOP THE WEST INTERCHANGE**

WHEREAS, Waseca County has programmed a concrete pavement rehabilitation project on CSAH No. 2 (Brown Ave) between CSAH No. 27 and CSAH No. 14 in 2022; and

WHEREAS, portions of the project lie within the corporate limits of the City of Waseca; and **WHEREAS**, the County's adopted Cost Participation Policy establishes provisions for the City's participation in funding the project; and

WHEREAS, the County and City are involved in a number of partnership initiatives, one of which is to secure funding for the development of the west interchange, located at CSAH No. 2 and MN TH No. 14; and

WHEREAS, the County's Cost Participation Policy allows for negotiation and amendment of cost participation between the County and cooperating agency; and

WHEREAS, to support a financial investment in the development of the west interchange, the County proposes to free the City of any cost participation obligation for the project on CSAH No. 2.

NOW, THEREFORE BE IT RESOLVED, that the Waseca County Board of Commissioners supports business development within the County and its cities.

BE IT FURTHER RESOLVED, that the Waseca County Board of Commissioners recognizes that this initiative often requires an investment by the agency to attract, retain and grow business.

BE IT FURTHER RESOLVED, the County will fund 100-percent of the CSAH No. 2 concrete pavement rehabilitation project as a sign of good faith toward a cooperative effort to grow the County and City of Waseca.

7. Administration

- a. Administration Update

Michael Johnson, County Administrator, noted there will be a meeting on February 8, 2021, at 6:00 p.m. meeting with the City of Waseca. Johnson will also be inviting the Lakes Association and the Superintendent of Schools. The meeting will be held in the East Annex Large Conference Room.

- b. Human Resources Announcements

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

8. Commissioner Reports

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

9. Adjourn

Having no further County Board business, Commissioner Harguth moved and Commissioner Nelson seconded the motion to adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 11:45 a.m.

Brad Krause, Chairperson
Waseca County Board of Commissioners

ATTEST:

Beth Weimert, Clerk
Waseca County Administration