



WASECA COUNTY BOARD OF COMMISSIONERS

March 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, March 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; Sheriff Jay Dulas; Tammy Spooner, Property and Election Services Director; Chris Howard, Ditch Management Coordinator; Brian Zabel, Land Use Planner; Sarah Berry, Public Health Director; Leah Cameron, PH Business Manager; Jim Kollar; Public Works Director/County Engineer; Carl Sonnenberg - Waseca City Manager; Clinton Rogers, Janesville City Administrator; 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

Carl Sonnenberg, Waseca City Manager, presented to the meeting today to introduce himself to the board of commissioners.

2. Approval of Agenda

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

3. Approval of County Board Minutes

a. Waseca County Board of Commissioners Meeting Minutes February 21, 2023

Motion to approve the Waseca County Board of Commissioners Meeting Minutes of February 21, 2023 by Commissioner Harguth, seconded by Commissioner Krause. Motion carried 5-0.

4. 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

The following bills were audited and allowed:

A.H. HERMEL COMPANY	292.26
AMAZON CAPITAL SERVICES	194.27
ASSOC OF MN COUNTIES	3,236.00
B & D METAL WORKS INC	1,073.43
BAUER BUILT INC	7,792.00
BETH WEIMERT	196.49
BLAIR NELSON	139.05
BOB BARKER COMPANY INC	166.52
BOMGAARS SUPPLY	452.93
BOMGAARS SUPPLY	98.55
BOMGAARS SUPPLY	271.06
BRIAN HARGUTH	930.28

BRITTON PLUMBING & HEATING LLC	529.35
CDW GOVERNMENT INC	354.32
CENTRAL STATES WIRE PROD INC	5,139.19
CHARLES BENSON	80.92
CHRISTOPHER LLOYD OSTERLOH	91.14
COLE PAPERS INC	157.68
DATAWORKS PLUS LLC	10.00
DAVID JOHN JONES	1,500.00
DEANNE MALTERER	53.32
DORCO INC	710.00
EHLERS & ASSOCIATES INC	4,000.00
FERNBROOK FAMILY CENTER INC	450.00
GARCIA CLINICAL LABORATORY	5.00
GMS INDUSTRIAL SUPPLY INC	5,070.18
HOUCK MOTORCOACH ADVERTISING	300.00
INNOVATIVE OFFICE SOLUTIONS LLC	612.25
INTERSTATE POWER SYSTEMS, INC	458.00
JANE T HOFMEISTER	157.25
JONES AND MAGNUS LLC	10.00
KATIE BURNS	29.30
LENOVO (UNITED STATES(INC	15,535.00
LESUEUR CO SHERIFF-CIVIL DIVISION	1,610.00
MARIPOSA PUBLISHING	96.26
MEI TOTAL ELEVATOR SOLUTIONS	470.15
MERLIN KATH	13.50
MICHAEL MOUNTAIN	400.00
MID-NET SOLUTIONS	108.00
MINNWEST	37.00
MNCCC LOCKBOX	100.00
M-R SIGN COMPANY INC	9,614.64
NAPA AUTO PARTS MPEC	59.98
NOCTURNALITY LLC	4,009.00
NORTH MEMORIAL AMBULANCE	1,802.00
NORTHLAND FARM SYSTEMS	307.50
PATTI SCHUCH	102.00
PENMAC STAFFING SERVICES INC	319.68
PUMP AND METER SERVICE INC	835.50
RINKE-NOONAN ATTORNEYS AT LAW	14,663.00
RIVER BEND BUSINESS PRODUCTS	663.41
RUSSELL J FREDERICK	84.06
SAFETY KLEEN SYSTEMS INC.	2,493.67
SCHILLING SUPPLY COMPANY	117.86
STERICYCLE INC	90.00
STREAMLINE COMMUNICATIONS LLC	1,355.00
WASECA COUNTY NEWS (SUBSCRIPTION)	76.75

b. February 2023 Electronic Funds Transfer Report

Waseca County Board of Commissioners

Monthly Electronic Funds Transfer Report

February 2023

Date	From Account	To Account	Amount	Description
2/10/23	Keen Bank	MinnWest	\$1,000,000.00	Cash Transfer

Approved

c. Lenz Land LLC Conditional Use Permit Site Plan Amendment and Extension

d. Waseca County Zoning Code; Bryan Jewison Transfer of Development Right

Under the Waseca County Unified Development Code (UDC) the County allows for a base density of one residential building unit per quarter-quarter section of land. Under certain circumstances provided in the UDC, the County allows the base residential density to increase to up to eight units per quarter-quarter section of land with a corresponding transfer of development rights for each unit added over the base residential density threshold.

Waseca County received a request to transfer the residential development rights from a sending site to a receiving site, which will be determined in the future. Both the sending and receiving sites are located in Janesville Township as shown below. The property is zoned A-1 Agricultural Protection District.

<u>Site Data</u>	<u>Sending Site</u>	<u>Receiving Site</u>
Owner/Applicant	Bryan M. Jewison Revocable Trust	Bryan M. Jewison Revocable Trust
PID No:	06.014.1000	06.015.0700
Legal Description	That portion of Government Lot 4 and 5 in the NW1/4 SW1/4 of Section 15- T108N R24W, SE1/4 of Section 14-T108N R24W, Waseca County	

e. Notice of Expiration of Agricultural Preserve James C. Grubbish; James C. Grubbish & Mahlon C. Grubbish Trust and Rita K. Grubbish

Staff has six (6) Notices of Expiration of Agricultural Preserve that have been requested to be removed from the State's Agricultural Preserve program and submitted for review by the County Board. The requests are:
Notice of Expiration of Exclusive Agricultural Preserve

Owner	PID	Acres to be permanently Removed from Ag Covenant
James C. Grubbish Trust & Mahlon C. Grubbish Trust	02.004.0800	77.86
	02.017.3000	81.13
	02.018.0100	70.65
	05.001.0100	40
James C. Grubbish	02.006.0300	149
	02.019.0200	34.76
Rita K. Grubbish	02.004.0105	62.27

5. Action Items

a. Delta Dental Grant

Sarah Berry, Public Health Director, discussed receiving a \$10,000 grant. This will allow for continuation of twice per month on-site clinics, as well as, four additional clinics per year at Head Start. Berry noted that the grant would be split between direct service payments, education, for clients, postage, and staff time for client outreach. Motion to accept the Delta Dental Grant in the amount of \$10,000.00. by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 5-0.

b. Medical Consultant Contract

Berry, Public Health Director, noted the State of Minnesota requires the public health department to assure medical consultation and direction from a licensed physician (Mn Statute 14A.04, subdivision 2a) in order to perform our duties. A Medical Consultant is

needed to provide direction and protocols for immunization services and also serve as a valuable resource when needed. Dr. Daniel Berg has been providing medical consultation services to the Le Sueur County Public Health office and has agreed to extend that service to our county. The contract has been reviewed by the County Attorney and was found satisfactory to both parties. Berry, Public Health Director, noted that the medical consultant contract is being offered by Dr. Daniel Berg, Parkview Clinic. Dr. Berg Motion to approve the medical consultant contract with Dr. Daniel Berg and Waseca County Public Health by Commissioner Christopherson, seconded by Commissioner Harguth. Motion carried 5-0.

c. Fee schedule changes; set public hearing

Berry also discussed the fee schedule changes that are needed and she is asking the board of commissioners to approve the public hearing. Sarah Berry noted that they would like to hold a public hearing on March 21, 2023 at 9:30 a.m. Motion to set the public hearing for the fee schedule changes to March 21, 2023 at 9:30 a.m. by Commissioner Christopherson, seconded by Commissioner Harguth. Motion carried 5-0.

d. Contract 812307 - 2023 Pavement Markings

Jim Kollar, Public Works Director/County Engineer, discussed Contract 812307 - 2023 Pavement Markings. This includes 67 miles of county highway for re-striping. Kollar noted that one bid was received from Sir Lines-A-Lot with a total bid amount of \$105,508.13. Staff recommended awarding the contract. Motion to approve Contract 812307 to Sir Lines-A-Lot in the amount of \$105,508.13 by Commissioner Malterer, seconded by Commissioner Christopherson. Motion carried 5-0.

e. Cooperative Construction Agreement: CSAH 43 (Teal St) Pavement Rehabilitation

Kollar, Public Works Director/County Engineer, discussed the cooperative construction agreement: CSAH 43 (Teal St) Pavement Rehabilitation with the City of Janesville. The City of Janesville approved the agreement last week and it is here for the county's consideration today. Municipal State-Aid Construction Funds (Allocated for expenditure on county state-aid highways within cities having a population less than 5,000.) The County is the lead agency and has prepared construction plans and an engineer's estimate of probable cost. The engineer's estimate is \$176,030.50. Application of the County's Cost Participation Policy results in a 78%-County and 22%-City cost split (\$137,098.75-County/\$38,931.75-City). This split is proposed to be applied to both engineering and construction costs. Motion to approve the execution of the CSAH No. 43 Cooperative Construction Agreement with the City of Janesville by Commissioner Malterer, seconded by Commissioner Krause. Motion carried 5-0.

f. Resolution 2023-09 Fees & Cost Policy For CH.103E Drainage Systems

Chris Howard, Ditch Management Coordinator, discussed Resolution 2023-09 Fees & Cost Policy for CH.103E Drainage Systems. The Fees & Cost Policy Allows the Waseca County Board to levy an annual assessment fee for all property in Waseca County benefited by CH.103E drainage system that is equal to 65% of the wages, benefits and cost of the Department Of Land And Water Resources and 100% of all administrative and legal costs that are general in nature to the administration of CH. 103E drainage systems. Motion to approve Resolution 2023-09 Fees and Cost Policy for CH.103E Drainage Systems by Commissioner Krause, seconded by Commissioner Harguth. Motion carried 5-0.

STATE OF MINNESOTA
WASECA COUNTY BOARD OF COMMISSIONERS
RESOLUTION #2023-09
FEES & COSTS POLICY FOR CH. 103E DRAINAGE SYSTEMS

WHEREAS, the Waseca County Board of Commissioners is the drainage authority ("Drainage Authority") under Minnesota Statutes, ch. 103E having jurisdiction over certain drainage systems located within Waseca County and is a member of joint county drainage authorities having jurisdiction over certain drainage systems benefiting lands located within Waseca County; and **WHEREAS**, Minnesota Statutes, section 103E.065 requires that counties having drainage systems constructed in accordance with ch. 103E appoint a competent person as drainage inspector who shall examine the drainage systems designated by the drainage authority; and

WHEREAS, the drainage inspector shall inspect drainage systems as directed by the Drainage Authority; coordinate with property owners, petitioners, the Drainage Authority Board of Commissioners, County staff, and the public; prepare and file inspection reports; assist with operation and maintenance of Minnesota Statutes, ch. 103E drainage systems and enforcement of buffer strips pursuant to section 103E.021; and administer other ch. 103E proceedings on behalf of the Drainage Authority; and

WHEREAS, the Drainage Authority has created a Department of Land & Water Resources with staff to fulfill the role of drainage inspectors for Minnesota Statutes, ch. 103E drainage systems and drainage system proceedings over which the Drainage Authority has jurisdiction or is a member of the joint county drainage authority with jurisdiction; and

WHEREAS, Minnesota Statutes, section 103E.725 provides that all fees and costs incurred relating to a drainage system, including repairs, inspections, engineering, viewing, and publications, are costs of the drainage system and must be assessed against the property and entities benefited.

THEREFORE, BE IT RESOLVED, that the Waseca County Board of Commissioners, sitting as the drainage authority or member to joint county drainage authority for Minnesota Statutes, ch. 103E drainage systems affecting land in Waseca County, shall adopt the following policy effective _____, _____, for fees & costs of administering Minnesota Statutes, ch. 103E drainage systems with benefited land in Waseca County

That Waseca County shall levy an annual assessment fee to all property in Waseca County benefited by Minnesota Statutes, ch. 103E drainage systems that is equal to sixty-five percent (65%) of the wages, benefits, and costs of the Department of Land & Water Resources drainage staff and equal to one hundred percent (100%) of all administrative and legal costs that are general in nature to the administration of ch. 103E drainage systems. Administrative and legal costs that are specific to a drainage system proceeding shall be the cost of that proceeding and are not covered by this policy. The assessment levied under this policy shall be apportioned per acre as a fee for the costs incurred in inspecting and operating ch. 103E drainage systems.

g. **Resolution 2023-08 Amendment To Memorandum Of Understanding Between Waseca County And Waseca County Soil And Water Conservation District**

Howard also presented Resolution 2023-08 Amendment to the memorandum of Understanding between Waseca County and Waseca County Soil and Water. Discussions were held. Motion to approve Resolution 2023-08 Amendment To Memorandum of Understanding Between Waseca County and Waseca County Soil and Water Conservation District by Commissioner Krause, seconded by Commissioner Christopherson. Motion carried 5-0.

Resolution 2023-08

AMENDMENT TO MEMORANDUM OF UNDERSTANDING

between WASECA COUNTY and WASECA SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, Waseca County ("County") and the Waseca County Soil and Water Conservation District ("SWCD") entered into a Memorandum of Understanding dated September 17, 2019 (the "MOU") relating to the administration of Waseca County Ordinance 126 (the "Buffer Ordinance") for enforcement of the buffer requirements pursuant to Minnesota Statutes, section 103F.48 ("Buffer Law"); and

WHEREAS, the County is the public drainage authority ("Drainage Authority") under Minnesota Statutes, ch. 103E for certain public drainage system ditches ("drainage systems") located within Waseca County; and

WHEREAS, Minnesota Statutes, section 103E.021, subdivision 1 requires the Drainage Authority to order a permanent grass, other than a noxious weed, be planted on drainage system ditch side slopes and that a permanent strip of perennial vegetation approved by the Drainage Authority be established on each side of the drainage system 16-1/2 feet in width measured outward from the top edge of the constructed channel resulting from the proceeding, or to the crown of the leveled spoil bank, whichever is greater; and

WHEREAS, Minnesota Statutes, section 103F.48 also requires a 16-1/2 feet minimum width continuous buffer as provided in section 103E.021, subdivision 1 for drainage systems established under ch. 103E; and

WHEREAS, Minnesota Statutes, section 103E.705, subdivision 1 requires the Drainage Authority having jurisdiction over a drainage system to inspect the drainage system for violations of section 103E.021 a minimum of every five years when no violation of section 103E.021 is found and annually when a violation of section 103E.021 is found, until one year after the violation is corrected; and

WHEREAS, if an inspection by the Drainage Authority inspection committee or drainage inspector determines that permanent strips of perennial vegetation are not being maintained in compliance with Minnesota Statutes, section 103E.021, section 103E.705, subdivision 2 requires that a compliance notice ("Compliance Notice") be sent to the property owner and if the property owner does not bring an area into compliance with section 103E.021, the inspection committee or drainage inspector must notify the Drainage Authority; and

WHEREAS, the County Drainage Authority employs staff to serve as drainage inspectors for compliance with Minnesota Statutes, ch. 103E, including for purposes of inspecting drainage systems under its jurisdiction to determine compliance with ch. 103E; and

WHEREAS, Minnesota Statutes, ch. 103E and the Buffer Law contain overlapping responsibilities for the Drainage Authority and the SWCD in instances where a drainage system has acquired permanent strips of perennial vegetation under Minnesota Statutes, section 103E.021 with duplication existing relative to efforts regarding inspection and notification of noncompliance of Buffer Law and section 103E.021 requirements once permanent strips of perennial vegetation are acquired by the drainage system; and

WHEREAS, the County and the SWCD desire to amend the MOU in order to improve efficiency and avoid duplication of efforts regarding inspection and compliance with provisions of the Buffer Law pertaining to drainage systems under the County's jurisdiction that have acquired permanent strips of perennial vegetation.

NOW, THEREFORE, BE IT RESOLVED, the parties agree as follows:

1. It is mutually understood that the following paragraph will replace Paragraph 2 of the MOU:

Allocation of Responsibilities. Under the Ordinance, and in accordance with the Buffer Law, the SWCD is responsible for inspecting and

investigating buffers (Ordinance Section 5.1), determining the noncompliance status of buffers (Ordinance Section 5.1), issuing Notifications of Noncompliance (Ordinance Section 5.2), and issuing Validations of Compliance of buffers (Ordinance Sections 5.2.1) within Waseca County. The County is responsible for the issuance of Corrective Action Notices and enforcement of the Ordinance.

Notwithstanding the forgoing, the SWCD responsibility for inspecting and investigating buffers (Ordinance Section 5.1), determining the noncompliance status of buffers (Ordinance Section 5.1), issuing Notifications of Noncompliance (Ordinance Section 5.2), of buffers on drainage systems that acquired permanent strips of perennial vegetation under Minnesota Statutes, section 103E.021 and are under the Drainage Authority's jurisdiction will be accomplished as follows:

a. The Drainage Authority will:

Provide a map to the SWCD identifying all 103E drainage systems administered by the Drainage Authority located within Waseca County having a permanent strip of perennial vegetation established under Minnesota Statutes, section 103E.021. The Drainage Authority will update the map in the event any new ch. 103E drainage systems are established by the Drainage Authority or in the event any portions of drainage systems or drainage systems are abandoned under ch. 103E.

Fulfill its obligations in accordance with Minnesota Statutes ch. 103E and the Ordinance, including carrying out the provisions of ch. 103E related to inspections, Compliance Notices, and enforcement of the requirements of [15400- section 103E.021. As a result, the Drainage Authority is carrying out the compliance monitoring on these drainage systems which would otherwise be completed by the SWCD under the Buffer Law and Ordinance.

Send inspection reports to SWCD annually to confirm compliance with the water resource riparian protection requirements of the Buffer Law for ch. 103E drainage system ditches for SWCD compliance tracking.

Fulfill Inspection and compliance duties under Minnesota Statutes, section 103F.48 every three years.b. The SWCD will:

Review inspection reports for compliance with the Buffer Law and Buffer Ordinance on 103E drainage system ditches under the jurisdiction of the Drainage Authority and also review Compliance Notices sent by the Drainage Authority when the SWCD is notified.

Maintain and update the Buffer Compliance and Tracking Tool (BuffCAT) for all parcels subject to the Buffer Law.

Assist landowners, as requested by landowners, with the implementation of water resource riparian protection requirements of the Buffer Law including planning, technical assistance, implementation of approved alternative practices, and tracking progress toward compliance with the requirements.

Notify the Drainage Authority of any potential noncompliance issues on 103E drainage systems under the jurisdiction of the Drainage Authority as identified on the map discussed in Paragraph 2(a)(1) as noticed during other field work or aerial photo review conducted by the SWCD. The SWCD will not do any on-site monitoring on 103E drainage systems within the jurisdiction of the Drainage Authority unless requested by a land owner or Drainage Authority.

It is mutually understood that the following amendments will be made to Paragraph 11 of the MOU:

Replace the words "County Water Resource Specialist" with "Drainage Management Coordinator."

It is mutually understood that the following paragraph will replace Paragraph 5 of the MOU: Compensation to SWCD. The County agrees to provide compensation to the SWCD for its services related to the delegated responsibilities listed above by the SWCD. The SWCD agrees to bill the County semiannually for hours of service related to the delegated work at rates determined using the BWSR-recommended methods for determining billing rates. This compensation arrangement shall continue at the same rate, unless the parties mutually agree, in writing, to a different arrangement.

4. That all remaining provisions within the currently existing MOU shall remain in full force and effect.

This Amendment to the MOU shall become effective upon signature of all duly authorized signatories and shall remain in effect until terminated or amended by the parties.

The undersigned have authority to enter into this Amendment to the MOU on behalf of their respective Boards.

6. Administration

a. Administration Update

Michael Johnson, County Administrator, noted that MCIT has done a walkthrough for the first time since Covid. Johnson asked commissioners for feedback on the space we currently utilize to conduct board meetings. It was noted that the disc golf course at Courthouse and Blowers Park is still underway. Stats from the License Bureau statistics were shared with the Board of Commissioners. Johnson also shared legislative updates. Johnson shared Congressional Directed Spending deadlines.

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 in attendance at today's meeting shared commissioner reports.

8. Adjourn

Having no further county board business, Commissioner Krause moved and Commissioner Christopherson seconded the motion to adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 11:34 a.m.

Blair Nelson, Chairperson
Waseca County Board of Commissioners

ATTEST:

Beth Weimert, Clerk
Waseca County Administration