



## WASECA COUNTY BOARD OF COMMISSIONERS

**February 7, 2023 - 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, February 7, 2023 in the Commissioners' Room, 300 North State Street, Waseca, Minnesota. Members present were Chair Blair Nelson, DeAnne Malterer, Doug Christopherson, Brian Harguth, and Brad Krause.

Other members present were Michael Johnson, County Administrator; Beth Weimert, Administrative Coordinator; Jim Kollar, Public Works Director/County Engineer; Brian Tomford, Building and Grounds Director; Chris Howard, Ditch Management Coordinator; Sheriff Jay Dulas; Brian Zabel, Land Use Planner; Rachel Cornelius, County Attorney; Judy Hiller, IT Director; Tammy Spooner, Property and Election Services Director; Haley Byron, Water Resource Specialist

Others present were Tristan Jensen, Waseca County Pioneer

### 1. Call to Order and Pledge of Allegiance

Chair Nelson called the meeting to order at 9:30 a.m. A roll call was taken and the Pledge of Allegiance was recited.

#### Public Comment

There was no public comment.

### 2. Approval of Agenda

Motion to approve the Waseca County Board of Commissioners agenda by Commissioner Malterer, seconded by Commissioner Harguth. Motion carried 5-0.

### 3. Approval of County Board Minutes

Motion to approve the Waseca County Board of Commissioners January 17, 2023 work session minutes and the Waseca County Board of Commissioner meeting minutes of January 17, 2023 by Commissioner Harguth, seconded by Commissioner Christopherson. Motion carried 5-0.

a. Waseca County Board of Commissioner Work Session minutes January 17, 2023

b. Waseca County Board of Commissioner meeting minutes January 17, 2023

### 4. 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       | 571.72   |
| ALBERT LEA NEWSPAPERS INC | 160.30   |
| ALLINA HEALTH SYSTEM      | 3,571.30 |
| ALVIN GRAMS               | 107.51   |
| ALVIN GRAMS               | 212.50   |
| AMAZON CAPITAL SERVICES   | 564.24   |
| AMAZON CAPITAL SERVICES   | 174.02   |
| AMERICAN LEGAL PUBLISHING | 450.00   |

|                                           |           |
|-------------------------------------------|-----------|
| AMY NELSON                                | 74.25     |
| ANCOM COMMUNICATIONS INC                  | 1,942.00  |
| ANCOM COMMUNICATIONS INC                  | 7,336.10  |
| ARNOLD'S SUPPLY AND KLEENIT CO            | 94.50     |
| ASSOC OF MN COUNTIES                      | 4,900.00  |
| ASSOC OF MN COUNTIES                      | 1,770.00  |
| BARBARA J. BUKER                          | 1,477.30  |
| BAUER BUILT INC                           | 12,812.00 |
| BLUE EARTH CO FINANCE DEPT                | 4,620.35  |
| BLUE EARTH CO HUMAN SERVICES              | 1,367.75  |
| BOB BARKER COMPANY INC                    | 1,353.83  |
| BOBCAT OF MANKATO                         | 3,500.00  |
| BOCKS SERVICE INC                         | 407.45    |
| BOMGAARS SUPPLY                           | 119.91    |
| BOMGAARS SUPPLY                           | 27.99     |
| BOMGAARS SUPPLY                           | 125.78    |
| BRITTON PLUMBING & HEATING LLC            | 145.70    |
| BUDACH IMPLEMENT INC                      | 10.49     |
| CANNON RIVER WATERSHED                    | 2,000.00  |
| CARTER'S PLUMBING & HEATING INC           | 145.00    |
| CDW GOVERNMENT INC                        | 555.38    |
| CHARLES BENSON                            | 80.92     |
| CHRISTOPHER LLOYD OSTERLOH                | 80.00     |
| CIT INC                                   | 8,377.00  |
| COLE PAPERS INC                           | 1,635.09  |
| COLE'S ELECTRIC INC                       | 648.07    |
| COMMUNITY COMPLIANCE MONITORING           | 678.00    |
| CONTINENTAL RESEARCH CORPORATION          | 1,003.41  |
| CREATIVE AD SOLUTIONS INC                 | 48.53     |
| CRYSTEEL TRUCK EQUIPMENT                  | 4,386.00  |
| DATAWORKS PLUS LLC                        | 485.00    |
| DAVID JOHN JONES                          | 1,560.00  |
| DAVID R BORCHARDT                         | 10,340.00 |
| DEANNE MALTERER                           | 92.49     |
| DELL MARKETING L.P.                       | 10,288.81 |
| DEML FORD INC                             | 7.95      |
| DEML FORD INC                             | 276.81    |
| DG INVESTMENT INTERMEDIATE HOLDINGS 2 INC | 530.56    |
| DONNELLY LAW FIRM PLLC                    | 2,732.40  |
| DORCO INC                                 | 680.20    |
| DOUG GERDTS                               | 33.80     |
| FERNBROOK FAMILY CENTER INC               | 450.00    |
| FORCE AMERICA DISTRIBUTING LLC            | 632.26    |
| FREEBORN CO AUDITOR-TREASURER             | 620.86    |
| FRONTIER PRECISION INC                    | 150.64    |

|                                         |           |
|-----------------------------------------|-----------|
| GARCIA CLINICAL LABORATORY              | 13.00     |
| GBERBA (GREATER BLUE EARTH BASIN ALLIA) | 5,570.00  |
| GENERAL SECURITY SERVICES CORPORATION   | 934.61    |
| GOVERNMENT FORMS AND SUPPLIES           | 800.75    |
| GREG HUBER                              | 39.30     |
| H&L MESABI INC                          | 32,800.00 |
| HAWK ALARM SYSTEMS INC                  | 684.00    |
| HEALTH PROMOTIONS NOW                   | 8,664.27  |
| HOUCK MOTORCOACH ADVERTISING            | 300.00    |
| INNOVATIVE OFFICE SOLUTIONS LLC         | 1,007.68  |
| INNOVATIVE OFFICE SOLUTIONS LLC         | 12.05     |
| JAVENS MECHANICAL CONTRACTING CO INC    | 1,013.94  |
| JEFFREY TODD RATZLOFF                   | 100.00    |
| JILL MCMILLEN DDS PLLC                  | 461.00    |
| JONES AND MAGNUS LLC                    | 180.00    |
| JULIE MALAKOWSKY                        | 100.00    |
| KRIS MARKESON                           | 350.00    |
| L&D AG SERVICE, INC                     | 60.17     |
| LAMPERT LUMBER                          | 93.14     |
| LEAGUE OF MINNESOTA CITIES FINANCE DEPT | 3,240.00  |
| MACAI ATTN: GREG HENSEL                 | 100.00    |
| MACO-AITKIN (MN ASSOC OF CO OFF)/MOMS   | 750.00    |
| MARCO TECHNOLOGIES LLC                  | 2,332.00  |
| MAYO CLINIC ST LOUIS MO                 | 491.00    |
| MEI TOTAL ELEVATOR SOLUTIONS            | 470.15    |
| MESSICK LAW PLLC                        | 1,654.46  |
| MID-NET SOLUTIONS                       | 108.00    |
| MIDWEST MACHINERY CO                    | 2,893.38  |
| MIDWEST MOTOR SUPPLY CO INC             | 2,931.99  |
| MINNCOR INDUSTRIES                      | 70.00     |
| MJB HANSEN FAMILY LP                    | 1,616.78  |
| MN COUNTY ATTORNEY ASSOC                | 11.00     |
| MN SHERIFFS ASSOC                       | 7,025.97  |
| MNCCC LOCKBOX                           | 210.00    |
| NAPA AUTO PARTS MPEC                    | 10.99     |
| NCH CORPORATION                         | 1,223.65  |
| NCH CORPORATION                         | 354.77    |
| NOW MICRO                               | 6,352.00  |
| OFFICE OF MNIT SERVICES                 | 3,915.65  |
| PATRICIA PECORE                         | 117.00    |
| PATRICK DUNN                            | 53.99     |
| PATTI SCHUCH                            | 80.00     |
| PATTON HOVERSTEN & BERG PA              | 1,625.00  |
| PATTON HOVERSTEN & BERG PA              | 6,315.00  |
| PEMBERTON LAW PLLP                      | 320.00    |

|                                        |           |
|----------------------------------------|-----------|
| PENMAC STAFFING SERVICES INC           | 399.60    |
| PENMAC STAFFING SERVICES INC           | 1,132.20  |
| RAMSEY COUNTY                          | 1,549.00  |
| REG 1 SE MN HOMELAND SEC EM MGMT       | 1,000.00  |
| RINKE-NOONAN ATTORNEYS AT LAW          | 8,220.00  |
| RIVER BEND BUSINESS PRODUCTS           | 1,156.65  |
| ROCKMOUNT RESEARCH & ALLOYS INC        | 1,504.82  |
| RUSSELL J FREDERICK                    | 84.06     |
| SMITH TOLLEFSON RAHRICK & CASS         | 1,880.00  |
| SOUTH CENTRAL DRUG INVESTIGATION UNIT  | 11,500.00 |
| STERICYCLE INC                         | 42.75     |
| STONEBROOKE ENGINEERING INC            | 1,957.16  |
| STREAMLINE COMMUNICATIONS LLC          | 1,484.85  |
| STREAMLINE COMMUNICATIONS LLC          | 3,343.00  |
| STREICHERS                             | 1,405.32  |
| TECTA AMERICA CORPORATION              | 1,633.28  |
| TECTA AMERICA CORPORATION              | 2,650.00  |
| TRUCK CENTER COMPANIES                 | 17.28     |
| TYLER TECHNOLOGIES, INC                | 51,529.00 |
| US VENTURE INC                         | 660.96    |
| WASECA CO ATTORNEY'S OFFICE            | 347.44    |
| WASECA CO ATTORNEY'S OFFICE            | 471.14    |
| WASECA CO PROPERTY & ELECTION SERVICES | 617.65    |
| WASECA GLASS INC                       | 40.00     |

b. Wellness Budget 2023

The budget from South Central Service Cooperative noted is calculated as follows: based upon 136 contracts @ \$80.00 each, the total 2023 wellness budget is \$10,880.00. There is no additional cost to the County.

c. Out of State Travel - Assessor/Property and Election Services

Out-of-state travel for Brock Nelson and Robin Nelson to attend the annual convention for Tyler iasWorld (tax and assessment). The conference is being held in San Antonio, Texas on May 7-10, 2023. The investment in further education on the new tax and cama system would be extremely valuable. Supervisors would then have the ability to train additional staff.

d. Transfer of Funds

Transfer From Accounts 42844 \$497,566.25 and from account 25067 \$443,604.74 to account 11-118-6611 for a total of \$941,170.99.

e. Out of State Travel - Public Works

Out of state travel for up to three (3) Highway Maintenance personnel to attend the annual ATSSA (American Traffic Safety Services Association) conference in Fargo, ND between the dates of March 13-15th. The County's Sign Technician, Maintenance Foreman, and Maintenance Supervisor tentatively plan to attend this informational workshop, weather and staffing permitting.

f. Aquatic Invasive Species Radio Advertisement

- g. Notice of Expiration of Agricultural Preserve; Eugene P Jr & Sandra K Matz  
Owner Eugene P Jr. & Sandra K Matz; PID 02.028.0800; acres removed (from Ag Covenant) 20.00. PID 02.033.1300; acres removed (from Ag Covenant) 15.00.
- a. Partial Release of Exclusive Agricultural Use Zone Restrictive Covenant; Bryan M. Jewison Trust  
Bryan M. Jewison Trust; PID 06.014.1000 and 06.015.0700; Acres removed (from Ag Covenant), acres remaining (in Ag Covenant) 111.09.

## 5. Action Items

- b. Courthouse Annex Window Project  
Brian Tomford, Building and Grounds Director, discussed the Courthouse Annex window project that would consist of replacing eight existing 1975 windows with new windows and includes cutting openings to add five new windows in office areas currently without windows. Michael Johnson, County Administrator, noted this is part of the 2023 budget. Tomford recommends the Waseca County Board of Commissioners approve the lowest bid received by Moh's Contracting. Motion to approve the low bid from Moh's Contracting of \$169,554.00 by Commissioner Malterer, seconded by Commissioner Harguth. Motion carried 5-0.
- c. Contract 812305 - Fairgrounds Mill & Overlay  
Jim Kollar, Public Works Director/County Engineer, noted that Public Works solicited quotes for bituminous pavement rehabilitation (2" mill & overlay) of the south side of the fairgrounds. Six area contractors were directly solicited and quotes were due on January 26, 2023. All six contractors submitted complete and responsive bids (quotes). WW Blacktopping, Inc. of Mankato is the low bidder with a bid amount of \$60,011.50, nearly 30% below the Engineer's estimate of \$85,442.00. Per the bid documents, this work is to be completed on or before June 10, 2023 to ensure no conflict with the Waseca County Fair. Motion to approve contract 812305 fairgrounds mill and overlay, from WW Blacktopping, low bidder at \$60,011.50 by Commissioner Krause, seconded by Commissioner Christopherson. Motion carried 5-0.
- d. Contract 812304 - Bituminous Seal Coat  
Public Works advertised for competitive bids for the 2023 bituminous seal coat program and bids were received electronically on February 2, 2023. Six bids were received and Scott Construction, Inc. is the low, responsive bidder with a bid amount of \$468,065.57. Their bid is 14.4% under the Engineer's Estimate of \$546,940.70. Approximately 23 miles of county highways are programmed for seal coat this year, consistent with past programs. County highways programmed for this year include: CSAH 12, CSAH 18, CSAH 20, CSAH 41, CR 51 and CR 70. Motion to approve contract 812304 bituminous seal coat to the low bidder Scott Construction, Inc at \$468,065.57 by Commissioner Harguth, seconded by Commissioner Krause. Motion carried 5-0.
- e. Agreement for Watercraft Inspection Services  
Haley Byron, Water Resource Specialist, is proposing Waseca County enter into an agreement with WaterGuards, LLC to provide watercraft inspections for the 2023 boating season. The contractor would be responsible for hiring, paying, managing and scheduling inspectors to complete watercraft inspections on area lakes. WaterGuards, LLC would coordinate 600-800 hours of watercraft inspections at the accesses of Clear, St. Olaf, and

Reeds Lakes from May 13, 2023 (fishing opener) until September 4, 2023. Inspections would occur three days a week, centered on the busiest boating days (Friday, Saturday, and Sunday) and also holidays. Motion to approve the watercraft inspection services agreement with WaterGuards, LLC for \$22,400.00 which will be paid out of the Aquatic Invasive Species fund account by Commissioner Christopherson, seconded by Commissioner Malterer. Motion carried 5-0.

e. Approval to purchase Land Records Assureon device

Judy Hiller, IT Director, noted the Waseca County Recorder's office went into partnership with Dodge County to purchase a Nexsan Assureon device for Land Records document archival. Each county has a device in their county data center and the data from Waseca is replicated to Dodge and vice versa. This is for redundant storage in case the onsite location is destroyed. This system replaced an old Plasmon Optical Drive, which was the legacy way to back up Land Records according to State of MN Statute. The current Assureon device is at end of life/support in December 2023. Nexsan is making available discounted pricing on a replacement system by March, 31, 2023. This type of purchase would be compliant with the Recorder's Compliance fund. Motion to approve the purchase of the Assureon device from 25-105 Compliance Fund in the amount of \$22,222.50 by Commissioner Krause, seconded by Commissioner Harguth. Motion carried 5-0.

f. Cancellation of Riparian Protection Cost Share Contract

Haley Byron noted on April 5, 2022 the Waseca County Board of Commissioners approved Riparian Protection Cost Share contract #2022-1 for a large basin project. Section 4 of the contract states, "Practice(s) must be planned and installed in accordance with technical standards and specifications of the: MN NRCS E-FOTG." The MN NRCS E-FOTG is Minnesota's Natural Resources Conservation Service's Field Office Technical Guide. The landowner did not construct the project to the engineering staff design specifications and did not notify the Waseca County Soil and Water Conservation District (SWCD) office that construction had started. Construction oversight was not able to be completed and engineering staff was not able to certify the project. The project has been completed. On December 15, 2022 the SWCD Board of Supervisors made a formal recommendation to cancel contract # 2022-1. Motion to approve the cancellation of Riparian Protection Cost Share contract #2022-1 by Commissioner Christopherson, seconded by Commissioner Krause. Motion 5-0.

g. Resolution 2023-06: Eminent Domain - CSAH 5 Bridge Replacement

Kollar discussed the replacement of Bridge No. 7597 on CSAH No. 5. Motion to adopt Resolution # 2023-06 Eminent Domain by Commissioner Harguth seconded by Commissioner Christopherson. Motion carried 5-0.

**RESOLUTION # 2023-06**

**EMINENT DOMAIN**

**WHEREAS**, Waseca County proposes to replace Bridge No. 7597 with Bridge No. 81J20 on CSAH No. 5; and

**WHEREAS**, the improvements consist of the replacement of the bridge, approach grading and paving to provide for the safety of the traveling public; and

**WHEREAS**, permanent highway easements over certain lands are required to provide for the construction; and

**WHEREAS**, Waseca County has authority to acquire right of way for said improvements by condemnation (eminent domain) pursuant to Minnesota Statutes §§162.02, subd. 5; 163.02, subd. 2; 163.11 subd. 3; 163.12; and Chapter 117, and

**WHEREAS**, Waseca County may possess the right of way prior to the filing of an award by the court appointed commissioners, pursuant §117.012 and §117.042; and

**WHEREAS**, a portion of said land required for easement purposes is owned by: Parcel No. 1 (PID R08.010.0210) Ronald Anderly 12934 County Rd #3 NW, Pine Island, MN 55963

**WHEREAS**, Waseca County anticipates being unable to successfully negotiate with those parties for the acquisition of the required easements.

**NOW, THEREFORE BE IT RESOLVED**, that the Waseca County Board of Commissioners hereby authorizes the acquisition of said land by eminent domain and to take title and possession of that land prior to the filing of an award by the court appointed commissioners, pursuant to Minnesota Statute §§162.02, subd. 5; 163.02, subd. 2; 163.11 subd. 3; 163.12; 117.012, and 117.042.

**BE IT FURTHER RESOLVED**, that the Waseca County Board of Commissioners hereby authorizes the Waseca County Director of Property and Election Services to issue certified checks in the amount equal to the approved appraisal value for each parcel related to this resolution, to be deposited with Waseca County Court Administration until further order from the Court.

**BE IT FURTHER RESOLVED**, that the Waseca County Engineer to continue negotiating on behalf of Waseca County.

**BE IT FURTHER RESOLVED**, that the Waseca County Attorney file the necessary Petition therefore, and to prosecute such action to a successful conclusion or until it is abandoned, dismissed, or terminated by the County or the Court.

h. Review Draft Le Sueur River Comprehensive Watershed Management Plan

Haley Byron noted the state is transitioning from County Water Plans to Comprehensive Watershed Management Plans as part of the One Watershed, One Plan initiative. Waseca County includes two watersheds that require plans, the Le Sueur and Cannon River watersheds. The Cannon Plan is complete and the Le Sueur is in the final planning stages. The Le Sueur River Watershed Partnership has initiated the 60-day comment period for the Le Sueur River Comprehensive Watershed Management Plan (SRCWMP). The County has the opportunity to submit formal comments, which are due February 18, 2023.

h. Resolution 2023-07 Establishment of Land and Water Resources

Michael Johnson, County Administrator, discussed the establishment of Land and Water Resources Department for Waseca County. Motion to adopt Resolution 2023-07 Establishment of Land and Water Resources Department by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 5-0.

**RESOLUTION # 2023-07**

**Establishment of Land and Water Resources Department**

**WHEREAS**, Waseca County is committed to delivering quality services for the people of Waseca County; and

**WHEREAS**, Waseca County continuously evaluates service delivery systems in order to maximize efficiency and enhance customer service; and

**WHEREAS**, the Waseca County Board of Commissioners puts a high degree of emphasis on water management and drainage; and

**WHEREAS**, the Waseca County Board of Commissioners created the Drainage Management Coordinator position in March of 2022 to further invest in water management and drainage systems within the County; and

**WHEREAS**, recent administrative assessments identified areas where organizational changes can be made which will improve and streamline services provided by this office; and

**WHEREAS**, the assessment suggested creation of the Land and Water Resources area which utilizes three former Planning and Zoning employees; and

**WHEREAS**, the Waseca County Administrator and Human Resource Director, in partnership with staff, have prepared a recommendation for reorganization as follows:

Create a Land and Water Resources Department under the umbrella of Administration.

Devote 2.6 existing FTEs to the Land and Water Resources Department that were formerly in Planning and Zoning.

1.0 FTE – Drainage Management Coordinator

1.0 FTE – Specialist

.60 FTE – 1W1P Water Specialist

Finalize the organizational chart once process improvements and cross training is complete.

Staff will be located in the former Waseca County Extension building and existing Planning and Zoning spaces.

A new budget code will be created to facilitate tracking of expenditures specific to this service area.

**NOW THEREFORE BE IT RESOLVED**, that the Waseca County Board of Commissioners establishes a Land and Water Resources Department, under the area of Administration, effective February 13, 2023.

## 6. Administration

a. Administration Update

Michael Johnson, County Administrator, provided updates to the Board of Commissioners including MRC project application. Johnson noted he is waiting to hear back from TPG

Steel. Johnson is working to finish up legislative priorities and asked for input from Commissioners by the end of this week.

b. Human Resources Announcements

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

**7. Commissioner Reports**

The Waseca County Board of Commissioners will share Commissioner reports one time per month.

**1. Adjourn**

Having no further county board business, Commissioner Harguth moved and Commissioner Krause seconded the motion to adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 11:04 a.m.

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Blair Nelson, Chairperson  
Waseca County Board of Commissioners

ATTEST:

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Beth Weimert, Clerk  
Waseca County Administration